

Federal Register

Thursday
August 30, 1979

Highlights

- 51160 Community Development Block Grants** HUD adopts rules concerning loan guarantees; effective 10-5-79 (Part VIII of this issue)
- 50982 Community Action Agencies** CSA proposes rule to implement a program management system that sets forth basic minimum requirements for planning, grant application, reporting and evaluation of program operation; comments by 11-28-79 (Part II of this issue)
- 50824-50827 Air Carriers** CAB adopts rules to permit the direct marketing of charters to the public; effective 9-28-79 (5 documents)
- 51172 Budget Deferrals** OMB issues report of President to Congress (Part X of this issue)
- 50923 Crude Oil Transportation Systems** Interior gives notice of availability of environmental statement; comments by 9-30-79
- 50148 Tertiary Incentive Crude Oil** DOE/ERA issues rule to permit higher prices; effective 10-1-79 (Part VII of this issue)
- 51148 Mandatory Petroleum Price Regulations** DOE/ERA solicits comments by 10-26-79 on refiner investment incentives; hearings on 10-2 and 10-4-79

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

- 50850 Federal Credit Unions** NCUA proposes rule to permit a Federal credit union to act as an agent for a mortgage lender granting long term real estate loans to members; comments by 11-7-79
- 50865 Disposal of Property for Educational and Public Health Purposes** GSA withdraws proposal; effective 8-30-79
- 50810 National Environmental Policy Act Procedures** Eximbank adopts final rule; effective 9-4-79
- 50804 Industrial Radiography** NRC publishes rules to improve safety; effective 2-29-79
- 51141 Reporting Requirements—Railroads** DOT/FRA proposes rules concerning procedures for reporting of traffic density data by railroads; comments by 10-15-79
- 50866 MTS and WATS Market Structure** FCC proposes rules; comments by 2-15-80
- 51128 Rail Service Assistance** DOT/FRA issues interim rule to establish procedures and requirements for receipt of; effective 8-30-79; comments by 10-15-79 (Part IV of this issue)
- 50879 Squid Fisheries of the Northwestern Atlantic** Commerce/NOAA proposes amendment to preliminary fishery management plan; comments by 9-26-79
- 50979 Sunshine Act Meetings**

Separate Parts of This Issue

- 50982 Part II, CSA
- 51072 Part III, DOE
- 51128 Part IV, DOT/FRA
- 51141 Part V, DOT/FRA
- 51144 Part VI, Interior/FWS
- 51148 Part VII, DOE/ERA
- 51160 Part VIII, HUD/CPD
- 51166 Part IX, EPA
- 51172 Part X, OMB

Contents

Federal Register

Vol. 44, No. 170

Thursday, August 30, 1979

Agricultural Marketing Service

RULES

50803 Oranges (Valencia) grown in Ariz. and Calif.

PROPOSED RULES

Packers and stockyards:

50803 Rate proceedings; deletion of regulations

Agriculture Department

See also Agricultural Marketing Service; Soil Conservation Service.

Army Department

See also Engineers Corps.

RULES

Employment and compensation:

50837 Individual pay determinations

Civil Aeronautics Board

RULES

Charters:

50826 Foreign air carrier terms, conditions, and limitations of permits; direct marketing

50825 Foreign air carriers; direct marketing

50824 Terms, conditions, and limitations of certificates; direct marketing

50823 Trips and special services; direct marketing

Public charters:

50827 Direct marketing by air carriers

NOTICES

Hearings, etc.:

50881 Davis Agency, Inc.

50882 International Air Transport Association

50882 Kodiak-Western Alaska Airlines, Inc.

Civil Rights Commission

NOTICES

Meetings; State advisory committees:

50883 District of Columbia

50883 Illinois

50883 Virginia

Coast Guard

NOTICES

50916 Clean Water Act; assesment of civil penalties for discharges of oil, etc.; agreement with EPA; republication

Commerce Department

See National Oceanic and Atmospheric Administration.

Community Planning and Development, Office of Assistant Secretary

RULES

Community development block grants:

51160 Loan guarantees

Community Services Administration

RULES

Grantee personnel management:

50839 Travel regulations

PROPOSED RULES

Grantees; funding:

50982 Program management system for community action agencies; implementation

Cost Accounting Standards Board

PROPOSED RULES

Cost accounting standards:

50847 Independent research and development costs and bid and proposal costs; meeting

Defense Department

See Army Department; Engineers Corps; Navy Department.

Economic Regulatory Administration

RULES

Petroleum allocation and price regulations:

51148 Tertiary enhanced recovery techniques; front-end money

PROPOSED RULES

Petroleum allocation and price regulations:

50847 Refiner investment incentives; inquiry and hearings

Energy Department

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

PROPOSED RULES

50850 Oil royalties; acquisition and disposition; hearing cancellation

NOTICES

International atomic energy agreements, civil uses; subsequent arrangements:

50910 Taiwan (2 documents)

Meetings:

50885 Environmental Advisory Committee

50885 National Petroleum Council

51072 Privacy Act; systems of records

Engineers Corps

NOTICES

Environmental statements; availability, etc.:

50883 Green Bay, Wis.; recreational boat harbor

Environmental Protection Agency

NOTICES

Air quality implementation plans; approval and promulgation:

50910 Prevention of significant air quality deterioration (PSD); permit approvals

Meetings:

50916 Interagency Toxic Substances Data Committee

Pesticide applicator certification and interim certification; State plans:

50915 Connecticut

Pesticide registration, cancellation, etc.:

51166 Benomyl

50911 Trifluralin

50912 Trifluralin/treflan

Water pollution control:

50916 Clean Water Act; assessment of civil penalties for discharges of oil, etc.; agreement with Coast Guard; republication

- Environmental Quality Council**
NOTICES
 Meetings:
 50916 Interagency Toxic Substances Data Committee
- Export-Import Bank**
RULES
 50813 Environmental effects abroad; policies and procedures
 50810 National Environmental Protection Act (NEPA); implementation
- Federal Aviation Administration**
RULES
 Airworthiness directives:
 50817 Bendix
 50818 Fairchild
 50819 Grumman
 50818 Mooney
 50819 Piper
 50820 Control zones
 50822, 50823 Control zones and transition areas (2 documents)
 50820-50823 Transition areas (5 documents)
PROPOSED RULES
 50854-50857 Transition areas (5 documents)
NOTICES
 50944 Exemption petitions; summary and disposition
- Federal Communications Commission**
RULES
 Conduct standards:
 50841 Service after acceptance of outside employment in communications field
 Organizations and functions:
 50839 National security information program; implementation
PROPOSED RULES
 Common carrier services:
 50866 MTS and WATS market structure
 Radio services, special:
 50876 Land mobile radio systems; utilities and public safety agencies; slow growth frequencies
NOTICES
 Meetings:
 50918 Marine Services Radio Technical Commission
- Federal Deposit Insurance Corporation**
NOTICES
 50979 Meetings; Sunshine Act (3 documents)
- Federal Energy Regulatory Commission**
NOTICES
 Hearings, etc.:
 50885 Alaskan Northwest Natural Gas Transportation Co.
 50886 Arizona Public Service Co.
 50886 Central Illinois Light Co.
 50887 Central Illinois Public Service Co.
 50887 Central Power & Light Co. (2 documents)
 50888 East Tennessee Natural Gas Co.
 50888 El Paso Natural Gas Co.
 50889 Florida Power & Light Co.
 50890 Great Lakes Gas Transmission Co.
 50890, 50891 Hartford Electric Light Co. (3 documents)
 50891
- Independent Oil & Gas Association of West Virginia
 50891 Kentucky Utilities Co.
 50900 Massena, N.Y.
 50892 Michigan Consolidated Gas Co.
 50892 Minnesota Power & Light Co.
 50892 Mobile Pipe Line Co. et al.
 50893 Montaup Electric Co.
 50893 Natural Gas Pipeline Co. of America
 50894 Northwest Pipeline Corp.
 50894 Northwestern Public Service Co.
 50895 Pacific Gas Transmission Co.
 50895 Pacific Power & Light Co.
 50896 Partnership Properties Co.
 50887 Paterson, N.J.
 50896 Pennsylvania Power & Light Co.
 50896 Ptarmigan Resources & Energy, Inc.
 50897 Public Utility District No. 1 of Snohomish County, Wash.
 50898 Southern Indiana Gas & Electric Co.
 50898 Southwest Gas Corp.
 50898 Sun Oil Co. (Delaware)
 50898, 50899 Texas Gas Transmission Corp. (2 documents)
 50901, 50905 Transcontinental Gas Pipe Line Corp. (2 documents)
 50906 Trunkline Gas Co.
 50906 United Gas Pipe Line Co.
 Natural gas companies:
 50889 Small producer certificates, applications
 Natural Gas Policy Act of 1978:
 50905-50907 Jurisdictional agency determinations (3 documents)
- Federal Maritime Commission**
NOTICES
 Casualty and nonperformance, certificates:
 50918 Chandris Cruises
- Federal Railroad Administration**
RULES
 51128 Rail Service assistance to States; interim
PROPOSED RULES
 51141 Light density rail lines; traffic density data reporting
- Federal Reserve System**
RULES
 Truth-in-lending (Regulation Z):
 50809 Open end credit plans; multiple creditors; official staff interpretation suspended
NOTICES
 Applications, etc.:
 50918 Central Banccompany, Inc.
 50918 First Greenville Bancshares, Inc.
 50918 WiseTex Bancshares, Inc.
- Federal Trade Commission**
PROPOSED RULES
 Consent orders:
 50858 Hartz Mountain Corp.
 50862 Roofing Contractors Association
NOTICES
 Premerger notification waiting periods; early terminations:
 50919 Lamson & Sessions Co.
 50919 Spring Mills, Inc.

Fish and Wildlife Service**RULES****Fishing:**

50844 Flint Hills National Wildlife Refuge, Kans.

Hunting:

50845 Lacreek National Wildlife Refuge, S. Dak.

50842, Pocasse National Wildlife Refuge, S. Dak. (2 documents)

50843, Sand Lake National Wildlife Refuge, S. Dak. (3 documents)

PROPOSED RULES**Endangered and threatened species:**

51144 Bat, Virginia big-eared

NOTICES**Environmental statements; availability, etc:**

50922 Outer Banks, Va. and N.C.; preservation and protection of fish and wildlife resources

General Accounting Office**NOTICES**

50919 Regulatory reports review; proposals, approvals, etc. (FCC)

General Services Administration**RULES****Property management:**

50838 Telephone conversations; listening-in and recording by Federal agencies; temporary regulation

PROPOSED RULES**Property management:**

50865 Disposal of surplus real property for educational and public health purposes; withdrawn

Government Printing Office**NOTICES****Meetings:**

50920 Depository Library Council to the Public Printer

Health, Education, and Welfare Department**NOTICES**

50920 Health care technology and assessment; inquiry; republication

Housing and Urban Development Department*See* Community Planning and Development, Office of Assistant Secretary.**Immigration and Naturalization Service****RULES****Transportation line contracts:**

50803 VARIG S. A. (Brazilian Airlines); list addition

Interior Department*See also* Fish and Wildlife Service; Land Management Bureau; National Park Service; Reclamation Bureau.**NOTICES****Environmental statements; availability, etc.:**

50923 Crude oil transportation system

Interstate Commerce Commission**NOTICES****Environmental statements; availability, etc.:**

50974 Somerset Station railroad line, N.Y.

50977 Hearing assignments

Motor carriers:

50948, Permanent authority applications (2 documents)

50977

50947 Permanent authority applications; correction (2 documents)

Railroad services abandonment:

50974 Chicago, Milwaukee, St. Paul Pacific Railroad Co.

Justice Department*See also* Immigration and Naturalization Service.**NOTICES****Meetings:**

50924 Role of Courts Council

Land Management Bureau**NOTICES****Airport leases:**

50922 Alaska

Applications, etc.:

50920 Montana

50920 New Mexico

50921 Utah

Coal leases:

50921 Wyoming

Meetings:

50920 Arizona Strip District Grazing Advisory Board

Motor vehicles, off-road, etc.; area closures:

50921 Washington

Outer Continental Shelf:

50921 Mineral and oil and gas leases; Gulf of Mexico area; protraction diagrams; availability

Sale of public lands:

50922 California

Management and Budget Office**NOTICES**

50939 Agency forms under review

51172 Budget rescissions and deferrals

National Aeronautics and Space Administration**PROPOSED RULES****Space transportation system:**

50858 Spinning solid upper stages; guidelines for procurement

National Credit Union Administration**PROPOSED RULES****Federal Credit Unions:**

50850 Agency relationship with approved mortgage lender

National Highway Traffic Safety Administration**PROPOSED RULES****Motor vehicle safety standards:**

50878 Side door strength

NOTICES**Meetings:**

50947 Safety, bumper, and consumer information programs

Motor vehicle defect proceedings; petitions, etc.:

50945 Chevrolet and GMC light duty truck; Model 344788 jack

50945 Fiat Motors of North America, Inc.; undercarriage corrosion

50946 Luckin, Jay, et al.; Fiat model 850; rust and corrosion failure investigation

Motor vehicle safety standards; exemption, petitions, etc.:

50945 General Motors Corp.; tire selection and rims; passenger cars

50946 Mack Trucks, Inc.; lamps and reflective devices

National Oceanic and Atmospheric Administration		Reclamation Bureau	
PROPOSED RULES		NOTICES	
Fishery conservation and management:		Environmental statements; availability, etc.:	
50879	Northwestern Atlantic squid fisheries	50923	San Louis Valley project, Colo.
		50924	Grand Mesa project, Colo.
National Park Service		Research and Special Programs Administration	
NOTICES		RULES	
Concession permits, etc.:		Pipeline safety:	
50924	Natchez Trace Parkway	50842	Natural and other gas; joining of plastic pipe; test for qualifying procedures and personnel; extension of time
National Transportation Safety Board		Securities and Exchange Commission	
NOTICES		RULES	
50934	Accident reports, safety recommendations and responses, etc.; availability	50834	Enforcement action settlement; relationship between Commission, staff, and other governmental agencies
50980	Meetings; Sunshine Act (2 documents)	NOTICES	
Navy Department		Hearings, etc.:	
NOTICES		50943	Indiana & Michigan Electric Co.
50884	Chief of Naval Operations Executive Panel Advisory Committee	50942	Louisiana Power & Light Co.
50884	Privacy Act; systems of records	Self-regulatory organizations; proposed rule changes:	
Nuclear Regulatory Commission		50942	American Stock Exchange, Inc.
RULES		Soil Conservation Service	
50804	National security information program; implementation	NOTICES	
Radiography and radiation safety requirements for radiographic operations, licenses:		Environmental statements; availability, etc.:	
50805	Radiographic exposure devices	50881	Big Slough Watershed, Fla.
NOTICES		50881	California Lake Watershed, Fla.
Abnormal occurrence reports:		Transportation Department	
50925	Boiling water reactor; indication of low water level	See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration.	
50925	Damage to new fuel assemblies	United States Railway Association	
Applications, etc.:		NOTICES	
50930	Dairyland Power Cooperative	50980	Meetings; Sunshine Act
50930	Florida Power & Light Co.	Veterans Administration	
50931	Massachusetts Municipal Wholesale Electric Co. et al.	PROPOSED RULES	
50931	Philadelphia Electric Co. et al.	Authority delegations:	
50932	Public Service Electric & Gas Co.	50864	Home loan program; recorded powers of attorney use
50929	Transnuclear et al.	NOTICES	
50932	Virginia Electric & Power Co.	Meetings:	
50929	Regulatory guides; issuance and availability (3 documents)	50947	Educational Allowances Station Committee
50931	Standard review plan; issuance and availability	50947	Health-Related Effects of Herbicides Advisory Committee
50932	Uranium mill tailings, exposure; relationship to cancer; report, availability		
Panama Canal			
RULES			
Employment and compensation:			
50837	Individual pay determinations		
Parole Commission			
NOTICES			
50980	Meetings; Sunshine Act		
Postal Service			
RULES			
International mail:			
50837	Bermuda; express mail rates		
President's Management Improvement Council			
NOTICES			
50942	Meeting		

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION	
50883	District of Columbia Advisory Committee, 9-25-79
50883	Illinois Advisory Committee, 9-24-79
50883	Virginia Advisory Committee, 9-25-79
COUNCIL ON THE ROLE OF COURTS	
50924	Role of courts of limited jurisdiction, reform efforts, etc.; 9-14 and 9-15-79

COST ACCOUNTING STANDARDS BOARD

- 50847 Promulgation of standards, 9-14-79

DEFENSE DEPARTMENT

Navy Department—

- 50884 Chief of Naval Operations Executive Panel
Advisory Committee, Technology Sub-Panel, 9-18
and 9-19-79

ENERGY DEPARTMENT

- 50885 Environmental Advisory Committee, Ad Hoc
Subcommittee, 9-18-79
50885 National Petroleum Council; Task Group of the
Committee on Unconventional Gas Sources,
9-11-79

GOVERNMENT PRINTING OFFICE

- 50920 Depository Library Council, 10-15 thru 10-17-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

- 50920 Health care technology and technology assessment,
10-10-79

INTERIOR DEPARTMENT

Bureau of Land Management—

- 50920 Arizona Strip District Grazing Advisory Board,
10-2-79

PRESIDENT'S MANAGEMENT IMPROVEMENT COUNCIL

- 50942 Management improvement issues and problems,
9-14-79

TRANSPORTATION DEPARTMENT

- National Highway Traffic Safety Administration—
50945 Model 344788 Jack, Original Equipment on
Chevrolet and GMC Light Duty Truck, 10-4-78

VETERANS ADMINISTRATION

- 50947 Station Committee on Educational Allowances,
10-3-79

CANCELLED MEETINGS**FEDERAL COMMUNICATIONS COMMISSION**

- 50918 Radio Technical Commission for Marine Services,
9-13 and 9-14-79

CHANGED MEETINGS**ENVIRONMENTAL PROTECTION AGENCY**

- 50916 Interagency Toxic Substances Data Committee,
date changed to 9-11-79

HEARINGS**TRANSPORTATION DEPARTMENT**

- National Highway Traffic Safety Administration—
50947 Safety, Bumper, and Consumer Information
programs, 10-10-79

CANCELLED HEARING**ENERGY DEPARTMENT**

- 50850 Acquisition and Disposition of Federal Royalty Oil,
9-5-79 hearing cancelled

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.

4 CFR	Proposed Rules:	Proposed Rules:
403.....50847	1067.....50982	
410.....50847	47 CFR	
422.....50847	0.....50839	
7 CFR	19.....50841	
908.....50803	Proposed Rules:	
8 CFR	63.....50866	
238.....50803	90.....50876	
9 CFR	49 CFR	
Proposed Rules:	192.....50842	
202.....50804	266.....51128	
10 CFR	Proposed Rules:	
9.....50804	269.....51141	
34.....50805	571.....50878	
212.....50847	50 CFR	
Proposed Rules:	32 (5 documents).....50842-50844	
212 (2 documents).....50850, 51148	33 (2 documents).....50844, 50845	
375.....50850	Proposed Rules:	
391.....50850	17.....51144	
12 CFR	611.....50879	
226.....50809		
408.....50810		
409.....50813		
Proposed Rules:		
701.....50850		
14 CFR		
39 (5 documents).....50817-50819		
71 (8 documents).....50820-50823		
207.....50823		
208.....50824		
212.....50825		
214.....50826		
380.....50827		
Proposed Rules:		
71 (5 documents).....50854-50857		
1214.....50858		
16 CFR		
Proposed Rules:		
13 (2 documents).....50858, 50862		
17 CFR		
200.....50834		
202.....50834		
203.....50834		
230.....50834		
240.....50834		
250.....50834		
260.....50834		
24 CFR		
570.....51160		
35 CFR		
253.....50837		
38 CFR		
Proposed Rules:		
14.....50864		
36.....50864		
39 CFR		
10.....50837		
41 CFR		
Ch. 101.....50838		
Proposed Rules:		
101-47.....50865		
45 CFR		
1069.....50839		

Rules and Regulations

Federal Register

Vol. 44, No. 170

Thursday, August 30, 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 Reg. 627; Valencia Orange Reg. 626, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 31-September 6, 1979, and increases the quantity of such oranges that may be so shipped during the period August 24-30, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective August 31, 1979, and the amendment is effective for the period August 24-30, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are 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 28, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges has shown improvement.

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 and amendment are 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, and the amendment relieves restrictions on the handling of Valencia oranges. 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.

§ 908.927 Valencia Orange Regulation 627.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 31, 1979, through September 6, 1979, are established as follows:

- (1) District 1: 324,000 cartons;
- (2) District 2: 276,000 cartons;
- (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 marketing order.

§ 908.926 [Amended].

2. Paragraph (a)(1) and (2) in § 908.926 Valencia Orange Regulation 626 (44 FR 49415), is hereby amended to read:

- (1) District: 351,000 cartons.
- (2) District: 299,000 cartons.

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

Dated: August 29, 1979

Charles R. Brader,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 79-27388 Filed 8-29-79; 11:11 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of VARIG S. A. (Brazilian Airlines) to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment of the regulations of the Immigration and Naturalization Service to add a carrier to the list of transportation lines which have entered into agreements with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATE: August 2, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in

section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment contained in this order adds a transportation line to the listing and is editorial in nature.

On August 2, 1979, the Commissioner of Immigration and Naturalization concluded an agreement with VARIG S. A. (Brazilian Airlines) to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries pursuant to section 238(d) of the Immigration and Nationality Act and 8 CFR 238. Accordingly, 8 CFR 238.3(b) will be amended by adding "VARIG S. A. (Brazilian Airlines)" to the listing in alphabetical sequence.

In the light of the foregoing, the following amendment is hereby prescribed to Chapter I to Title 8 of the Code of Federal Regulations.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "VARIG S. A. (Brazilian Airlines)".

(Sec. 103 and 238(d), (8 U.S.C. 1103 and 1228(d)))

Effective date. The amendment contained in this order becomes effective on August 2, 1979.

Dated: August 24, 1979.

Leonel J. Castillo,
Commissioner of Immigration and Naturalization.

[FR Doc. 79-27099 Filed 8-29-79; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Amendments to Appendix A—Requests for Declassification Review

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to substitute references to a new Executive Order (E.O. 12065) and its implementing directive (Information Security Oversight Office (ISOO)

Directive No. 1) for the replaced Executive Order (E.O. 11652) and its implementing National Security Council (NSC) Directive. The amendments reflect E.O. 12065's availability of mandatory document declassification review procedures at anytime after classification rather than the previous 10-year period as well as other conforming changes. This action is being taken by NRC to reflect E.O. 12065's intent to increase openness in government by limiting classification and accelerating declassification while improving protection of national security interests.

EFFECTIVE DATE: August 30, 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, Phone: 301-492-7211.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation, "Appendix A—Requests for Declassification Review," 10 CFR Part 9.

On June 28, 1978 the President issued Executive Order 12065 which supersedes a prior Executive Order (E.O. 11652). The new order is intended to increase openness in government by limiting classification and accelerating declassification. The Executive Order also establishes an Information Security Oversight Office (ISOO) to assume the previous responsibilities of the Interagency Classification Review Committee (ICRC).

The Nuclear Regulatory Commission is amending its regulations to substitute reference to E.O. 12065 and its implementing directive (ISOO Directive No. 1) for previous E.O. 11652 and its implementing NSC directive references. The minor amendments also reflect E.O. 12065's availability of mandatory document declassification review procedures at anytime after classification rather than the previous 10-year period. Likewise, the amendments change certain language in the regulation, to conform to the new Executive Order.

Finally, the new Executive Order abolishes a former appeal right under E.O. 11652 whereby a requester could have appealed to the ICRC. As a result, the appeal right formerly contained in section 3 of Appendix A, 10 CFR Part 9, has been deleted, with one exception. A right of appeal to the ISOO still exists with respect to decisions on declassification requests of information over 10 years old originated by the President, the White House Staff, committees or commissions appointed

by the President, or by others acting on behalf of the President, including such information in the possession and control of the Administrator of the General Services Administration pursuant to 44 U.S.C. 2107 or 2107 note (E.O. 12065 section 3-503). Other minor changes have been made in Appendix A to improve the clarity of the regulation.

Because these amendments relate solely to minor procedural matters, and do not impose obligations on persons other than the Nuclear Regulatory Commission, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective on August 30, 1979, without the customary 30 days notice.

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 I, Code of Federal Regulations, Part 9 are published as a document subject to codification.

§ 9.61 [Amended]

1. Section 9.61 of 10 CFR Part 9 is amended by deleting "Executive Order 11652" and substituting therefor "Executive Order 12065" in the title of paragraph (b)(1), and by deleting "sections 1 and 5 (B), (C), (D), and (E) of Executive Order 11652," and substituting therefor "section 1-301 of Executive Order 12065" in the text of paragraph (b)(1).

2. Appendix A of 10 CFR Part 9 is revised to read as follows:

Appendix A—Request for Declassification Review

The following guidance is provided for members of the public desiring a classification review of a document of the Nuclear Regulatory Commission (NRC) pursuant to sections 3-5 of Executive Order 12065 (43 FR 28949, July 3, 1978), and section III.D of the Information Security Oversight Office Directive No. 1 Covering the Classification, Downgrading, Declassification and Safeguarding of National Security Information, (43 FR 46280, October 5, 1978). A Freedom of Information Act request for a classified document may also be made in accordance with the procedures set forth in 10 CFR 9.8.

1. Request for Declassification Review of Documents. a. Any person desiring a declassification review of an NRC document containing information classified as National Security Information by reason of the provisions of Executive Order 12065 (or any predecessor Executive Order) should address such requests to the Director, Division of

Security, U.S. Nuclear Regulatory Commission, Washington, DC, 20555.

b. Requests need not be made on any special form but shall, as specified in the Executive Order, reasonably describe the document to enable NRC personnel to identify and obtain the document from NRC records without expending more than a reasonable amount of effort.

c. Charges for locating and reproducing copies of records will be made in accordance with § 9.14 of this part.

2. Action on Requests for Declassification Review. a. Every effort will be made to complete action on each request within thirty (30) days of receipt of the request. If action cannot be completed within thirty (30) days, the requester shall be so advised by the Director, Division of Security, along with the reasons for the need for additional time. If the requester does not receive a decision on the request within sixty (60) days from the date of receipt of the request by NRC, the requester may appeal to the Chairman of the NRC Classification Review Committee for a decision on the request.

b. In the event the Director, Division of Security, determines that requested information must remain classified by reason of the provisions of Executive Order 12065, the requester shall be given prompt notification of that decision and shall be provided with a statement as to why the information or material cannot be declassified. Classified sections of the document will be identified, and the requester will be advised that a "sanitized" document can be provided with an appropriate unclassified description of the deleted information. Unclassified portions of the document will be made available to the requester unless withholding is warranted for some other reason under the provision of applicable law. If information is denied, the requester will be advised that the decision may be appealed to the NRC Classification Review Committee. An appeal should be made in writing addressed to the Chairman, Classification Review Committee, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Any such appeal should include a statement as to why the requester disagrees with the decision which is being appealed.

c. The NRC Classification Review Committee will normally render a decision within 30 days of the receipt of an appeal. If a longer period is likely to be required because of the need for consultations with other agencies or the requester, the requester will be advised of the time needed to complete review of the matter.

d. In the event the Director, Division of Security, or the Classification Review Committee, determines that the record is unclassified but the information appears to be of the type exempt from public disclosure under § 9.5 of this part, the requester shall be so notified in writing as provided in § 9.10 of this part.

3. Suggestions and complaints. Any person may make suggestions or complaints with respect to NRC's administration of the provisions of Executive Order 12065 and the ISOO Directive by writing to the Chairman, Classification Review Committee, U.S.

Nuclear Regulatory Commission, Washington, DC 20555.

4. Other Material. NRC Manual Chapters covering the NRC's classification and declassification policies and procedures are available for inspection and copying in the NRC's Public Document Room, 1717 H Street, NW., Washington, DC.

5. Classification Advice in General. These procedures are intended to supplement the policies and practices of the NRC to provide classification guidance with respect to information originated by persons working in the nuclear energy field. The NRC will respond as promptly as available resources permit to questions about the proper classification of information and material.

Dated at Bethesda, Md. this 20th day of August 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-27142 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 34

Licenses for Radiography and Radiography Safety Requirements for Radiographic Operations; Amendments of Radiography Regulations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is publishing as effective rules several changes in its regulations on industrial radiography. The rule changes were originally published for public comment on March 27, 1978, and have been revised after consideration of the comments received. These amendments require several procedural changes intended to improve radiography safety. The changes are also intended to formalize as regulations current licensing practices. The amendments apply to industrial radiography operations using radioactive isotope sources licensed by the Nuclear Regulatory Commission.

EFFECTIVE DATE: March 3, 1980.

Note.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for such reviews as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of this rule becomes effective, unless advised to the contrary, accordingly reflects inclusion of the 45-day period which that statute allows for such review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT: Dr. Stephen A. McGuire, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443-5970.

SUPPLEMENTARY INFORMATION: On March 27, 1978, the Nuclear Regulatory Commission published for public comment amendments to Part 34 of its regulations (43 FR 12715). Forty-nine public comments were received. In response to these comments, some of the proposed amendments have been deleted or substantially reworded. The individual amendments are discussed by section below.

§ 34.2 [Amended].

New definitions for "source changer," now used in § 34.22 and § 34.28 and "permanent radiographic installation," now used in § 34.29, are given.

§ 34.11(d) [Amended].

The proposed amendment specified that internal inspections would be required at intervals not to exceed three months. The predominant comment was that this frequency was too restrictive. The NRC believes the proposed frequency is appropriate in view of the importance of management audits of radiographer performance. The NRC has consistently observed that a strong management commitment to safety is necessary if radiographic operations are to be conducted safely. Frequent checks of the performance of radiographers are a necessary part of that commitment. The effective rule therefore retains the proposed frequency for internal inspections.

§ 34.22 [Amended].

The proposed amendment specified securing (not necessarily locking) the sealed source in its shielded position in crankout radiographic exposure devices each time the source is returned to that position. Some commenters questioned the effectiveness of such a requirement. Other commenters thought the requirement should not be limited to crankout devices only. On consideration, the NRC believes the small effort to secure the source is worthwhile since this prevents the source from moving out of its shielded position if the device or the crank is moved. The NRC also has extended the requirement to devices other than crankout devices since the safety considerations with such devices are similar to those for crankout devices.

§ 34.28 [Amended].

The proposed amendment specified that radiographic exposure devices, storage containers, and source changers be maintained at intervals not to exceed three months. The main comment was that this schedule was too restrictive. The NRC agrees that more flexibility in scheduling can be permitted with little

or no loss in effectiveness of the regulation. In response the schedule is changed to "at intervals not to exceed three months or prior to the first use thereafter." This allows somewhat more flexibility for equipment which may be used only infrequently.

§ 34.29 [Amended].

The proposed amendment specified the requirement of audible and visible alarms on entrances to permanent radiographic installations. Commenters did not object particularly to having the alarm. However, commenters objected strongly to requiring that the alarm alert another individual besides the individual attempting entry. The NRC agrees that warning another individual is not necessary for radiography sources if other means of limiting access of unauthorized personnel are provided. The rule has been rewritten so that a second person besides the radiographer is not required if the licensee chooses to limit access of unauthorized personnel into the high radiation area by locking or maintaining direct surveillance as required by § 20.203(c) (2)(iii) or (4) and § 34.41. Note that personnel access may be controlled by direct surveillance under § 20.203(c)(4) since a permanent radiographic installation does not mean that there is a permanent high radiation area (i.e., 30 days or more).

Some commenters objected to not allowing an automatic source retraction device to substitute for the alarm. As written in effective form, the new § 34.29 allows an automatic source retraction device to substitute for the alarm system. If the installation has a source retraction device meeting the requirements of § 20.203(c)(2)(i), § 34.29 does not apply.

Other commenters objected to not allowing locked entrances to the installation as a substitute for the alarm. The NRC does not agree with this comment. Many overexposures have occurred when a radiographer unlocked the door to an installation and approached an exposed source without using a survey meter. Therefore, permanent installations must have an alarm even if locking of all entrances is planned. It should be noted that the alarm system required in § 34.29 is aimed more at protecting the radiographer himself than at unauthorized personnel. For this reason, the requirements in § 20.203(c) and § 34.41 on preventing such access by unauthorized personnel remain completely unchanged.

§ 34.31 [Amended]

The amendment proposed to require written and field examinations for both

radiographers and radiographers' assistants. The comment was made that oral examinations should be adequate for radiographers' assistants. In view of the high degree of supervision required for an assistant in the new § 34.44, the final rule has been changed to permit oral testing of assistants. The final rule also requires that copies of written tests and the dates of oral and field examinations be retained for three years.

§ 34.33 [Amended]

The NRC proposed to amend § 34.33 to require annual accuracy checks on pocket dosimeters, with a $\pm 30\%$ accuracy criterion. The NRC also proposed to state that after an individual's pocket dosimeter had gone off-scale, the individual would be prohibited from further radiographic operations until the magnitude of the exposure had been evaluated.

Commenters said the accuracy check has little purpose and would not reduce radiation exposures. Commenters thought that since the pocket dosimeters are being manufactured to the stringent requirements of American National Standard N13.5-1972, "Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gamma Radiation," that the proposed regulation is not necessary, particularly since defects in the dosimeters are generally either in a safe direction or else render the dosimeter completely unusable. The Commission, however, believes that some assurance of accuracy is necessary for pocket dosimeters and has decided to retain the proposed requirement. Thus, pocket dosimeters must be checked annually. To be acceptably accurate, the dose measured during the test must be within $\pm 30\%$ of the dose delivered during the test.

Commenters strongly objected to requiring that an individual with an off-scale dosimeter be removed from work since such action would be very costly and since dropping causes most dosimeters to go off-scale. The NRC has decided to delete this proposed requirement since it would do little to improve worker safety because the worker would not be restricted from work until after the exposure had already occurred. In addition, it would be quite burdensome. Licensees should note, however, that under § 20.201, "Surveys," they are required to make evaluations of the radiation hazards incident to the use of a radioactive source. Thus it is required that the licensee evaluate the situation to determine the cause of the off-scale dosimeter before allowing the worker to resume work in a restricted area. If an

overexposure has occurred, the important thing is to correct the hazard to prevent a repeat of the incident. So that this requirement is clearly understood, the Commission has decided to amend § 34.32, "Operating and Emergency Procedures," to specifically require licensees to have a procedure with steps that must be taken by radiography personnel in the event that a pocket dosimeter is found to be off-scale.

§ 34.41 (Amended)

The existing wording of this section will not be changed. The proposed wording would have eliminated locking of doors as a substitute for direct surveillance to prevent unauthorized personnel from entering high radiation area. The comment was made that locking is a very practical means of limiting access by unauthorized personnel in many instances such as shipbuilding. The NRC agrees that locking can be more effective than direct surveillance in preventing unauthorized entry into a high radiation area. In many cases, such as areas that have multiple entry points, a momentary lapse of attention could allow someone to walk into the high radiation area unnoticed. Locks are a mechanical means not dependent on the constant attention of the radiographer. Therefore, the NRC will permit locking as an acceptable alternative. The section therefore will not be changed.

§ 34.43 (Amended)

The proposed amendment of this section explicitly stated that the radiation survey to determine that a sealed source has returned to its shielded position after a radiographic exposure must include a survey of the source guide tube. Commenters said that such action is impractical in some situations, for example, when the cable runs through a shielded wall as in a permanent installation, through conduits between different areas, or when the device or guide tube is suspended on scaffolding. The NRC recognizes that sometimes the entire guide tube may not be accessible and that there are other survey techniques to demonstrate adequately that the source has returned to its shielded position.

The requirement to survey the guide tube does not mean that inaccessible portions must be surveyed. For example, if the guide tube runs through a thick concrete wall at a shielded facility, one need only survey to the wall. There would be no need to pull the guide tube out of the wall to make the survey. If the guide tube runs through a cable tray in a submarine under construction, it is only

necessary to survey to the point where the guide tube enters the wall. If the guide tube is suspended on a scaffold, it is not necessary to climb up to the guide tube. The survey can be made from the ground.

A requirement to survey the entire circumference of the radiographic exposure device remains. This requirement means that the survey instrument should completely circle the device, especially the front of the device. It does not mean that the bottom of the device need be surveyed.

The proposed amendment of this section would also have added a specific requirement for surveying the perimeter of the restricted area. Numerous commenters said that the proposed wording was too inflexible for many situations, too vague, and potentially hazardous. The NRC has accepted this view. The requirement to survey restricted area boundaries will remain within the more general requirements of § 20.201, "Surveys." The proposed change is deleted.

§ 34.44 [Amended]

The proposed amendment defined in § 34.2 the supervision that a radiographer must give a radiographer's assistant. This proposed change met with stronger opposition than any other of the proposed changes. Many commenters expressed their belief that radiographers' assistants should be allowed to conduct routine surveys such as those of restricted area and radiation area boundaries without being watched by a radiographer. The NRC agrees that an assistant radiographer can quickly be trained to use a survey meter competently and can safely perform many of the less critical surveys, such as a survey of the boundary of the restricted area. The NRC also recognizes that prohibiting an assistant from independently performing such surveys would greatly decrease the usefulness of the assistant and place a large economic burden on licensees. Therefore, the amendment has been reworded so that the only survey during which the radiographer must watch the assistant is the survey to determine that the sealed source has returned to its shielded position after use. The radiographer should be watching the assistant to the extent that he is able to see that the assistant is carrying out his assigned functions in accordance with the instruction he has received. The requirements are being placed in a new § 34.44. It is more appropriate to include these requirements in a new section rather than with the definitions in § 34.2 as was proposed.

Appendix A [Amended]

No commenters objected to a proposed requirement that radiographers be instructed in case histories of radiography accidents. A recent NRC report, NUREG-0495, "Public Meeting on Radiation Safety for Industrial Radiographers," discusses such case histories.

Anyone wishing more detail on the development of these amendments may obtain an "Analysis of Public Comments on Proposed Amendments of 10 CFR Part 34" or a "Value/Impact Statement on Amendments of 10 CFR Part 34" by writing to Dr. Stephen A. McGuire, Occupational Health Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 within twelve months of this notice, or writing the NRC's Public Document Room thereafter.

In addition, a complete set of the public comments is available for inspection in the Public Document Room.

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 of Title 10, Chapter I, Code of Federal Regulations, Part 34 are published as a document subject to codification.

1. In § 34.2, new paragraphs (g) and (h) are added to read as follows:

§ 34.2 Definitions.

(g) "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources;

(h) "Permanent radiographic installation" means a shielded installation or structure designed or intended for radiography and in which radiography is regularly performed.

2. Paragraph (d) of § 34.11 is amended to read as follows:

§ 34.11 Issuance of specific licenses for use of sealed sources in radiography.

(d) The applicant will have an internal inspection system adequate to assure that Commission regulations, Commission license provisions, and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants; the inspection system shall include the performance of internal inspections at intervals not to exceed three months and the retention of

records of such inspections for two years;

3. Section 34.22 is amended to read as follows:

§ 34.22 Locking of radiographic exposure devices, storage containers, and source changers.

(a) Each radiographic exposure device shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The exposure device or its container shall be kept locked when not under the direct surveillance of a radiographer or a radiographer's assistant or as otherwise may be authorized in § 34.41. In addition, during radiographic operations the sealed source assembly shall be secured in the shielded position each time the source is returned to that position.

(b) Each sealed source storage container and source changer shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. Storage containers and source changers shall be kept locked when containing sealed sources except when under the direct surveillance of a radiographer or a radiographer's assistant.

4. Section 34.28 is amended to read as follows:

§ 34.28 Inspection and maintenance of radiographic exposure devices, storage containers, and source changers.

(a) The licensee shall check for obvious defects in radiographic exposure devices, storage containers, and source changers prior to use each day the equipment is used.

(b) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, and source changers at intervals not to exceed three months or prior to the first use thereafter to assure proper functioning of components important to safety. Records of these inspections and maintenance shall be kept for two years.

5. A new § 34.29 is added to read as follows:

§ 34.29 Permanent radiographic installations.

(a) Permanent radiographic installations having high radiation area entrance controls of the types described in § 20.203(c) (2)(ii), (2)(iii), or (4) shall also meet the following special requirement.

(b) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic

installation to which this section applies shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be actuated by radiation whenever the source is exposed. The audible signal shall be actuated when an attempt is made to enter the installation while the source is exposed.

(c) The alarm system shall be tested at intervals not to exceed three months or prior to the first use thereafter of the source in the installation. Records of the tests shall be kept for two years.

6. Section 34.31 is amended to read as follows:

§ 34.31 Training.

(a) The licensee shall not permit any individual to act as a radiographer until such individual:

(1) Has been instructed in the subjects outlined in Appendix A of this part;

(2) Has received copies of and instruction in NRC regulations contained in this part and in the applicable sections of Parts 19 and 20 of this chapter, NRC license(s) under which the radiographer will perform radiography, and the licensee's operating and emergency procedures;

(3) Has demonstrated competence to use the licensee's radiographic exposure devices, sealed sources, related handling tools, and survey instruments; and

(4) Has demonstrated understanding of the instructions in this paragraph (a) by successful completion of a written test and a field examination on the subjects covered.

(b) The licensee shall not permit any individual to act as a radiographer's assistant until such individual:

(1) Has received copies of and instruction in the licensee's operating and emergency procedures;

(2) Has demonstrated competence to use, under the personal supervision of the radiographer, the radiographic exposure devices, sealed sources, related handling tools, and radiation survey instruments that the assistant will use; and

(3) Has demonstrated understanding of the instructions in this paragraph (b) by successfully completing a written or oral test and a field examination on the subjects covered.

(c) Records of the above training, including copies of written tests and dates of oral tests and field examinations, shall be maintained for three years.

7. A new paragraph (k) is added to § 34.32 to read as follows:

§ 34.32 Operating and emergency procedures.

(k) Steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off-scale.

8. Section 34.33 is amended to read as follows:

§ 34.33 Personnel monitoring.

(a) The licensee shall not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each such individual wears a direct reading pocket dosimeter and either a film badge or a thermoluminescent dosimeter (TLD). Pocket dosimeters shall have a range from zero to at least 200 milliroentgens and shall be recharged at the start of each shift. Each film badge and TLD shall be assigned to and worn by only one individual.

(b) Pocket dosimeters shall be read and exposures recorded daily.

(c) Pocket dosimeters shall be checked at periods not to exceed one year for correct response to radiation. Acceptable dosimeters shall read within plus or minus 30 percent of the true radiation exposure.

(d) If an individual's pocket dosimeter is discharged beyond its range, his film badge or TLD shall be immediately sent for processing.

(e) Reports received from the film badge of TLD processor and records of daily pocket dosimeter readings shall be kept for inspection by the Commission until it authorizes their disposal.

9. Section 34.43 is amended to read as follows:

§ 34.43 Radiation surveys.

(a) At least one calibrated and operable radiation survey instrument shall be available at the location of radiographic operations whenever radiographic operations are being performed.

(b) A survey with a radiation survey instrument shall be made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.

(c) A record of the survey required in paragraph (b) shall be maintained for two years when the survey is the last survey prior to locking the radiographic exposure device and ending direct surveillance of the operation.

10. A new § 34.44 is added to read as follows:

§ 34.44 Supervision of radiographers' assistants.

Whenever a radiographer's assistant uses radiographic exposure devices, uses sealed sources or related source handling tools, or conducts radiation surveys required by § 34.43(b) to determine that the sealed source has returned to the shielded position after an exposure, he shall be under the personal supervision of a radiographer. The personal supervision shall include (a) the radiographer's personal presence at the site where the sealed sources are being used, (b) the ability of the radiographer to give immediate assistance if required, and (c) the radiographer's watching the assistant's performance of the operations referred to in this section.

11. Appendix A is amended to read as follows:

Appendix A

I. Fundamentals of Radiation Safety

- Characteristics of gamma radiation.
- Units of radiation dose (mrem) and quantity of radioactivity (curie).
- Hazards of exposure to radiation.
- Levels of radiation from licensed material.
- Methods of controlling radiation dose:
 - Working time.
 - Working distances.
 - Shielding.

II. Radiation Detection Instrumentation To Be Used

- Use of radiation survey instruments:
 - Operation.
 - Calibration.
 - Limitations.
- Survey techniques.
- Use of personnel monitoring equipment:
 - Film badges and thermoluminescent dosimeters (TLD's).
 - Pocket dosimeters.

III. Radiographic Equipment To Be Used

- Remote handling equipment.
- Radiographic exposure devices.
- Storage containers.

IV. Inspection and Maintenance Performed by the Radiographers

V. Case Histories of Radiography Accidents

12. The second sentence of the citation of authority is amended to read as follows:

Authority: * * * For the purposes of Sec. 223, 68 Stat. 958 as amended; 42 U.S.C. 2273 34.11(d), 34.25(c), 34.26, 34.27, 34.28(b), 34.29(c), 34.31(c), 34.33(b), and 34.43(c) issued under sec. 1610., 68 Stat. 950, as amended, 42 U.S.C. 2201(o).

(Sec. 81, 161, Pub. L. 93-703, 69 Stat. 935, 948; sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 2201, 5341).)

Dated at Washington, D.C., this 24th day of August, 1979.

For the Nuclear Regulatory Commission.
 Samuel J. Chilk,
Secretary of the Commission.
 [FR Doc. 79-27143 Filed 8-29-79; 8:45 am]
 BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; FC-0164]

Truth in Lending; Official Staff Interpretation; Suspension of Effective Date and Republication for Public Comment

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Effective date of official staff interpretation suspended; its text reprinted for public comment.

SUMMARY: The Board is suspending the effective date of official staff interpretation FC-0164, regarding the application of § 226.6(d) to § 226.7 (a) and (b) disclosures, published July 18, 1979 (44 FR 41760) and is republishing it for public comment. The agency is taking this action in response to a request for public comment submitted in accordance with 12 CFR Part 226.1(d)(3). The letter requesting a comment period is published below and immediately precedes the text of the official staff interpretation.

DATES: The effective date of FC-0164 is suspended until further notice. Comments must be received on or before October 1, 1979.

ADDRESS: Comments (including reference to FC-0164) to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Maureen P. English, Senior Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: (1) The effective date, August 17, 1979, of official staff interpretation FC-0164 is suspended in accordance with 12 CFR Part 226.1(d)(2)(ii). The text of the letter requesting the opportunity for public comment appears below. This interpretation will not go into effect until final action is taken. Notice of such action will be published in the *Federal Register* in approximately 60 days and will become effective upon publication.

(2) The text of official staff interpretation FC-0164 is republished for comment with the exception of language pertaining to its former effective date.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(3) Interested persons are invited to submit relevant comments. All material should be submitted in writing to: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than October 1, 1979. Comments will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(4) After comments are considered, this official staff interpretation may be amended, may be rescinded or may remain unchanged. Final action regarding this official staff interpretation will appear in the *Federal Register*.

(5) Authority: 15 U.S.C. 1640(f).

Re: Federal Reserve Board Proposed Official Staff Interpretation No. FC-0164—
 Published 44 Fed. Reg. 41,760 (July 18, 1979).

Federal Trade Commission
 Bureau of Consumer Protection,
 Washington, D.C. 20580. August 17, 1979.

Theodore E. Allison,
Secretary Board of Governors of the Federal Reserve System Washington, D.C.

Dear Mr. Allison: The Division of Credit Practices staff respectfully requests that the effective date of proposed Federal Reserve Board Official Staff Interpretation No. FC-0164 ("FC-0164") be suspended and that the interpretation be republished in the *Federal Register* for public comment, pursuant to § 226.1(d)(2)(iii) of Regulation Z, 12 CFR 226.1(d)(2)(ii). FC-0164 would interpret § 226.6(d) of Regulation Z, 12 CFR 226.6(d), to exempt open end credit plans in which there is more than one creditor from that subsection's general disclosure requirement that each creditor in a consumer credit transaction involving multiple creditors be clearly identified. Thus, neither the initial disclosures nor the periodic statements provided in connection with such open end credit plans pursuant to § 226.7 (a) and (b) of Regulation Z, 12 CFR 226.7 (a) and (b), would be required to identify the creditors. For the reasons that follow, we feel republication for public comment is necessary and appropriate.

1. *The Creditor Identification Provisions of § 226.6(d) Are Clearly Intended to Apply to Open End As Well As Other Than Open End Credit Transactions.*

Pursuant to § 226.6(d), Truth in Lending disclosures made in connection with consumer credit transactions involving multiple creditors must: (1) Include a clear identification of each creditor; and (2) be made separately by each creditor, according

to their knowledge and the purview of their relationship with the customer. Section 226.6(d) allows multiple creditors to make a joint disclosure, but only if each creditor is clearly identified. The remainder of § 226.6(d) clarifies which other than open end credit or lease disclosures are to be made by sellers that extend or arrange credit.

We believe FC-0164 misconstrues the scope of § 226.6(d). In our view, both the creditor identification and shared disclosure provisions of § 226.6(d) prescribe general disclosure requirements equivalent to those found throughout § 226.6 (a) to (k), and accordingly apply equally to open end and other than open end consumer credit transactions. This reading is based largely upon the nature of the format used in Regulation Z, which was designed to separate disclosure requirements of general applicability (§ 226.6) from specific disclosure requirements applicable to open end credit (§ 226.7) and other than open end credit (§ 226.8). If the Regulation had intended that the creditor identification provisions codified in § 226.6(d) apply only to other than open end transactions, it would have incorporated them into § 226.8. We conclude that there is no ambiguity, and that § 226.6(d) applies equally to open end credit transactions and other than open end transactions.

We also see no reason for eliminating the requirement that each creditor be identified in open end transactions involving multiple creditors, while retaining the closely related requirement that each creditor make all appropriate required disclosures. FC-0164 seems to suggest that since the last two sentences of § 226.6(d) "clearly have no applicability in the case of open end credit," any of the provisions of § 226.6(d) are fair game for excepting open end credit. However, the last two sentences of § 226.6(d) are not intended to delineate the scope of 226.6(d). On the contrary, they clarify the manner in which the subsection's general requirements, including identification of creditors, are to be applied in other than open end transactions where the creditor must choose whether to make credit sale or loan disclosures. The inclusion of this clarification in § 226.6(d) does not support FC-0164's conclusion that the creditor identification requirement does not apply to open end credit transactions, where there is only one form of required disclosure and, hence, no reason to distinguish between credit sales and loans.

FC-0164 also suggests that since neither § 226.7 (a) nor (b) requires identification of the creditor in an open end plan in which there is only one creditor, § 226.6(d) does not require that each creditor be identified in connection with § 226.7 (a) or (b) disclosures where there is more than one creditor. Although § 226.7 does not expressly require that a single open end creditor be identified, the general disclosure requirements codified in § 226.6 do not turn upon whether parallel requirements are included in the specific disclosure requirements that appear elsewhere in Regulation Z. Here, the Regulation appears to require that open end creditors be identified only in transactions involving more than one creditor. This was accomplished by requiring identification of

creditors in all consumer credit transactions involving multiple creditors, in § 226.6(d), supplemented by the additional requirement, in § 226.8(a), that such identification should also be made in other than open end transactions involving a single creditor.

Creditor identification is particularly important in credit transactions involving more than one creditor, since the consumer will only be dealing directly with one creditor, usually the arranger. Thus, where credit is arranged, the consumer would have no way of knowing the identity of the entity actually extending credit in the absence of § 226.6(d).

2. By Further Relaxing Open End Credit Disclosure Requirements, FC-0164 Will Help To Encourage the Replacement of Other Than Open End Credit By Open End Credit.

Since the Truth in Lending Act was passed, open end credit has increasingly replaced other than open end credit as a means of financing large-ticket purchases, and the original distinctions between the two types of credit have become increasingly less clear. The Commission and its staff have often expressed concern about the movement away from offering other than open end credit for the purchase of such items as furniture, sets of encyclopedias, and even automobiles, although such open end accounts, commonly "opened" at the point of sale, are, in function, the exact equivalent of traditional closed end credit. As a result, open end credit disclosures are provided in what used to be considered other than open end transactions. The nonspecificity of open end disclosures make them easier to provide and this reduced compliance burden is one express reason for the movement to "hybrid" open end credit by traditional closed end creditors. In fact, the two forms of credit are practically interchangeable for most merchants and creditors today. Since the majority of these "hybrid" credit transactions involve multiple creditors, only continued application of § 226.6(d)'s creditor identification provisions to open end credit will ensure that consumers continue to be provided with the identity of the creditors at the point of sale. Even S. 108, the Truth in Lending Simplification and Reform Act, would continue to require that the identity of the creditor be disclosed in other than open end credit transactions, thus indicating Congress' intent to ensure that consumers continue to receive such information.

Rather than reject the clear application of § 226.6(d) to open end credit transactions, we think the Board staff should consider advocating amendment of § 226.7(a) to require that the creditor be identified even in open end transactions where there is only one creditor. Recent regional and national credit card marketing programs make it more important than ever for consumers to be able to identify which creditor is offering, for example, a particular Master Charge or VISA account. Moreover, because of the division of enforcement jurisdiction among several agencies, it is all the more necessary for the consumer to know the identity of the creditor issuing open end accounts so that proper enforcement agency can be identified and consulted if necessary.

For all of the foregoing reasons, we strongly advocate withdrawal of FC-0164. Your cooperation is appreciated.

Sincerely,

Lewis H. Goldfarb,
Assistant Director.

George J. Zweibel,
Attorney, Division of Credit Practices.

Hand Delivered.

§ 226.6(d) Application of § 226.6(d) to § 226.7(a) and (b) disclosures. (Modifies Letter 597 and FC-0042).

§ 226.7(a) Application of § 226.6(d) to § 226.7(a) and (b) disclosures. (Modifies Letter 597 and FC-0042).

§ 226.7(b) Application of § 226.6(d) to § 226.7(a) and (b) disclosures. (Modifies Letter 597 and FC-0042).

June 28, 1979.

This is in response to your letter of * * * in which you request an official staff interpretation of § 226.6(d) of Regulation Z. Section § 226.6(d) prescribes general Truth in Lending disclosure requirements and responsibilities when "there is more than one creditor * * * in a transaction." You are concerned with the application of § 226.6(d) to the disclosures required for open end credit plans by §§ 226.7(a) and (b) of Regulation Z.

Your question arises in relation to open end credit card accounts for which both a card issuing bank and its agent bank are creditors under Regulation Z. You indicate that currently both the card issuing bank and the agent bank are identified as creditors on the initial disclosures provided to customers pursuant to § 226.7(a) and on the periodic statements required by § 226.7(b). You ask whether § 226.6(d) requires this identification.

Section § 226.6(d) provides:

If there is more than one creditor or lessor in a transaction, each creditor or lessor shall be clearly identified and shall be responsible for making only those disclosures required by this Part which are within his knowledge and the purview of his relationship with the customer or lessee. If two or more creditors or lessors make a joint disclosure, each creditor or lessor shall be clearly identified. The disclosures required under paragraphs (b) and (c) of § 226.8 shall be made by the seller if he extends or arranges for the extension of credit. Otherwise disclosures shall be made as required under paragraphs (b) and (d) of § 226.8 or paragraph (b) of § 226.15. (Emphasis added.)

The staff is of the opinion that, although § 226.6(d) does not explicitly differentiate between open end credit and credit other than open end, not all of the requirements of that section apply to open end credit plans. For example, the requirements set forth in the last two sentences of § 226.6(d) specifying disclosures to be made under § 226.8 for credit transactions other than open end involving more than one creditor or under § 226.15 for consumer lease transactions involving more than one lessor clearly have no applicability in the case of open end credit. Additionally, the staff believes that since neither § 226.7(a) nor § 226.7(b) requires identification of the creditor of an open end plan in which there is only one creditor, § 226.6(d) does not require that each creditor

be identified in connection with the § 226.7(a) or (b) disclosures for open end plans in which there is more than one creditor.

Although in connection with the disclosures required by § 226.7(a) and (b) there need be no identification of the creditors of an open end account in which there is more than one creditor, each such creditor is responsible under § 226.6(d) for making all required disclosures which are within the knowledge of that creditor and the purview of its relationship with a customer. Such creditors may of course, make joint disclosures. Furthermore, one or more of the creditors of an open end account may be identified in connection with the disclosures required by § 226.7(a) and/or § 226.7(b) as additional information in accordance with § 226.6(c) of Regulation Z.

Public Information Letter 597 indicates, and Official Staff Interpretation FC-0042 could be read to imply, that § 226.6(d) requires identification of each creditor of an open end credit plan in which there is more than one creditor. Upon reconsideration, however, the staff believes that the opinions expressed in this letter constitute the correct interpretation of the requirements of the regulation. Therefore, Public Information Letter 597 and Official Staff Interpretation FC-0042 are hereby modified to coincide with the views expressed herein.

In accordance with your request, this is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(2) of the regulation and limited to the facts and issues discussed above.

Sincerely,

Nathaniel E. Butler,
Associate Director.

Board of Governors of the Federal Reserve System, August 24, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-27079 Filed 8-29-79; 8:45 am]
BILLING CODE 6210-01-M

EXPORT-IMPORT BANK OF THE UNITED STATES

12 CFR Part 408

National Environmental Policy Act Procedures

August 27, 1979.

AGENCY: Export-Import Bank of United States.

ACTION: Adoption of Final Rule.

SUMMARY: These procedures have been prepared pursuant to the National Environmental Policy Act of 1969 and regulations issued by the Council on Environmental Quality.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT: Warren W. Glick, General Counsel (202-566-8334), Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, D.C. 20571.

SUPPLEMENTARY INFORMATION: These procedures were proposed on May 17, 1979 and printed in the Federal Register on that date, 44 FR No. 97, page 28823. The final date for comment was June 15, 1979. The Council on Environmental Quality (CEQ) has given final approval to the procedures and except for certain stylistic changes, the procedures set forth below are adopted as proposed.

Eximbank received only a few comments on the procedures, centering around two major points—first, the need to establish separate procedures for environmental effects within the United States (covered by this Part 408) and environmental effects overseas (to be covered by a new Part 409), and second, the degree of detail to be provided in the procedures. After a careful review of the comments, Eximbank has determined that no change in the procedures is warranted.

Regarding the establishment of separate procedures, a bifurcated approach is advisable in view of the fact that the authority which is the source for the procedures covering environmental effects within the United States—i.e., NEPA—is separate from the authority which is the source for the procedures covering environmental effects overseas—i.e., Executive Order No. 12114, issued January 4, 1979. Equally important, the procedures foreseen by NEPA and Executive Order 12114 differ significantly. For example, the Executive Order contains various exemptions, modifications and other provisions which are not contained in NEPA.

Regarding the degree of detail contained in the procedures, the CEQ has stated in its implementation regulations, 40 CFR Parts 1500–1503, that their intent is “to allow each agency flexibility in adapting its implementing procedures as required by Sec. 1507.3 to the requirement of other applicable laws.” Sec. 1507.1. In view of the Bank's sole statutory function of providing financial assistance in support of the export of U.S. goods and services and, therefore, the low probability of any significant adverse impact upon the environment within the United States resulting from any transaction for which Eximbank may be asked to provide assistance, Eximbank has concluded that the procedures as drafted do not need to contain additional detail. In the exceptional circumstance where there may be significant adverse impacts upon the environment of the United States, Eximbank expects to consult closely with the CEQ.

These procedures apply to applications received by the Bank on or after September 4, 1979 for a preliminary commitment or a final commitment for

which a preliminary commitment has not been approved prior to such date.

Accordingly, Chapter IV of Title 12 of the Code of Federal Regulations is amended by adding a new Part 408, to read as follows:

PART 408—PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Subpart A—General

Sec.

- 408.1 Background.
- 408.2 Purpose and scope.
- 408.3 Applicability.

Subpart B—Eximbank Implementing Procedures

- 408.4 Early involvement in foreign activities for which Eximbank financing may be requested.
- 408.5 Ensuring environmental documents are actually considered in Eximbank decision-making.
- 408.6 Typical classes of action requiring similar treatment under NEPA.
- 408.7 Environmental information.

Authority: National Environmental Policy Act of 1969; 42 U.S.C. 4321 et seq.

Subpart A—General

§ 408.1 Background.

(a) The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) establishes national policies and goals for the protection of the environment. Section 102(2) of NEPA contains certain procedural requirements directed toward the attainment of such goals. In particular, all Federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on recommendations or reports on proposals for legislation and other major Federal Actions significantly affecting the quality of the human environment.

(b) Executive Order 11991 of May 24, 1977, directed the Council on Environmental Quality (CEQ) to issue regulations to implement the procedural provisions of NEPA (NEPA Regulations). Accordingly, CEQ issued final NEPA Regulations which are binding on all Federal agencies as of July 30, 1979 (40 CFR Parts 1500–1508) on November 29, 1979. These Regulations provide that each Federal agency shall as necessary adopt implementing procedures to supplement the NEPA Regulations. Section 1507.3(b) of the NEPA Regulations identifies those sections of the NEPA Regulations which must be addressed in agency procedures.

§ 408.2 Purpose.

The purpose of this part is to establish procedures which supplement the NEPA Regulations and provide for the implementation of those provisions identified in § 1507.3(b) of the NEPA Regulations.

§ 408.3 Applicability.

Historically, virtually all financing provided by Eximbank has been in aid of U.S. exports which involve no effects on the quality of the environment within the United States, its territories or possessions. Eximbank has separate procedures for conducting environmental reviews where such reviews are required by E.O. 12114 (January 4, 1979) because of potential effects on the environment of global commons areas or on the environment of foreign nations. The procedures set forth in this part apply to the relatively rare cases where Eximbank financing of U.S. exports may affect environmental quality in the United States, its territories or possessions.

Subpart B—Eximbank Implementing Procedures**§ 408.4 Early involvement in foreign activities for which Eximbank financing may be required.**

(a) Section 1501.2(d) of the NEPA Regulations requires agencies to provide for early involvement in actions which, while planned by private applicants or other non-Federal entities, require some form of Federal approval. Pursuant to the Export-Import Bank Act of 1945, as amended, Eximbank is asked to provide

financing for transactions involving exports of U.S. goods and services for projects in foreign countries which are planned by non-U.S. entities (Transactions).

(b) To implement the requirements of § 1501.2(d) with respect to these Transactions, Eximbank—

(1) Will provide on a project-by-project basis to applicant seeking financing from Eximbank guidance as to the scope and level of environmental information to be used in evaluating a proposed Transaction where (i) the proposed Eximbank financing would be a major action and (ii) a Transaction may significantly affect the quality of the human environment in the United States, its territories or possessions.

(2) Upon receipt of an application for Eximbank financing or notification that an application will be filed, will consult as required with other appropriate parties to initiate and coordinate the necessary environmental analyses.

These responsibilities will be performed by the General Counsel and the Engineers of Eximbank.

(c) To facilitate Eximbank review of Transactions for which positive determinations have been made under paragraph (b)(1)(i) and (ii) of this section, applicants should—

(1) Consult with the Engineer as early as possible in the planning process for guidance on the scope and level of environmental information required to be submitted in support of their application;

(2) Conduct any studies which are deemed necessary and appropriate by Eximbank to determine the impact of the

proposed action on the quality of the human environment;

(3) Consult with appropriate U.S. (Federal, regional, State and local) agencies and other potentially interested parties during preliminary planning stages to ensure that all environmental factors are identified;

(4) Submit applications for all U.S. (Federal, regional, State and local) approvals as early as possible in the planning process;

(5) Notify Eximbank as early as possible of all other applicable legal requirements for project completion so that all applicable Federal environmental reviews may be coordinated; and

(6) Notify Eximbank of all known parties potentially affected by or interested in the proposed action.

§ 408.5 Ensuring environmental documents are actually considered in Agency decisionmaking.

Section 1505.1 of the NEPA Regulations contains requirements to ensure adequate consideration of environmental documents in agency decision-making. To implement these requirements, Eximbank officials will—

(a) Consider all relevant environmental documents in evaluating applications for Eximbank financing;

(b) Ensure that all relevant environmental documents, comments and responses accompany the application through Eximbank's review processes;

(c) Consider only those alternatives encompassed by the range of alternatives discussed in the relevant environmental documents when evaluating an application which is the subject of an EIS.

Eximbank actions	Start of NEPA process	Completion of NEPA process	Key officials or offices required to consider environmental documents
Issuance of Preliminary Commitment (P.C.).	When application is received.	When the Board of Directors meets to consider application. The Board may notify applicant that environmental effects will be considered when final commitment is requested and request information on environmental matters.	Under § 408.4(b)(1) (i) and (ii), General Counsel to determine whether requested Eximbank financing is a major action and Engineer to determine whether proposed Transaction may significantly affect the quality of the human environment in the United States, its territories or possessions.
Issuance of Final Commitment.	When application is received.	When the Board of Directors meets to consider application.	(If no P.C. has been issued, key offices will make determinations mentioned above.) Engineer to collect, prepare or arrange for preparation of all environmental documents.

§ 408.6 Typical classes of action

(a) Section 1507.3(c)(2) of the NEPA Regulations in conjunction with § 1508.4

thereof requires agencies to establish three typical classes of action for similar treatment under NEPA. These typical classes of action are set forth below:

Actions normally requiring EIS's	Actions normally requiring assessments but not necessarily EIS's	Actions normally not requiring assessments or EIS's
None	Applications for Eximbank financing under the direct lending program in support of Transactions for which determinations under § 408.4(b)(1) (i) and (ii) above may be affirmative.	Applications for Eximbank financing in the form of insurance or guarantees.

(b) Eximbank will independently determine whether an EIS or an environmental assessment is required where—

(1) A proposal for agency action is not covered by one of the typical classes of action above; or

(2) For actions which are covered, the presence of extraordinary circumstances indicates that some other level of environmental review may be appropriate.

§ 408.7 Environmental information.

Interested persons may contact the General Counsel regarding Eximbank's compliance with NEPA.

Warren W. Glick,
General Counsel.

[FR Doc. 79-27066 Filed 8-29-79; 8:45 am]

BILLING CODE 6690-01-M

12 CFR Part 409

Environmental Effects Abroad of Major Eximbank Actions; Policies and Procedures

AGENCY: Export-Import Bank of the United States.

ACTION: Final rule.

SUMMARY: These procedures have been prepared to implement Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," signed by the President on January 4, 1979, 44 FR 1957. The procedures will enable the Board of Directors of the Bank to take into account pertinent environmental considerations when taking actions under the Bank's direct lending program which are encompassed by the Executive Order.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT: Warren W. Glick, General Counsel (202-556-8334), Export-Import Bank of the United States, 811 Vermont Ave., N.W., Washington, D.C. 20571.

SUPPLEMENTARY INFORMATION: These procedures apply to applications received by the Bank on or after September 4, 1979, for a preliminary commitment or a final commitment for which a preliminary commitment has not been approved prior to such date.

Any comments on these procedures should be directed to Warren W. Glick, General Counsel, at the address set forth above.

Accordingly, Chapter IV of Title 12 of the Code of Federal Regulations is amended by adding a new Part 409, to read as follows:

PART 409—PROCEDURES FOR COMPLIANCE WITH EXECUTIVE ORDER 12114 (JANUARY 4, 1979)

Subpart A—General

Sec.

- 409.1 Background.
- 409.2 Purpose.
- 409.3 Policy.
- 409.4 Applicability.

Subpart B—Eximbank Procedures

- 409.5 Applicant's early involvement where Eximbank financing under the direct lending program is contemplated.
- 409.6 Information from applicants.
- 409.7 Responsibilities of Eximbank officials.
- 409.8 Determinations.
- 409.9 Types of environmental documents.
- 409.10 Content of environmental document.
- 409.11 Notification of availability of environmental document.
- 409.12 Exemptions and categorical exclusions.
- 409.13 Modification of procedures.
- 409.14 Rights of action.
- 409.15 Appendix A.

Authority: EO 12114, 44 FR 1957.

Subpart A—General

§ 409.1 Background.

Executive Order 12114 (January 4, 1979), entitled *Environmental Effects Abroad of Major Federal Actions*, 44 FR 1957, (Executive Order) establishes policies and requirements for Federal agencies to be informed of pertinent environmental considerations and to take such considerations into account when authorizing or approving actions encompassed by the Order which may have environmental effects outside the United States. The Executive Order is based on the President's independent authority and furthers the purposes and policies of the National Environmental Policy Act (NEPA) and other statutes consistent with the foreign policy and national security policy of the United States.

§ 409.2 Purpose.

These procedures set forth Eximbank's policy, duties and responsibilities required by the Executive Order, and satisfy the requirement for issuance of procedures under Section 2-1 of the Executive Order. All terms used in these procedures shall have the meanings assigned to them under the Executive Order.

§ 409.3 Policy.

Eximbank's primary statutory function is to "aid in financing and to facilitate exports," as provided by Section 2(a)(1) of the Export Import Bank Act of 1945, as amended. To the maximum extent possible consistent with this statutory mandate, it is Eximbank's policy to identify the environmental effects on the global commons and on foreign countries of export transactions covered by the Executive Order and supported under the Eximbank direct lending program, to work cooperatively with the applicant and foreign country involved, and to take environmental effects into consideration before approving requests for financing for such transactions. It is further Eximbank's policy to encourage users of Eximbank's direct lending program (a) to be aware of the environmental effects of their physical projects and (b) to take effective measures for protecting environmental quality in physical projects where Eximbank financing may be sought and which are covered by the Executive Order.

§ 409.4 Applicability.

(a) These procedures apply to any major action involving Eximbank financing under the direct lending program regarding a physical project which:

(1) Significantly affects the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica);

(2) Significantly affects the environment of a foreign nation not participating with Eximbank and not otherwise involved in the action;

(3) Significantly affects the environment of a foreign nation and provides to that nation a product, or physical project producing a principal product or an emission or effluent, which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk (an illustrative list of the

principal products, emissions or effluents produced by physical projects financed under the direct lending program which would be subject to these procedures, as well as an illustrative list of the principal products, emissions or effluents which would not be subject to these procedures are set forth in Appendix A); or

(4) Significantly affects natural or ecological resources of global importance designated for protection by the President or by the Secretary of State pursuant to Section 2-3(d) of the Executive Order.

(b) Eximbank compliance with the Executive Order with respect to financing under the direct lending program for a physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances will be governed by the *Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114, —FR—*. Any environmental document (Environmental Document) prepared pursuant to such procedures shall also address all other actions for which an Environmental Document would otherwise be prepared pursuant to these procedures.

Subpart B—Eximbank Procedures**§ 409.5 Applicant's early involvement where Eximbank financing under the Direct Lending Program is contemplated.**

(a) Pursuant to the Export-Import Bank Act of 1945, as amended, Eximbank provides financing under its direct lending program for transactions (1) which involve exports of U.S. goods and services for physical projects in foreign countries that are proposed and planned by foreign purchasers and (2) which may be covered by the Executive Order (Transaction(s)).

(b) To expedite Eximbank review of Transactions, applicants are encouraged:

(1) To consult with Eximbank's Engineers as early as possible in the formulation of their applications for financing in order to obtain guidance on the applicability of these procedures and the scope and degree of environmental information to accompany their application; and

(2) To notify Eximbank as to the existence of and compliance with applicable environmental laws and requirements in the country in which the project is located.

§ 409.6 Information from applicants.

(a) In applying for a preliminary or final commitment under the direct lending program with regard to a physical project, applicants should provide Eximbank with sufficient information to enable Eximbank to make the determinations under § 409.8. The application should address the following:

- (1) Purpose of project;
- (2) Description of project; and
- (3) Description and location of area in which project will be located.

(b) Applicants may be requested to supply information regarding:

- (1) Proposed alterations to the environment;
- (2) Any principal product, emission or effluent which will result from the project and may be detrimental to the environment; and
- (3) Any efforts which will be undertaken to mitigate environmental degradation.

(c) Applicants may also be requested to provide copies of any relevant technical environmental information or studies which are readily available as well as copies of any environmental laws or regulations in effect in the project area.

§ 409.7 Responsibilities of Eximbank officials.

(a) The *Engineer* is responsible, using an interdisciplinary analysis (including informal consultation with appropriate Federal agencies with expertise), for determining whether the physical project for which the financing is requested may have significant environmental effects.

The Engineer is also responsible for ensuring that a statement regarding the determinations and Environmental Document (if any is required) accompany the Memorandum to the Board of Directors.

(b) The *Chief Engineer* is responsible for reviewing and concurring in the adequacy of the Engineer's determination.

(c) The *General Counsel*, in consultation with the *Chief Engineer* and the *Vice President* for the geographical area in which the physical project is located, is responsible for determining whether the financing requested may constitute a major action by Eximbank. The General Counsel is also responsible for authorizing appropriate modifications in the contents, timing and availability of Environmental Documents and for authorizing exemptions, including those necessary to meet emergency circumstances, situations involving exceptional foreign policy and national

security sensitivities and other such special circumstances.

(d) The *Board of Directors* is responsible for taking into account environmental effects of a Transaction in determining whether to approve the Transaction, as well as for specifying the terms and conditions upon which financing will be made available. The Board will also give special consideration to Transactions involving exports of U.S. goods and services which are intended to protect or improve environmental quality.

§ 409.8 Determinations.

(a) Upon receipt of a request for a preliminary or final commitment under the direct lending program with regard to a physical project, the application will be evaluated to determine if the financing requested from Eximbank constitutes a major action which may have significant effects on the environment of the United States, the global commons or foreign nations. The provisions of the Procedures for Compliance with NEPA, Part 408, will be followed in order to determine whether the financing requested from Eximbank constitutes a major action which may have significant effects on the environment of the United States. With respect to other environmental effects, the procedures set forth in (b) through (f) of this section will be followed.

(b) The General Counsel, in consultation with the Chief Engineer and the Vice President for the geographical area in which the physical project is located, shall determine whether the financing requested from Eximbank constitutes a major action. In making such determination, the following factors may be considered:

- (1) The percentage that financing under the Eximbank direct lending program represents of the total cost of the physical project;
- (2) The percentage that financing under the Eximbank direct lending program represents of the total financing for U.S. goods and services being purchased;
- (3) The function of the procurement for which Eximbank financing is requested as viewed against the overall purpose and operation of the physical project;
- (4) The likelihood that the physical project will go forward whether or not Eximbank provides financing; and
- (5) The degree of control and responsibility that Eximbank has over the planning and execution of the physical project.

If the General Counsel determines that the financing requested from Eximbank would not constitute a major action, a

brief statement of supporting reasons will be provided in the Board Memorandum.

(c) The Engineer will evaluate the application to determine whether the physical project:

(1) May have significant effects on the global commons;

(2) May have significant effects on the environment of a foreign nation not participating or otherwise involved in the action;

(3) Produces a principal product, emission or effluent which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk; or

(4) May have significant effects on natural or ecological resources of global importance designated for protection under Section 2-3(d) of the Executive Order.

If the Engineer determines that the physical project would not have a significant effect on (c) (1), (2) or (4) of this section or would not produce products, emissions or effluents of the kind referred to in (c)(3) of this section, a brief statement of supporting reasons will be provided in the Board Memorandum.

(d) The order in which the determinations are made under (b) and (c) of this section shall be decided on a case by case basis by the General Counsel in consultation with the Chief Engineer. In the event that either determination is negative, the other determination will not be made.

(e) In making the determinations under (b) and (c) of this section, all data supplied in connection with the Transaction shall be used, as well as any other relevant technical information already possessed by Eximbank or otherwise readily available from other Federal agencies with relevant expertise or other sources. Furthermore, such determinations shall be made on the basis of a systematic, inter-disciplinary approach. In most cases, information available at the time a preliminary commitment under the direct lending program is requested will be considerably less complete than what may be available when a request for a final commitment is received. In addition, in most cases the time available to analyze environmental effects when a preliminary commitment is requested will be considerably shorter than the time available when a request for a final commitment is received. Furthermore, in most cases preliminary commitments are not converted into requests for final commitments under the direct lending program. For these

reasons, at the time a preliminary commitment is requested, an Environmental Document may not be prepared or if it is prepared, it is likely to be less detailed than what may be prepared when a request for a final commitment is received.

(f) If a preliminary commitment has previously been issued with respect to a Transaction at the time a request for a final commitment is received, the determinations will be reviewed to decide whether or not such determinations remain valid. In carrying out such re-evaluation, the information specified in (e) of this section should be used. When a request for financing under the direct lending program is received and there is insufficient information upon which to make the determinations in (b) and (c) of this section, the General Counsel, in consultation with the Chief Engineer and the Vice President for the geographical area in which the physical project is located, shall decide whether additional information should be requested from the applicant and/or whether the application should continue to be processed. Such decision shall be based upon the factors specified in § 409.13. The Board Memorandum for any Transaction as to which there is insufficient information to make the determinations under (b) and (c) of this section shall contain a brief statement to that effect, together with the reasons for continuing to process the application.

§ 409.9 Types of environmental document.

(a) If the determinations under §§ 409.8(b) and (c)(1) are positive, an Environmental Document in the form of an environmental impact statement (including, as appropriate, generic, program and specific statements) should be prepared.

(b) If the determinations under §§ 409.8(b) and (c)(2), (3) or (4) are positive, either of the following types of Environmental Document should be prepared:

(1) A bilateral or multilateral environmental study, relevant or related to the proposed action, prepared by the United States and the nation or group of nations that is the proposed recipient of the export or by an international body or organization in which the United States is a member or participant; or

(2) A concise environmental review of the environmental issues involved, including an environmental assessment, a summary environmental analysis, or other appropriate document.

§ 409.10 Content of environmental document.

An Environmental Document will concisely review the anticipated significant environmental effects of the physical project. In particular, it will include, where feasible:

(1) A summary of the major findings and conclusions of any environmental review that has been undertaken in the foreign nation for the physical project; and

(2) To the extent not adequately covered in (1) of this section:

(i) A brief review of the existing environment that would be affected by the physical project;

(ii) A statement as to the significant foreseeable environmental effects of the physical project;

(iii) A statement as to whether there are in effect any relevant environmental regulations or laws in the physical project area; and

(iv) A statement as to whether the applicant or any foreign governmental entity will be taking into account adverse environmental effects of the physical project.

§ 409.11 Notification of availability of environmental document.

Promptly upon completion of an Environmental Document, the Engineer will notify where feasible and appropriate all Federal agencies with relevant expertise and any affected nation of the availability of such document. Any consultations with or notifications to foreign nations will be coordinated with the State Department.

§ 409.12 Exemptions and categorical exclusions.

(a) *Exemptions Provided by Section 2-5(a) of the Executive Order.* Any action which falls within the categories listed in sections 2-5(a)(i) through (vii) (as limited by Section 2-5(d)), as determined by the General Counsel, are exempt from these procedures.

(b) *Exemptions Provided by Section 2-5(c) of the Executive Order.*

Any action by Eximbank may be exempt from these procedures, as determined by the General Counsel, where necessary to meet emergency circumstances, situations involving exceptional foreign policy and national security sensitivities and other such special circumstances (except where limited by Section 2-5(d) of the Executive Order). If the General Counsel determines under this subsection that a Transaction is exempt from these procedures, Eximbank will consult as soon as feasible with the Department of State and the Council on Environmental Quality.

(c) *Categorical Exclusions Provided by Section 2-5(c) of the Executive Order.* (1) Eximbank actions under the following programs are categorically excluded from these procedures:

(i) Exporter Credit Insurance and Guarantees;

(ii) Discount Loans; and

(iii) Cooperative Financing Facility and similar general purpose lines of credit.

(2) Such actions are categorically excluded from these procedures because Eximbank has determined that:

(i) U.S. exports and services financed under such programs are not likely to have significant effects on the environment; and

(ii) Eximbank's minimal involvement and inability to affect decisions prevent Eximbank from applying these procedures to such programs.

§ 409.13 Modifications of procedures.

Except where limited by Section 2-5(d) of the Executive Order, modifications to these procedures with respect to any Transaction, including changes in the contents, timing and availability of Environmental Documents, may be made upon a written determination by the General Counsel that a modification is necessary:

(1) To enable Eximbank to decide and act promptly as and when required;

(2) To avoid adverse impacts on foreign relations or infringement in fact or appearance of other nations' sovereign responsibilities; or

(3) To ensure appropriate reflection of

(i) diplomatic factors;

(ii) international commercial, competitive and export promotion factors;

(iii) needs for governmental or commercial confidentiality;

(iv) national security considerations;

(v) difficulties of obtaining information and Eximbank's ability to analyze meaningfully environmental effects; and

(vi) the degree to which Eximbank is involved in or able to affect the design, construction or operation of a physical project.

§ 409.14 Rights of action.

Section 3-1 of the Executive Order provides that it is solely for the purpose of establishing internal procedures for Federal agencies to consider the significant effects of their actions on the environment outside the United States, its territories and possessions. Nothing in these procedures shall be construed to create a cause of action.

§ 409.15 Appendix A

I. Illustrative list of principal products, emissions or effluents produced by physical projects financed under Eximbank's direct lending program which would be subject to the Procedures set forth in Part 409:

asbestos
vinyl chloride
acrylonitrile
isocyanates
polychlorinated biphenyls
pesticides
mercury
beryllium
arsenic
cadmium
benzene

II. Illustrative list of principal products, emissions or effluents produced by physical projects financed under Eximbank's direct lending program which would not be subject to the Procedures set forth in Part 409:

chlorine
caustic soda
ammonia
sulphuric acid
phosphoric acid
nitric acid
sulfur dioxide
nitrogen oxides
sulfate
sulfite liquors

August 27, 1979.

Warren W. Glick,
General Counsel.

[FR Doc. 79-27065 Filed 8-29-79; 8:45 am]

BILLING CODE 6690-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-EA-7; Amdt. 39-3546]

Airworthiness Directives; Bendix

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Bendix D-2000 and D-2200 series magnetos installed on 4, 6, or 8 cylinder engines and requires an inspection and alteration where necessary. Incidents of over-torqued magneto housing covers have led to deformation of the block pilot bore. This has in turn caused rotor rub which can result in partial or total loss of power. The amendment also requires the replacement of a coil retaining mechanism which has tended to loosen, thus becoming a potential cause for destruction of the magneto and therefore loss of power.

EFFECTIVE DATE: September 17, 1979. Compliance is required as set forth in the AD.

ADDRESSES: Bendix Service Bulletins may be acquired from the manufacturer at the Electrical Components Division, Sidney, New York 13838.

FOR FURTHER INFORMATION CONTACT: A. Farrar, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: Since these deficiencies can exist or develop in other magnetos of similar design, an airworthiness directive is being issued requiring inspections and replacement where necessary. In view of the air safety problem, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Bendix: Applies to Bendix D-2000 and D-2200 series magnetos installed on 4, 6, or 8 cylinder reciprocating engines.

To preclude the loss of ignition, accomplish the following within the next ten hours after the effective date of this AD unless previously accomplished.

(a) Housing Distortion

For any of the following magnetos, accomplish Detailed Instructions, Part I of Bendix Service Bulletin No. 605 by means of any one of Methods I, II or III and Information Parts I-C and I-D or FAA approved equivalent procedures.

(1) Red nameplate magnetos, Serial Numbers below 25001.

(2) Blue nameplate magnetos, Serial Numbers below 901001.

(3) Dual Ignition Systems with broken torque seals or no torque seals on four middle cover screws.

(4) Dual Ignition Systems not having the letter "K" stamped on the magneto nameplate following the serial number and without a caution decal on the magneto cover.

(b) Coil Securing Kit

For the following magnetos, accomplish Detailed Instructions of Part II of Bendix Service Bulletin No. 605 or FAA approved equivalent procedures.

(1) Red nameplate magnetos, Serial Numbers below Serial Number 17815 not having the letter, "C", stamped approximately in the center of the magneto nameplate bottom line.

(2) Blue nameplate magnetos, Serial Numbers below 806001 not having the letter, "C", stamped approximately in the center of the magneto nameplate bottom line.

(Bendix Service Bulletin No. 584B incorporated by reference in Service Bulletin No. 605.)

(c) Identification

After accomplishing the instructions of the Airworthiness Directive, metal stamp the letter, "K", after the magneto serial number on the magneto nameplate, the letter, "C", approximately centered on the magneto nameplate bottom line, and make an engine log book entry of compliance including magneto serial number.

Equivalent Inspections and procedures must be approved by the Chief of the Engineering and Manufacturing Branch, AEA-210, Federal Aviation Administration (FAA), Eastern Region. As permitted by FAR 21.197, aircraft may be flown to a base where maintenance required by this Airworthiness Directive can be accomplished.

Effective Date: This amendment is effective September 3, 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.)

Issued in Jamaica, New York, on August 20, 1979.

Louis J. Cardinali,

Acting Director, Eastern Region.

[FR Doc. 79-28916 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-31; Amdt. 39-3547]

Airworthiness Directives; Mooney Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Mooney M-18, M-18C, M-18C55, M-18L, and M-18LA type airplanes and requires an inspection of the various area of the wooden airframe for wood deterioration such as woodrot and delamination. Also welds at rudder and elevator hinges and control horns will be inspected. The purpose of the requirement is to preclude failure of structural areas.

EFFECTIVE DATE: September 3, 1979. Compliance is required as set forth in the AD.

FOR FURTHER INFORMATION CONTACT: A. Mailla, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of wood and weld deterioration in these aircraft. Since this deficiency can exist in similar designed

aircraft and affects air safety, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Mooney: Applies to Mooney Mite Models M-18L S/N's 2 and up, M-18C S/N's 201 and up, M-18LA S/N's 100 through 200, M-18C55 S/N's 323 and up, certificated in all categories.

Compliance required as indicated:

To prevent failure of structural areas due to wood deterioration and to detect other wood and glue joint deterioration in the fuselage and wood wing, accomplish the following within the next 30 days after the effective date of this AD, unless already accomplished within the last 35 months, and thereafter at intervals not to exceed 36 months from the last inspection.

(1) Remove the fabric inboard of station 12 on both wings over the main and auxiliary wing spars. Inspect spars for cracks and delaminations especially at all bolt hole locations and in the area of the landing gear attachments.

(2) If not already provided, apply a water resistant cloth or plastic adhesive such as duct tape at the wing to fuselage joint from the wing leading edge to the wing trailing edge under the metal fairing strip, to prevent entry of water at this point.

(3) Inspect all wood and glue joints in the wheel well area for cracks and wood deterioration.

(4) Remove fabric between fuselage stations 29 to 35.5. Inspect plywood joints for wood deteriorations.

(5) Apply hand pressure on top of plywood turtleback in the area of fuselage station 105. If softness is detected, remove fabric and inspect for wood cracks.

(6) Inspect welds for cracks and welds which do not completely fill fillet cross section area at rudder and elevator hinges and control horns with a 10-power glass.

(7) Inspect the fuel tank attachment points to the fuselage in the areas of the attachment bolts for deterioration.

(8) Inspect glue joints in the area of the battery for separation and deterioration.

(9) Clear all drain holes in fuselage.

(10) If any defects noted in paragraphs (1) through (8) above are detected, repair in accordance with FAA Advisory Circular AC 43.13-1A or approved equivalent, or replace with an identical new part or equivalent, prior to further flight. Equivalent repairs or parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(11) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection time in this airworthiness directive.

Effective Date: This amendment is effective September 3, 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.)

Issued in Jamaica, New York, on August 20, 1979.

Louis J. Cardinali,

Acting Director, Eastern Region.

[FR Doc. 79-28917 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-26; Amdt. 39-3543]

Airworthiness Directives; Fairchild Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends AD 73-12-05 applicable to Fairchild F-27 and FH-227 type airplanes which requires repetitive inspection of certain vertical stabilizer fittings for cracks and replacement where necessary. This amendment provides an alternate method of inspection and how visual and dye penetrant inspections should be performed. These cracks, if failure occurs, could be the source of an accident.

EFFECTIVE DATE: August 29, 1979. Compliance is required as set forth in the AD.

ADDRESSES: Fairchild Service Bulletins may be acquired from the manufacturer at Fairchild Industries, Inc., Fairchild Republic Company, Hagerstown, Maryland 21740.

FOR FURTHER INFORMATION CONTACT: L. Lipsius, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: Since this amendment is clarifying in nature and does not impose any substantial additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 73-12-05, as follows:

Amend AD 73-12-05 as follows:

Amend paragraphs 1, 1a, 1b, 2a, and 2b to read as follows:

1. As to the vertical stabilizer attachment fitting assemblies for both front and rear spars, P/N's 27-233000-11, -12, -31, -32, -41 and -42 which have accumulated 2500 hours or more in service.

a. Within the next 30 days, unless accomplished within the last 11 months, inspect all surfaces of the lugs of the fittings for cracks using an ultrasonic method in accordance with paragraph 2, Accomplishment Instructions, Part I, of Fairchild Service Bulletins F-27-55-20 and FH-227-55-11, reissued June 15, 1979, or an approved equivalent inspection. Inspect other areas of the fittings for cracks using a dye penetrant and a 10-power glass or an approved equivalent inspection.

b. Within the next 60 days, unless accomplished within the last 10 months, inspect the fittings around the flanges and inner cavity for corrosion in accordance with paragraph 2, Accomplishment Instructions, Part II, of Fairchild Service Bulletins F-27-55-20 and FH-227-55-11, reissued June 15, 1979, or in accordance with an approved equivalent procedure.

2. Cracked parts shall be replaced and corroded parts shall be replaced or repaired prior to further flight.

a. Parts replacement shall be in accordance with paragraph 2 of Fairchild Service Bulletins F-27-55-20 and FH-227-55-11, reissued June 15, 1979, and they shall be the same part number or approved equivalent parts.

b. Parts repair shall be in accordance with paragraph 2 and Figures 2 and 3 of Fairchild Service Bulletins F-27-55-20 and FH-227-55-11, reissued June 15, 1979, or an approved equivalent repair.

EFFECTIVE DATE: This amendment is effective August 29, 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)

Issued in Jamaica, New York, on August 15, 1979.

Murray E. Smith,
Director, Eastern Region.

[FR Doc. 79-26932 Filed 8-29-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-33; Amdt. 39-3544]

Airworthiness Directives; Grumman Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends AD 73-19-10 applicable to Grumman G-164A and G-164B type airplanes which requires a repetitive inspection of the bolts attaching the elevator control horn for torque and corrosion. This amendment discontinues such inspection where the airplane has been modified in accordance with Grumman Service Note No. 23 of August 1, 1976. The modification requires larger end fittings and closer tolerance bolts.

EFFECTIVE DATE: August 29, 1979.

Compliance is required as set forth in the AD.

ADDRESSES: Grumman Service Bulletins may be acquired from the manufacturer at P.O. Box 147, Elmira, N.Y. 14902.

FOR FURTHER INFORMATION CONTACT: A. Maila, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: In view of the fact that the amendment is relaxatory, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, amending AD 73-19-10, as follows:

Amend AD 73-19-10 as follows:

(a) Delete the applicability paragraph and substitute the following:

Applies to G-164A S/N's 1 through 1659A and G-164B S/N's 1B through 56B certificated in all categories and all G-164A and G-164B aircraft in which the elevator control horn assembly and torque tube end fittings have not been modified per Gulfstream American Service Note No. 23 or FAA-approved equivalent.

(b) Insert "unless already accomplished within the last 75 hours in service", in paragraph 1 between the words "first" and "inspect".

(c) Add a number 6 and 7 paragraph as follows:

6. The repetitive inspection intervals required by paragraph 1 may be discontinued upon accomplishment of the modification in Grumman Gulfstream Service Note No. 23 dated 8/1/76, or an FAA-approved equivalent.

7. Any equivalent parts or alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

EFFECTIVE DATE: This amendment is effective August 29, 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).

Issued in Jamaica, New York, on August 15, 1979.

Murray E. Smith,
Director, Eastern Region.

[FR Doc. 79-26933 Filed 8-29-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-38; Amdt. 39-3545]

Airworthiness Directives; Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends AD 79-11-06 applicable to Piper PA-23 type airplanes which requires a replacement of landing gear selector lever P/N 752303. In order to assure that airplanes not presently incorporating P/N 752303 will not, in the future, be altered so as to incorporate the defective part, the amendment will now apply to all PA-23 series aircraft.

EFFECTIVE DATE: August 29, 1979.

Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: A. Maila, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: Since this deficiency can exist or develop in other airplanes of similar type design, and in view of the air safety problem, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 79-11-06, as follows:

Delete the applicability paragraph in AD 79-11-06 and insert the following:

Applies to all PA-23 series aircraft, certificated in all categories, which have

landing gear selector lever, P/N 752303, installed.

EFFECTIVE DATE: This amendment is effective August 29, 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)

Issued in Jamaica, New York, on August 15, 1979.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 79-26934 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-EA-36]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Temporary Control Zone: Saranac Lake, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The rule will designate a Saranac Lake, N.Y., Temporary Control Zone. The 1980 Winter Olympics will be held in Lake Placid, N.Y., from February 13, 1980 through February 24, 1980. Considerable increase in aviation activity is anticipated to begin January 2, 1980 through March 1, 1980 at Adirondack Airport because of its close proximity to the Olympic Games. The anticipated increase in aviation activity in and around Adirondack Airport generated by the 1980 Winter Olympics necessitates formalizing and instituting a temporary control zone to enhance safety to the flying public to be effective January 2, 1980 through March 1, 1980.

EFFECTIVE DATE: 0901 GMT October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making was published in the Federal Register on Monday, July 16, 1979, on page 41208, so as to designate a Saranac Lake, N.Y., Temporary Control Zone. Interested parties were given an opportunity to submit comments in writing. There were no objections.

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) is amended, effective 0901 GMT October 4, 1979, as published in the NPRM except as follows:

1. In the description delete the words "Primary Airport" and insert in lieu thereof "Saranac Lake, N.Y."

2. In the description delete the first "Adirondack Airport (44°23'03" N., 74°12'21" W.)."

3. In the description delete the word "VORTAC" and insert in lieu thereof "VOR" wherever it appears.

(Sections 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Jamaica, New York, on August 10, 1979.

Irving Mark,

Acting Director, Eastern Region.

Proposed Designation of Saranac Lake, New York Temporary Control Zone

Saranac Lake, N.Y.

Within a 7-mile radius of the center of Adirondack Airport (44°23'03" N., 74°12'21" W.); within 4 miles each side of the Saranac Lake, N.Y. VOR 231° radial extending from the 7-mile radius zone to 9.5 miles southwest of the Saranac Lake VOR within 4 miles each side of the Saranac Lake VOR 028° radial extending from the 7-mile radius zone to 17 miles northeast of the Saranac Lake VOR within 4 miles each side of the Saranac Lake, N.Y. ILS Localizer northeast course extending from the 7-mile radius zone to 9 miles northeast of Briel, N.Y. LOM (44°28'36" N., 74°07'28" W.).

This temporary control zone is effective during the specific dates and times established in advance by a Notice to Airman. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

[FR Doc. 79-26929 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-EA-42]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Berlin, N.J.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Berlin, N.J., Transition Area by changing the name of Kettlerun Airpark to Camden-Burlington County Airport. This change is editorial and results from a local change to the name of the airport.

EFFECTIVE DATE: August 29, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editorial and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

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) is amended, effective upon publication in the Federal Register, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Berlin, New Jersey, 700-foot floor transition area as follows:

In the text, delete "Kettlerun Airpark" and substitute therefor "Camden-Burlington County Airport."

(Sections 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Jamaica, New York, on August 15, 1979.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 79-26928 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-CE-16]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area—Crete, Nebraska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Crete, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Crete, Nebraska Municipal Airport, utilizing the Lincoln VHF Omni-Directional

Range as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Crete Municipal Airport, Crete, Nebraska, is being established utilizing the Lincoln VHF Omni-Directional Range as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the alteration of the transition area at Crete, Nebraska, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 38568 and 38569 of the Federal Register dated July 2, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Crete, Nebraska. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442), is amended effective 0901 GMT November 29, 1979, by adding the following new transition area:

Crete, Nebraska

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Crete Municipal Airport (latitude 40°37'30" N, longitude 96°55'45" E); excluding that portion within the Lincoln, Nebraska transition area.

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

1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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.

Issued in Kansas City, Missouri, on August 17, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc 79-26922 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-10]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Iola, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Iola, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Allen County Airport, Iola, Kansas, based on the Non-Directional Radio Beacon (NDB), a navigational aid installed on the airport by the City of Iola, Kansas. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Allen County Airport, Iola, Kansas, is being established utilizing a Non-Directional Radio Beacon, a navigational aid installed on the airport by the City of Iola, Kansas. The establishment of a new instrument approach procedure based on this

navigational aid, entails designation of a transition area at Iola, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedures under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 32002 and 32003 of the Federal Register dated June 4, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Iola, Kansas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 G.m.t. November 29, 1979, by adding the following new transition area:

Iola, Kansas

That airspace extending upwards from 700-feet above the surface, within a 5-mile radius of the Allen County Airport (latitude 37°52'22" N.; longitude 95°22'58" W.); and within 2 miles each side of the 019° bearing from the NDB facility (latitude 37°47'29" N.; longitude 95°24'53" W.); extending from the 5-mile radius to the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

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.

Issued in Kansas City, Missouri, on August 17, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-28921 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-14]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area—Kearney, Nebraska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Kearney, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Kearney, Nebraska Municipal Airport based on a Non-Directional Radio Beacon (NDB), a navigational aid, which has been installed 5.13 miles south of the Kearney Municipal Airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Kearney Municipal Airport, Kearney, Nebraska, is being established based on a Non-Directional Radio Beacon (NDB), a navigational aid, installed 5.13 miles south of the Kearney Municipal Airport. The establishment of an instrument approach procedure based on this approach aid, entails the alteration of the transition area at Kearney, Nebraska, at and above 700-feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 34967 of the Federal Register dated June 18, 1979, the Federal Aviation

Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kearney, Nebraska. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442), is amended effective 0901 G.m.t. November 29, 1979, by altering the following transition area:

Kearney, Nebraska

That airspace extending upward from 700-feet above the surface within a 9.5 mile radius of Kearney Municipal Airport (latitude 40°43'37" N., longitude 99°00'04" W.).

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

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.

Issued in Kansas City, Missouri, on August 17, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-28925 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 78-EA-120]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area and Control Zone: Calverton, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Calverton, N.Y., Control Zone & Transition Area, over Peconic River Plant (Grumman) Airport, Calverton, N.Y. A new VOR RWY 5 instrument approach procedure has been developed

for the airport. This alteration will provide protection to aircraft executing the new instrument approach by increasing the controlled airspace. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach. The airport geographical coordinates have also been revised.

EFFECTIVE DATE: 0901 GMT November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The alteration will add a control zone extension to the southwest of about 3.5 miles and a width of six miles. The alteration to the transition area will note the new coordinates. The FAA published a Notice of Proposed Rule Making in the Federal Register on Thursday, February 15, 1979, on page 9765. Interested parties were given an opportunity to submit written comments. There were no objections.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F & G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT November 29, 1979, as published.

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

Issued in Jamaica, New York, on August 14, 1979.

Louis J. Cardinali,

Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Calverton, N.Y. control zone and by inserting the following in lieu thereof:

"Within a 5-mile radius of the center, 40°54'55" N., 72°47'43" W., of Peconic River Plant (Grumman) Airport, Calverton, N.Y.; within 3 miles each side of the Calverton, N.Y. VORTAC 210° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective from 0800 to 1630 hours, local time, Monday through Friday."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Calverton, N.Y. 700-foot floor transition area and by inserting the following in lieu thereof:

"That airspace extending upward from 700 feet above the surface within an 8.5-mile

radius of the center, 40°54'55" N., 72°47'43" W., of Peconic River Plant (Grumman) Airport, Calverton, N.Y."

[FR Doc. 79-26927 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-EA-44]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area and Control Zone: Latrobe, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Latrobe, Pa., Control Zone and Transition Area by changing the name of the Latrobe RBN to BENJE RBN. This change is the result of operational requirements.

EFFECTIVE DATE: 0901 GMT October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editorial and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F & G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT October 4, 1979, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Latrobe, Pennsylvania, Control Zone by deleting "Latrobe RBN" wherever it appears in the Control Zone description and by substituting, "BENJE RBN" therefor.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Latrobe, Pennsylvania, 700-foot floor transition area by deleting, "Latrobe RBN" wherever it appears in the transition area description and by substituting, "BENJE RBN" therefor.

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

Issued in Jamaica, New York, on August 10, 1979.

Irving Mark,
Acting Director, Eastern Region.

[FR Doc. 79-26930 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-15]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area—Estherville, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Estherville, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Estherville, Iowa Municipal Airport utilizing the Estherville VOR as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Estherville Municipal Airport, Estherville, Iowa, is being established utilizing the Estherville VOR as a navigational aid. The establishment of an instrument approach procedure based on this approach aid, entails the alteration of the transition area at Estherville, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 38567 and 38568 of the Federal Register dated July 2, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation

Regulations so as to alter the transition area at Estherville, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 GMT November 29, 1979, by altering the following transition area:

Estherville, Iowa

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Estherville Municipal Airport (Latitude 43°24'15" N; Longitude 94°44'45" W); and within 3 miles each side of the 175° radial from the Estherville VOR (Latitude 43°24'37" N; Longitude 94°44'20" W), extending from the 6½ mile radius area to 8½ miles south of the VOR; and within 3 miles each side of the 340° radial from the Estherville VOR extending from the 6½ mile radius area to 8½ miles north of the VOR. (Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

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.

Issued in Kansas City, Missouri, on August 20, 1979.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 79-27055 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 207

[Reg. ER-1141; Amdt. No. 20]

Direct Marketing of Charters by Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This rule will permit direct air carriers and foreign air carriers to sell charter trips to the public through their own in-house operations or through affiliated charter operators, a practice which has previously been prohibited. These sales would have to be made at least 7 days before departure. The rule will also permit direct carriers and charter operators to combine their security agreement and depository arrangements to reduce expense and eliminate duplication. These changes are intended to allow direct carriers to compete in the charter industry and, it is hoped, benefit consumers by stimulating competition.

DATES: Adopted: August 23, 1979.
Effective: September 28, 1979.

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

For the reasons stated in SPR-166, issued simultaneously, the Board is amending its charter regulations to allow direct marketing of charters by air carriers.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 207 as follows:

1. The Table of Contents is amended by adding a new Subpart E, to read:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Sec.

Subpart E—Direct Sales by Air Carriers

207.70 Applicability of subpart.

207.71 Terms of service.

207.72 Board powers.

2. A new paragraph (a)(4) is added to § 207.11, to read:

§ 207.11 Charter flight limitations.

(a) Charter flights (trips) in air transportation shall be limited to the following:

• • • • •

(4) Air transportation of persons performed on a time, mileage, or trip basis by a direct air carrier in accordance with Subpart E. Any person may engage all or any portion of an aircraft from a direct carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft, the remaining seats must be engaged as provided in paragraph (a)(3) of this section.

3. A new Subpart E is added, to read:

Subpart E—Direct Sales by Air Carriers

§ 207.70 Applicability of subpart.

This subpart applies to direct air carriers that provide charter trips, including trips with ground accommodations and services, directly to individuals.

§ 207.71 Terms of service.

(a) Charter trips under this subpart shall bear only such characteristics as are permitted for Public Charters under Part 380 of this chapter, except:

(1) They may be arranged and sold by a direct air carrier;

(2) There is no minimum contract size; and

(3) Each participant contract shall be signed by or on behalf of the participant not less than 7 days before departure of the outbound flight.

(b) Each direct air carrier operating a charter trip under this subpart shall comply with all the requirements and limitations of Part 380 of this chapter, *Public Charters*, applicable to direct carriers and to charter operators except that:

(1) Those provisions of Part 380 of this chapter relating to the existence of a contract between a charter operator and a direct carrier do not apply;

(2) Section 380.34 does not apply except as specified in paragraph (b)(4) of this section.

(3) If a depository agreement is used, it shall comply with § 380.34a(d) and (f); and

(4) If a security agreement is used, it shall comply with § 380.34 (c) and (d), and:

(i) If no depository agreement is used, protect charter participant deposits (including those for ground accommodations and services) and assure the direct air carrier's contractual and regulatory responsibilities to charter participants in an unlimited amount (except that the liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant);

(ii) If used in combination with a depository agreement, protect charter participant deposits (including those for ground accommodations and services) and assure the direct air carrier's contractual and regulatory responsibilities to charter participants in the amount of at least \$10,000 times the number of flights, except that the amount need not be more than \$200,000. The liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant.

(c) For the purposes of this section, "charter trip" includes charter tours with or without ground accommodations and services.

§ 207.72 Board powers.

The Board retains, with respect to charters under this subpart, all powers that it has under Part 380 of this chapter with respect to Public Charters.

(Secs. 102, 204, 401, 416, of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 754, 92 Stat. 1731; (49 U.S.C. 1302, 1324, 1371, 1386).)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-27144 Filed 8-29-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 208

[Reg. ER-1142; Amdt. No. 20]

Direct Marketing of Charters by Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This rule will permit direct air carriers and foreign air carriers to sell charter trips to the public through their own in-house operations or through affiliated charter operators, a practice which has previously been prohibited. These sales would have to be made at least 7 days before departure. The rule will also permit direct carriers and charter operators to combine their security agreement and depository arrangements to reduce expense and eliminate duplication. These changes are intended to allow direct carriers to compete in the charter industry and, it is hoped, benefit consumers by stimulating competition.

DATES: Adopted: August 23, 1979.
Effective: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

For the reasons stated in SPR-166, issued simultaneously, the Board is amending its charter regulations to allow direct marketing of charters by air carriers.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 208 as follows:

1. The Table of Contents is amended by adding new §§ 208.37 and 208.38, and Subpart F to read:

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER AIR TRANSPORTATION

Sec.

* * * * *

208.37 Exemption.

208.38 Suspension of exemption authority.

* * * * *

Subpart F—Direct Sales by Air Carriers

208.500 Applicability of subpart.

208.501 Terms of service.

208.502 Board powers.

2. A new paragraph (a)(4) is added to § 208.6, to read:

§ 208.6 Charter flight limitations.

(a) Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

* * * * *

(4) Air transportation of persons performed on a time, mileage, or trip basis by a direct air carrier in accordance with Subpart F. Any person may engage all or any portion of an aircraft from a direct carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft, the remaining seats must be engaged as provided in paragraph (a)(3) of this section.

3. New § 208.37 and § 208.38 are added, to read:

§ 208.37 Exemption.

Charter air carriers are hereby exempted from section 401(n)(4) of the Act.

§ 208.38 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any charter air carrier, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

4. A new Subpart F is added, to read:

Subpart F—Direct Sales by Air Carriers

§ 208.500 Applicability of subpart.

This subpart applies to direct air carriers that provide charter trips, including trips with ground accommodations and services, directly to individuals.

§ 208.501 Terms of service.

(a) Charter trips under this subpart shall bear only such characteristics as are permitted for Public Charters under Part 380 of this chapter, except:

(1) They may be arranged and sold by a direct air carrier;

(2) There is no minimum contract size; and

(3) Each participant contract shall be signed by or on behalf of the participant not less than 7 days before scheduled departure of the outbound flight.

(b) Each direct air carrier operating a charter trip under this subpart shall comply with all the requirements and limitations of Part 380 of this chapter, *Public Charters*, applicable to direct carriers and to charter operators except that:

(1) Those provisions of Part 380 relating to the existence of a contract between a charter operator and a direct carrier do not apply;

(2) Section 380.34 does not apply except as specified in paragraph (b)(4) of this section.

(3) If a depository agreement is used, it shall comply with § 380.34a (d) and (f); and

(4) If a security agreement is used, it shall comply with § 380.34 (c) and (d), and:

(i) If no depository agreement is used, protect charter participant deposits (including those for ground accommodations and services) and assure the direct air carrier's contractual and regulatory responsibilities to charter participants in an unlimited amount (except that the liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant);

(ii) If used in combination with a depository agreement, protect charter participant deposits (including those for ground accommodations and services) and assure the direct air carrier's contractual and regulatory responsibilities to charter participants in the amount of at least \$10,000 times the number of flights, except that the amount need not be more than \$200,000. The liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant.

(c) For the purposes of this section, "charter trip" includes charter tours with or without ground accommodations and services.

§ 208.502 Board powers.

The Board retains, with respect to charters under this subpart, all powers that it has under Part 380 of this chapter with respect to Public Charters.

(Secs. 102, 204, 401, 416 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 754, 92 Stat. 1731; (U.S.C. 1302, 1324, 1371, 1386))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-27145 Filed 8-29-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 212

[Reg. ER-1143; Amdt. No. 28]

Direct Marketing of Charters by Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This rule will permit direct air carriers and foreign air carriers to sell charter trips to the public through their own in-house operations or through affiliated charter operators, a practice which has previously been prohibited. These sales would have to be made at least 7 days before departure. The rule will also permit direct carriers and charter operators to combine their security agreement and depository arrangements to reduce expense and eliminate duplication. These changes are intended to allow direct carriers to compete in the charter industry and, it is hoped, benefit consumers by stimulating competition.

DATES:

Adopted August 23, 1979.

Effective: September 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

For the reasons stated in SPR-166, issued simultaneously, the Board is amending its charter regulations to allow direct marketing of charters by air carriers.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212 as follows:

1. The Table of Contents is amended by adding a new Subpart E, to read:

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Sec.

* * * * *

Subpart E—Direct Sales by Foreign Air Carriers

212.70 Applicability of subpart.

212.71 Terms of service.

212.72 Board powers.

2. A new paragraph (a)(3) is added to § 212.8, to read:

§ 212.8 Charter flight limitations.

(a) Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(3) Where persons are transported in accordance with Subpart E. Any person may engage all or any portion of an aircraft from a direct foreign carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft, the remaining seats must be engaged as provided in paragraph (a)(2) of this section.

3. A new Subpart E is added, to read:

Subpart E—Direct Sales by Foreign Air Carriers**§ 212.70 Applicability of subpart.**

This subpart applies to direct foreign air carriers that provide charter trips, including trips with ground accommodations and services, directly to individuals.

§ 212.71 Terms of service.

(a) Charter trips under this subpart shall bear only such characteristics as are permitted for Public Charters under Part 380 of this chapter, except:

(1) They may be arranged and sold by a direct foreign air carrier;

(2) There is no minimum contract size; and

(3) Each participant contract shall be signed by or on behalf of the participant not less than 7 days before scheduled departure of the outbound flight.

(b) Each direct foreign air carrier operating a charter trip under this subpart shall comply with all the requirements and limitations of Part 380 of this chapter, *Public Charters*, applicable to direct foreign air carriers and to foreign charter operators except that:

(1) Those provisions of Part 380 relating to the existence of a contract between a charter operator and a direct carrier do not apply;

(2) Section 380.34 does not apply except as specified in paragraph (b)(4) of this section.

(3) If a depository agreement is used, it shall comply with § 380.34a(d) and (f); and

(4) If a security agreement is used, it shall comply with § 380.34(c) and (d), and:

(i) If no depository agreement is used, protect charter participant deposits (including those for ground accommodations and services) and assure the direct foreign air carrier's contractual and regulatory responsibilities to charter participants in an unlimited amount (except that the liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant);

(ii) If used in combination with a depository agreement, protect charter participant deposits (including those for ground accommodations and services) and assure the direct air carrier's contractual and regulatory responsibilities to charter participants in the amount of at least \$10,000 times the number of flights, except that the amount need not be more than \$200,000. The liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant.

(c) For the purposes of this section, "charter trip" includes charter tours with or without ground accommodations and services.

§ 212.72 Board powers.

The Board retains, with respect to charters under this subpart, all powers that it has under Part 380 of this chapter with respect to Public Charters.

(Secs. 102, 204, 402, 416 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 757, 92 Stat. 1731; (49 U.S.C. 1302, 1324, 1372, 1386).)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-27146 Filed 8-29-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 214

[Reg. ER-1144; Amdt. No. 26]

Direct Marketing of Charters by Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule will permit direct air carriers and foreign air carriers to sell charter trips to the public through their own in-house operations or through affiliated charter operators, a practice which has previously been prohibited. These sales would have to be made at least 7 days before departure. The rule will also permit direct carriers and charter operators to combine their

security agreement and depository arrangements to reduce expense and eliminate duplication. These changes are intended to allow direct carriers to compete in the charter industry and, it is hoped, benefit consumers by stimulating competition.

DATES: Adopted: August 23, 1979.
Effective: September 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

For the reasons stated in SPR-166, issued simultaneously, the Board is amending its charter regulations to allow direct marketing of charters by air carriers.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 214 as follows:

1. The Table of Contents is amended by adding a new Subpart D, to read:

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER AIR TRANSPORTATION ONLY

Sec.

* * * * *

Subpart D—Direct Sales by Foreign Air Carriers

214.60 Applicability of subpart.

214.61 Terms of service.

214.62 Board powers.

2. A new paragraph (c) is added to § 214.7, to read:

§ 214.7 Charter flight limitations.

Charter flights shall be limited to air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

* * * * *

(c) Persons are transported in accordance with Subpart D. Any person may engage all or any portion of an aircraft from a direct foreign air carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft, the remaining seats must be engaged as provided in paragraph (b) of this section.

3. A new Subpart D is added, to read:

Subpart D—Direct Sales by Foreign Air Carriers**§ 214.60 Applicability of subpart.**

This subpart applies to direct foreign air carriers that provide charter trips, including trips with ground

accommodations and services, directly to individuals.

§ 214.61 Terms of service.

(a) Charter trips under this subpart shall bear only such characteristics as are permitted for Public Charters under Part 380 of this title, except:

(1) They may be arranged and sold by a direct foreign air carrier;

(2) There is no minimum contract size; and

(3) Each participant contract shall be signed by or on behalf of the participant not less than 7 days before scheduled departure of the outbound flight.

(b) Each direct foreign air carrier operating a charter trip under this subpart shall comply with all the requirements and limitations of Part 380 of this chapter, *Public Charters*, applicable to foreign air carriers and to foreign charter operators except that:

(1) Those provisions of Part 380 relating to the existence of a contract between a charter operator and a direct carrier do not apply;

(2) Section 380.34 does not apply; except as specified in paragraph (b)(4) of this section;

(3) If a depository agreement is used, it shall comply with § 380.34a (d) and (f); and

(4) If a security agreement is used, it shall comply with § 380.34 (c) and (d), and:

(i) If no depository agreement is used, protect charter participant deposits (including those for ground accommodations and services) and assure the direct foreign air carrier's contractual and regulatory responsibilities to charter participants in an unlimited amount (except that the liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant);

(ii) If used in combination with a depository agreement, protect charter participant deposits (including those for ground accommodations and services) and assure the direct air carrier's contractual and regulatory responsibilities to charter participants in the amount of at least \$10,000 times the number of flights, except that the amount need not be more than \$200,000. The liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant.

(c) For the purposes of this section, "charter trip" includes charter tours with or without ground accommodations and services.

§ 214.62 Board powers.

The Board retains, with respect to charters under this subpart, all powers that it has under Part 380 of this chapter with respect to Public Charters.

(Secs. 102, 204, 402, 416 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 757, 92 Stat. 1731; (49 U.S.C. 1302, 1324, 1372, 1386).)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-27147 Filed 8-29-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 380

[Reg. SPR-166; Amdt. No. 8]

Public Charters; Direct Marketing of Charters by Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule will permit direct air carriers and foreign air carriers to sell charter trips to the public through their own in-house operations or through affiliated charter operators, a practice which has previously been prohibited. These sales would have to be made at least 7 days before departure. The rule will also permit direct carriers and charter operators to combine their security agreement and depository arrangements to reduce expense and eliminate duplication. These changes are intended to allow direct carriers to compete in the charter industry and, it is hoped, benefit consumers by stimulating competition.

DATES: Adopted: August 23, 1979.

Effective: September 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Mark Frisbie, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5442.

SUPPLEMENTARY INFORMATION:

Historically, direct air carriers have not been allowed to market charter tours directly to the public or through affiliated tour operators. Before the Airline Deregulation Act of 1978, section 101(37) of the Federal Aviation Act (the Act), prohibited the issuance of certificate authority to sell inclusive tour charters. The Deregulation Act moved the prohibition to section 401(n)(4), where it is subject to the Board's exemption power. The Deregulation Act also added section 105, requiring the Board to report to Congress on the desirability of permitting direct sales.

Before submitting its report, the Board surveyed the major issues and solicited written public comments on its analysis (44 FR 14609, March 13, 1979). It also held open oral argument on the issues. The results of these inquiries were considered in preparing the report to Congress, which favored removing all prohibitions on direct sales of charters by air carriers or their affiliates. The report was published in the *Federal Register*, along with a request for comments on the final product (44 FR 31245, May 31, 1979). A discussion of those comments, and additional analysis by the Board, is being sent to Congress simultaneously with issuance of the final rule.

This rule follows a notice of proposed rulemaking, EDR-374/SPDR-68 (44 FR 26121, May 4, 1979), proposing to allow, by exemption, direct sales and vertical integration for charter tours sold at least 7 days in advance of the flight. The proposal also suggested changes in the security agreement¹ and depository protection requirements, which will allow charter operators and air carriers to use a single combined protection scheme rather than the separate arrangements now required. For the reasons discussed below, we are adopting these proposals in a final rule.

Comments

One hundred one comments were filed.² Comments from six tour operators and travel agents (all except MTI and Intervac), ASTA, and USTOA opposed the measure, arguing that it would impair competition, decrease the variety of charter offerings, and increase prices, that the Board has no legal authority to take the action, and that there is no need for vertical integration in the charter industry. United opposed the proposal, arguing that Congress did not

¹ Recently the financial protection rules were amended to allow the use of security devices other than bonds, such as trust agreements, as alternatives to a bond. SPR-165 (Adopted, August 23, 1979). Therefore, "security agreement" is used to signify the same sort of protection represented by the term "bond" in EDR-374. "Securer" is used in place of "surety."

² American Airlines, American Automobile Association (AAA), American Society of Travel Agents (ASTA), Capitol International Airways (Capitol), A. V. Costantini, FM Custom Travel and A&P Tours (jointly), Grand Circle Tours, H. B. Avery and Associates, International Vacations (Intervac), International Weekends Charter Tours (International Weekends), Laker Airways, MTI Vacations (MTI), National Air Carrier Association (NACA) (on behalf of Evergreen International Airlines, Trans International Airlines, and World Airways), Pan American (Pan Am), Sunflight Holidays (Sunflight), United Air Lines (United), United States Tour Operators Association (USTOA), Wide World Travel Service. Eighty-one individuals sent comments in their own behalf. Intervac and Trans International Airlines filed reply comments.

intend to allow direct sales until after 1981. Wide World Travel Service, a travel agency, felt that air carriers lacked the experience and organizational capabilities to efficiently market charter tours.

NACA, five air carriers, MTI, and Intervac supported the measure, saying that it would improve competition and lower prices, that the Board clearly has legal authority, and that the change is needed to make charters more competitive with scheduled service. They also argued for omitting the 7-day advance purchase restriction as an unnecessary and discriminatory limitation.

Private individuals supported the proposal almost unanimously, arguing most often that direct sales would encourage lower prices and more competition, and that airlines would offer more reliable and efficient service than tour operators or travel agents. However, many seemed to misunderstand the proposed change, assuming that the rule would enable them to avoid paying travel agent commissions. Four individuals opposed the measure. One thought that service from travel agents and tour operators would be better than from airlines. Another thought that strict rules were needed to protect passengers from cancellations and route changes by air carriers, and that direct sales should not be permitted in the absence of such rules. A third individual doubted that the airlines could handle the added administrative complications of a new form of service without detriment to other important responsibilities, such as safety inspections. Dr. A. V. Costantini argued that the proposal would allow carriers to obtain and maintain control over tour activities through improper means, such as illegal rebates, improper cost accounting, and conversion of tour-operator-developed programs.

Opposing commenters predicted that allowing vertical integration would permit financially powerful air carriers to invade the most lucrative charter markets, driving most independent operators out of business. The alleged high cost of entry would, it was argued, limit the number of charter operators in the business, reducing competition and raising prices. In addition, they claimed that the present shortage of aircraft capacity would lead to preferential treatment for affiliated or inhouse charter operations, unfairly depriving independent operators of the essential ingredient of their business, airplane seats. It was alleged that the Board's resources are too limited and its standards too imprecise to permit

prompt and effective enforcement, and in any case that inherent delay in the enforcement process would prove fatal to independents as their businesses died in the meantime from lack of seats to sell. Sunflight suggested that, if the Board decides to allow direct sales and vertical integration, it should at least institute definite standards of unfair and anticompetitive practices and expedited procedures to facilitate enforcement. AAA thought the Board should set guidelines to measure the effects of vertical integration, and it suggested stronger provisions to prevent arbitrary cancellations of directly-sold charters. International Weekends asked the Board, if it adopted the proposal, to recommend to Congress an employee protection program for charter operators similar to the one for direct air carriers incorporated in the Airline Deregulation Act.

Most of the opposing commenters also argued that the Board's proposed use of its exemption power was improper. Several interpreted the requirement in section 105 of the Act of a formal report on the issue of direct sales as evidence that Congress wished to decide the matter for itself, and that the Board should not act until Congress had spoken. They argued that the movement of the direct sales prohibition from section 101, the definitions section, to section 401(n)(4), by the Deregulation Act, was not an invitation to eliminate the prohibition by a blanket exemption. They read the words of the Conference Report explaining that the shift "permits the Board to exercise its exemption authority with respect to this prohibition" ³ to intend only selective use of the exemption power in exceptional circumstances, such as where the Board has permitted a U.S. air carrier to acquire a tour operator to compete with a vertically integrated foreign carrier in foreign air transportation. Also, those opposing the move asserted that the changes would eliminate any meaningful distinction between individually ticketed and charter air transportation, in violation of the alleged need to maintain a distinction under the Federal Aviation Act. Finally, United argued that the proposal went against Congress's intent to defer competition between the scheduled and charter industries until 1982, when regulation of routes will end for domestic air transportation.

Supporters of the proposal felt that vertical integration of the charter industry would not mean the demise of

independent tour operators, but on the contrary that independents would successfully compete wherever they provided superior service. They argued that the costs of entry are low enough to insure a healthy level of competition in the industry, keeping prices low and product variety high. Moreover, they said, vertical integration would allow planning and operating efficiencies that would reduce the costs of charters, permitting a reduction in prices for consumers. In addition, Capitol argued that vertical integration was needed to help charter carriers compete with deeply-discounted scheduled services.

On the issue of legal authority, supporting commenters read the Conference Report language broadly as contemplating the use of a blanket exemption to permit direct sales of charters. NACA noted that section 416, containing the Board's exemption power, was broadened by the Deregulation Act to permit its use where "consistent with the public interest," inviting a more vigorous exercise of the power. NACA also questioned whether any distinction is still required between scheduled and charter service, but maintained that, even if a distinction is still required, it is provided by the complex of consumer protection requirements that attach to charters but not to scheduled flights.

Many supporters of direct sales urged that the 7-day advance purchase restriction be omitted from the final rule. They argued that the restriction was not needed to maintain any distinction between scheduled and charter service, and that it would be anticompetitive and discriminatory, since it would not apply to charters arranged by independent operators. Several supporters discounted the possibility that unrestricted directly sold charters would lead to an accelerated deregulation of the route system through use as a close substitute for scheduled service. They said that, with the new expeditious procedures for obtaining route certification, deregulation is already well underway, and carriers therefore have no incentive to use charter authority as a substitute for scheduled route certification. Pan Am thought that the 7-day restriction would be difficult to enforce and would require needless paperwork. MTI argued that the restriction, if it were retained, should not apply where a tour operator controls a direct air carrier, since those operators would allegedly have no interest in ordinary scheduled operations. Finally, NACA suggested that if a 7-day advance purchase restriction is retained carriers should at least be given the choice of

³H.R. Report No. 95-1779, 95th Cong., 2d Sess. 68 (1978), reprinted in [1978] U.S. Code Cong. & Ad. News 5523, 5536.

substituting some other restriction, such as a required ground package.

A few comments referred to the changes in bonding and depository requirements proposed in EDR-374. Capitol supported substituting its escrow arrangements for that of a charter operator, but opposed any requirement that it also substitute a bond, since it does not presently use a bond and would not want to incur the additional expense of obtaining one. ASTA and Intervac both recommended that the Board adopt alternative plans for protection of participant monies.

Economic Issues

We tentatively concluded in the report to Congress that direct sales and vertical integration would be unlikely to produce the unfavorable consequences predicted by opponents of this rule. The comments submitted have not changed that conclusion. The near-extinction of independent charter operators forecast by some is inconsistent with experience overseas and at home. In Canada and Great Britain, numerous independent tour operators do business alongside affiliated tour operators. Sunflight alleges that there are less than 12 charter operators in Canada, presumably meaning those dealing primarily in charter tours as distinguished from scheduled tours, and apparently not counting those tour operators who offer a limited number of charter programs. It does not seem to consider the smaller operators competitively significant. We disagree. Even small operators contribute to competition by providing alternatives to consumers, and we do not discount their importance. Clearly, charter operations remain profitable to many independent entrepreneurs despite competition from direct carriers and their affiliates. Domestically, vertical integration has long been accepted in the scheduled tour industry, yet many independent operators organize and market that service in competition with air carriers or affiliated operations. The economics of the scheduled tour industry are similar enough to that of the charter tour industry that it seems most probable that the same pattern of mixed independent and affiliated operators will emerge under this rule.

Competition from air carriers is certainly a threat that charter operators have not traditionally had to face, and some of them may not be able to meet it. However, a reduction of the number of independents would not necessarily mean a reduction in employment in the industry, if the overall level of charter business did not decline. If, as appears likely, vertical integration would allow

more efficient operations, the industry should not be prevented from reorganizing itself because some businesses would drop out of the competition. We find no evidence that the status of a business as independent or affiliated, by itself, makes it any more or less imaginative or competitive or capable of serving the public needs effectively. We cannot justify limiting potential public benefits merely to protect independents as a class.

A reduction in the number of independents also would not necessarily mean a reduction in the level of competition in the industry. As noted, we believe that many independent operators will continue in the business, and in addition there may be many air-carrier-affiliated operations competing with each other. Even in a more concentrated industry, the number of competitors and the relatively low cost of entry should maintain a high level of competition.

Sunflight disputed our contention that entry into the charter tour business is relatively easy, arguing that the cost of entry is at least \$500,000. Although the cost of entry has risen over the past decade, it is still less than for many other businesses. There are few capital equipment outlays, no licensing requirements, and few requirements for advanced technical skills. Sunflight's estimate would seem to be within the reach of many entrepreneurs who might wish to start a tour business, considering the various ways that start-up capital can be raised. Thus, whether Sunflight's dollar figure is correct or not, we disagree with their implication that entry costs will prohibit an ample supply of potential competitors in the industry.

Some opposing commenters claimed that direct carriers and their affiliates would have no incentive to innovate and open new markets as the independents have done in the past. It was asserted that carriers will use their charter marketing authority only to strengthen their existing route structure, using convenient on-line facilities. These bare assertions, however, are not supported by economic evidence or logic. If a new market is profitable, a carrier ignores it at the risk that a competitor will enter and reap the profits for itself. And costs of entry are low enough that a small entrepreneur would not be prevented from entering by start-up costs. So direct carriers will have an incentive to develop promising new markets wherever they are.

Many comments argued that independent operators would suffer from preferential treatment given to affiliates. This concern seems to be

magnified by the current general shortage of aircraft capacity. Independents saw themselves being barred from obtaining airplane seats as carriers allocated capacity to their affiliates in an attempt to establish market recognition. Other factors, such as a desire to favor affiliated suppliers of ground services (for instance, hotels), were seen as motivations for preferential treatment. The proposal to allow a combined bonding and escrow arrangement was criticized on this ground, and opponents claimed that carriers will unfairly subsidize the advertising and market development costs of their affiliates.

We recognize the independents' concerns that they will be unfairly discriminated against and that the enforcement process will be too little and too late. However, we must also consider the public benefits that may be achieved under this rule. Inevitably, any change brings with it new problems that cannot be answered in advance to everyone's satisfaction. We believe that whatever problems arise from vertical integration will not be so widespread as to prevent independents from doing business.

Our conclusion that preferential treatment will not be a major problem is based in two factors. First, we note again that many independent tour operators exist in other countries, such as Canada and Great Britain, alongside integrated operations. If preferential treatment were as much a problem as opponents claim, we would expect few if any independents to have survived in those countries. The aircraft shortage may add pressure in the short run, but on balance, the problems do not seem so great that the potential public benefits of vertical integration should be denied.

Second, preferential treatment would seem to work against carriers in this industry. Unfair treatment would probably not succeed in eliminating all competition from the field, since the low cost of entry would make it possible for other competitors to enter. It would be uneconomic for a carrier to prefer its own affiliate if another (better or more efficient) operator could offer more for available capacity. If a carrier refused to do business with the independent, a competing carrier would have the benefit of the independent's business, and the first carrier would be in a disadvantageous competitive position. Of course, if vertical integration allowed greater efficiencies, it would be perfectly reasonable for a carrier to prefer its affiliate, and the public would benefit. But the fact that an affiliate is allied with a carrier that may have some

temporary short-term market power in aircraft capacity does not mean that the tour operator will have market power in the tour industry. It will still be in the carriers' interest to use those operators who can offer the most for available capacity. In procuring capacity, the most efficient operators will have an advantage. Thus competition is a powerful force against preferential treatment of affiliates.

We do not pretend that motivations for business transactions in the real world are always simple and clear-cut, or that the Board can always provide an immediate response to someone who feels unjustly treated. But we do not think that problems will be so hard to detect that the Board cannot generally keep abreast of them, or that carriers will be wholly undeterred by the threat of enforcement action. We conclude that the enforcement concerns are not severe enough to outweigh the overall importance of this rule.

Some commenters argued against direct sales on the grounds that air carriers would not be able to handle the added business, or offer the same quality of service that tour operators now provide. We are not persuaded by these arguments, simply because no one will be forced to purchase their charter trips directly from air carriers. Anyone who feels that tour operators will provide better service can use them. If air carriers cannot handle the new business efficiently, they will not be able to compete against their more efficient rivals. We adhere to our belief that free choice for producers and consumers of charter services, rather than prescription by a regulatory agency, is the best way of maximizing overall satisfaction. Also, we have no reason to think that providing charter service will cause air carriers to neglect any of their legal responsibilities, such as safety inspections. And carriers will be subject to the same consumer protection rules, governing cancellation and itinerary changes, as tour operators now are. We have received Dr. Constantini's claims of improper conduct by air carriers in another proceeding, and we are in the process of reviewing them there. Our rule here would not approve the sorts of activities he alleged, and it would not confer antitrust immunity as he thought. We have already noted that our enforcement powers are adequate to deal with the situations he discussed. Therefore, we do not find his opposition persuasive.

Exemption Authority

Opponents argued that Congress intended the Board to use its exemption power only selectively, in special

circumstances, and not broadly to eliminate section 401(n)(4) in its entirety. This is really a challenge to the scope of the Board's exemption power itself, since it is clear from the legislative history that Congress intended the exemption power to be applicable to the direct sales prohibition. We believe that the exemption power is intended to be very broad, though it is most frequently used in non-routine cases. It has been used for a wide variety of purposes ever since it was enacted as part of the original Civil Aeronautics Act of 1938, Pub. L. 75-706. The status of entire classes of air carriers, such as air taxis, air freight forwarders, and charter operators, is predicated on exemption power. Exemptions by rulemaking have relieved carriers from specific antitrust provisions of the Act: For example, 14 CFR Part 299 exempts carriers from the prior approval requirement for purchases and leases of aircraft under section 408 of the Act, Part 289 relieves certain filing requirements for agreements under section 412, and Part 287 treats interlocking relationships under section 409.

An explicit consideration of the breadth of the Board's exemption power in *American Airlines v. CAB*, 235 F.2d 845, 849-851 (D.C. Cir. 1956) concluded that the power was broad enough to allow the establishment of an entire class of supplemental air carriers without formal certification procedures, provided the proper exemption procedures are followed. The court ruled that, while the Board could not use the exemption power to destroy the basic requirements of the Act, it could adopt very broad measures that did not unduly impinge on the statutory system. That opinion has special force as applied to the present situation, since it was decided on the basis of an exemption provision that was much narrower than the present version, established by the Deregulation Act. The changes we are adopting here are rational and consistent with Congressional policy to "(make available) a variety of adequate, economic, efficient, and low-price services by air carriers without unjust discriminations, undue preferences or advantages, or unfair or deceptive practices," "(place) maximum reliance on competitive market forces and on actual and potential competition * * *" and "(encourage, develop, and maintain) an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services." (Section 102). Removal of the prohibition does not destroy the basic

fabric of the statutory system. Indeed, it enhances the new emphasis on competition by removing a needless barrier to entry into the charter industry. Therefore, this exercise of the exemption power is within its proper scope.

The 7-Day Restriction

Several of the commenters who supported vertical integration opposed the 7-day advance purchase restriction. Some appeared to assume that the purpose of the restriction was to maintain a distinction between individually ticketed (scheduled) service and charter service. This assumption was incorrect. We believe that no distinction need be maintained, in light of recent changes in the Act and Congressional policy, but in any case the combination of prospectus-filing and consumer protection requirements for charter flights would seem to reflect the difference between the two forms of service. The 7-day restriction would not be needed for that purpose.

The reason for the restriction was to maintain the integrity of the route system during the Congressionally mandated period of phased transition to a deregulated system. The consumer protection and prospectus-filing requirements, especially if used by a direct air carrier, are not particularly expensive and would not present a barrier to the use of charter flights as a close substitute for traditional scheduled service. There may be many reasons why a carrier would want to use charter service as a substitute for route service. Certificated service carries with it a number of obligations that do not apply to charter service. Among these are the duty to file tariffs, to pay denied boarding compensation, and to give notice of terminations or reductions of service. A carrier wishing to establish new service between two points on an experimental basis may well decide that it would be quicker and easier to operate charter flights on a regular basis than to add the route to its certificate, even with simplified procedures. However attractive such a possibility might be to carriers, the consumer protection rules that we have established for scheduled service on the basis of perceived public need would be undercut, and we do not wish to make it so easy to circumvent the Congressionally mandated route certification procedures.

NACA complained that the restriction would put it at a disadvantage in competing with unaffiliated operators, who would not be subject to the restriction. It asked for a choice of alternative restrictions, specifically

suggesting a land package option. In considering this point, it should be remembered that it is only by this action that NACA and other carriers are being allowed for the first time to compete with independent charter operators at all, either directly or through affiliates. They are indeed being given a slight "disadvantage" by the 7-day restriction (although that is not its primary purpose). In our judgment, however, the disadvantage will be more than compensated for by the inherent "advantage" stemming from the affiliation itself, with its economic and administrative efficiencies.

The report to Congress discussed various options, including the land packages, and concluded that advance purchase would be most workable. The vast majority of potential charter travelers make their arrangements 7 days in advance, so the 7-day restriction carries a minimal burden. Required land packages are more likely to create artificiality in the sales offerings, along with regulatory problems in deciding what are the minimum requirements for a qualifying package. Therefore we consider them unsatisfactory alternatives.

MTI recommended that the 7-day restriction not be applied to tour operators who control air carriers. It seemed to argue that the affiliated air carrier would be used only to provide dependable aircraft capacity for the tour operator, and not to undertake scheduled service. However, we see no basis for the assumption that a direct carrier would be uninterested in scheduled service if it were controlled by a tour operator, and we see no other good reason to accord special treatment to the situation described by MTI.

Financial Protection Provisions

The notice of proposed rulemaking proposed to permit the direct carriers and tour operators, at their option, to arrange to integrate their respective surety bond and escrow depository protection requirements. Currently, the charter operator must maintain a security agreement or a security-agreement-and-escrow combination for the protection of participant payments.⁴ If an escrow is used, money paid by participants is held in the account until payment is transmitted to vendors of services. If no escrow is used, the funds are protected under the security agreement. Direct carriers must maintain either an escrow account or a security agreement. When a carrier receives payment for the charter from the charter operator, and an escrow is

used, the funds must be placed in the escrow account until the flight is operated. Thus, money often passes through two escrow accounts before it is finally disbursed to the air carrier. There is no need for this duplication if both parties would prefer to combine their accounts and if consumers receive no less protection. Since none of the comments disputed this point, we are adopting the proposed changes, with one difference.

The proposal contemplated that, if the combination option were used, the direct carrier would take over both the security agreement and the escrow requirements for the charter operator. Capitol commented, however, that it might wish to substitute only its escrow arrangement for that of the charter operator, but to leave the security agreement obligation with the charter operator, since Capitol does not now have a security agreement and does not wish to obtain one. Capitol's request is a reasonable one, as there is no apparent need to have the direct carrier obtain the security agreement simply because the escrow arrangement has been combined. The rule therefore provides that an air carrier may substitute its escrow account for that of the charter operator, leaving the charter operator with the responsibility of obtaining the required security agreement.

The proposal provided that, as a condition to using this substitution scheme, the carrier would have to state in writing that it took responsibility for the charter operator's contractual and regulatory obligations to participants. This requirement was included so that the carrier's security agreement, if it used one, would cover not only the carrier's obligations but also those of the charter operator, since the charter operator was being relieved of its security requirement. If, however, the carrier substitutes only its escrow arrangement, the charter operator must still obtain a security agreement, and there is no need for the carrier to assume responsibility for the charter operator's obligations. The charter operator's own agreement will cover them.

Thus the carrier may substitute either an existing security agreement or a new one for all the charter operator's arrangements, provided it assumes responsibility for the contractual and regulatory obligations of the charter operator that would otherwise be covered by the latter's security agreement. Whether or not it supplies a security agreement, it may substitute its escrow arrangement for that of the charter operator. If an escrow

arrangement only is substituted, the charter operator must supply the security agreement that is ordinarily required of it.

Currently the carrier's security agreement and escrow protect only the air portion of the payment. If a carrier substitutes its security agreement or escrow for the charter operator's, it must restructure these protective devices so that they protect the non-air portion of participants' payments (ground services and profit). In order to protect the non-air portion under an escrow arrangement, the ground and profit portion of each payment must be allocated to the return flight account. Funds are distributed to the carrier or charter operator from each flight account after the flight departs. (Refunds will be made from the flight accounts directly to the charter participants in accordance with the operator-participant contracts. In the event of a flight cancellation, the charter operator can receive a refund of its own funds, as opposed to participants' deposits, that may be in the account.) By placing the non-air portion in the return flight account, we insure that it is not disbursed before all ground accommodations and services have been paid for.

Under existing rules for charter operators, the air carrier must be paid before funds from the escrow may be disbursed to vendors of ground services and accommodations. We are maintaining this limitation in the combined escrow situation by prohibiting disbursements from the account that would reduce the balance below the charter cost of the flight.

ASTA recommended that the Board adopt its consumer protection plan as an alternative to the present escrow and security provisions. The ASTA plan would require each charter operator to contribute \$.50 per one-way seat sold into a fund to be administered by a five-member committee. The committee would decide disputes and, if necessary, reimburse participants from the fund. Intervac recommended an alternative based on a charter flight performance insurance contract. A sample policy was attached to their comments.

We are not adopting either of these suggestions, because they are outside the scope of the rulemaking. We wished only to suggest making the escrow and security system more efficient by allowing the combination of separate arrangements, not to consider totally new financial protection arrangements. A reevaluation of the basic financial protection devices should be dealt with in a separate proceeding.

⁴See footnote 1.

Technical Changes

The proposed rule suggested the creation of a new Part 381 to govern direct sales by air carriers. Since charter regulations governing air carriers more logically belong in Parts 207, 208, 212, and 214, the proposed language for Part 381 has been added as a new subpart to each of those four parts. Also, terms have been changed to make clear that vertical integration and direct sales apply to foreign air carriers as well as to U.S. air carriers. However, foreign air carriers may not acquire U.S. charter operators and foreign charter operators may not acquire U.S. air carriers without prior Board approval. The exemptions granted from sections 408, 409, and 412 of the Act to allow for vertical integration do not, of course, confer exemption under section 414 from the general antitrust laws.

It should be noted that, although there is no *minimum* number of seats that a direct carrier must offer for sale to the general public, it must specify in its prospectus the number of seats it is offering. The number of seats offered for direct sale by the air carriers plus the number of seats otherwise chartered on a split charter must equal the total capacity of the aircraft.

The paragraphs of §§ 207.11, 208.6, and 212.8, governing charter flight limitations, were renumbered in ER-1145, 1146, 1147, adopted August 23, 1979. The numbering used for those sections in this rule conforms to the new pattern. The portions of those sections governing direct sales to individuals have been put in separate paragraphs for clarity. The construction used in the proposal seemed potentially confusing, as it referred to engagement of aircraft "by a direct carrier" to mean direct sales.

The proposed rule also included a section expressly applying to direct carriers the same provision that § 380.12 has always applied to charter operators, generally prohibiting cancellation of Public Charters within 10 days of scheduled departure. No comments have been filed with respect to this proposal, and we are making it final.

Thus, a charter operator's breach of a charter contract hereafter executed (as, for example, by failing to make timely payment of the charter price) will not constitute grounds for the direct air carrier's cancellation of the Public Charter within 10 days of scheduled departure,⁵ regardless of any legal rights

or remedies that may otherwise be available to the direct air carrier.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 380 as follows:

1. The Table of Contents is amended by adding new sections and an appendix, to read:

PART 380—PUBLIC CHARTERS

Sec.

380.25a Charters by direct air carrier affiliates.

380.34a Substitution of direct air carrier's security or depository agreement.

380.43 Cancellations by direct air carriers.

380.44 Exemption.

380.45 Suspension of exemption authority.

Appendix F

§ 380.10 [Amended]

2. Section 380.10(a) is revoked and reserved.

3. Section 380.20 is amended to read:

§ 380.20 Exemption.

(a) Charter operators (other than foreign charter operators) are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange Public Charters.

(1) Section 401.

(2) Section 403.

(3) Section 404(a), except the requirement to provide adequate service in connection with Public Charters operated hereunder.

(4) Section 405(b).

(5) Section 407 (b) and (c).

(b) Charter operators (other than foreign charter operators) are hereby relieved from sections 408(a), 409, and 412 of the Federal Aviation Act of 1958, as amended, only if and so long as they comply with the provisions of this part and the conditions imposed herein.

4. A new § 380.25a is added, to read:

§ 380.25a Charters by direct air carrier affiliates.

A charter operator controlling, controlled by, or under common control with a direct air carrier shall not enter into any operator-participant contract for a charter trip provided by the affiliated direct carrier that is signed by or on behalf of the participant less than 7 days before the scheduled departure date. For the purposes of this section, "control" means any ownership,

common management, debtor-creditor, or other relationship between the two entities by which one entity could influence the other's business decisions other than by arms-length business transactions.

5. A new § 380.34a is added, to read:

§ 380.34a Substitution of direct air carrier's security or depository agreement.

(a) A direct air carrier may substitute its own security agreement and/or depository arrangements, as specified in this section, for those required of the charter operator under § 380.34, but only for charter trips in which all the air transportation is provided by one direct air carrier. Charter operators are relieved from § 380.34 to the extent that the direct carrier substitutes its own arrangements.

(b) The direct air carrier may substitute its security agreement for all of the arrangements required of the charter operator under § 380.34 (a) or (b). Alternatively, it may substitute its depository agreement for the depository agreement required of the charter operator under § 380.34(b)(2). If the direct carrier substitutes its depository agreement, it may also obtain and substitute a security agreement for the one otherwise required of the charter operator under § 380.34(b)(1). If the direct carrier substitutes its depository agreement only, the charter operator must supply the security agreement required under § 380.34(b)(1).

(c) If the direct carrier substitutes a security agreement for all the charter operator's requirements under § 380.34, the charter operator shall include in the charter prospectus, in place of the information in § 380.28(a)(2) regarding the charter operator's security agreement—

(1) A statement in the form set out in Appendix F of this part by the direct air carrier that it will take responsibility for all charter participant deposits (including those for ground accommodations and services) and for the fulfillment of all the charter operator's contractual and regulatory obligations to the charter participants.

(2) A statement from the direct air carrier and its securer (under §§ 207.17, 208.40, 212.15, or § 214.9c), in the form set out in Appendix C of this part, that they have entered into a security agreement assuring the direct air carrier's responsibilities to charter participants under this section in an unlimited amount (except that the liability of the securer with respect to any charter participant may be limited to the charter price paid by or on behalf of such participant), and that the securer has received a copy of the proposed

⁵ Whether the direct air carrier is already subject to this prohibition is one of the issues involved in a pending lawsuit. *LLTA v. CAB*, No. 79-1429 (D.C. Cir. Ct. of Ap.).

flight schedule identified by the schedule number assigned by the charter operator under this part.

(d) A substitute depository agreement under this section shall be signed by the direct air carrier, the charter operator, and the depository bank, and shall provide, in addition to existing requirements under §§ 207.17, 208.40, 212.15, or § 214.9c, that:

(1) Deposits by charter participants shall be allocated to the flight accounts matching the participant's itinerary in the following way: Each account shall have allocated to it the charter cost of the participant's air transportation on that flight. The portion of each deposit not intended for air transportation services shall be allocated to the account for the return flight in the participant's itinerary. If there is only one flight in the itinerary, the entire payment shall be allocated to that account.

(2) The bank shall pay funds from a flight account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing ground accommodations and services, if any, in connection with the charter flight, upon presentation to the bank of vendor's bills and upon certification by the person who contracted for the ground accommodations or services of the amounts payable and the persons or companies to whom payment is to be made, except that no disbursement shall be made that would reduce the balance in the account below the charter cost of the flight.

(3) On sales made to participants by a person other than a retail travel agent, the participant shall pay by check or money order payable to the bank. On sales made to participants by a retail travel agent, payments shall be made in the same manner unless the agent deducts its commission and remits the balance to the bank by check or money order. The agent may deduct its commission only if it agrees in writing with its principal (the charter operator or direct air carrier, as applicable) that, if the charter is canceled, the agent shall remit to the bank the full amount of the commission previously deducted or received within 10 days after receipt of notification of the cancellation. The depository bank shall pay refunds directly to participants according to the terms of the operator-participant contract and the terms of this rule.

(e) If the direct carrier substitutes a security agreement in addition to substituting a depository agreement, the charter prospectus information must include all the information required by paragraphs (c) and (d) of this section, except for the amount of the security

agreement. That agreement shall be in an amount of at least \$10,000 times the number of flights, except that the amount need not be more than \$200,000.

(f) A copy of the depository agreement under paragraph (d) of this section shall be filed with the Board, and it shall not be effective until approved by the Board.

(g) A copy of the security agreement under paragraph (c) or paragraph (e) of this section shall be filed with the Board. It shall insure the financial responsibility of the direct air carrier for supplying the transportation and all other accommodations, services, and facilities in accordance with the contracts between the charter operator and the charter participants. Such security agreement shall meet all the other requirements of § 380.34 (c) and (d).

6. Section 380.35 is amended by adding "or direct air carrier" so that it reads:

§ 380.35 Disbursements from depository account.

No charter operator or direct air carrier shall cause its agents or the depository bank to make disbursements or payments from deposits except in accordance with the provisions of this part.

7. New §§ 380.43, 380.44, and 380.45 are added, to read:

§ 380.43 Cancellations by direct air carriers.

The direct air carrier shall not cancel any charter under this part less than 10 days before the scheduled departure date, except for circumstances that make it physically impossible to perform the charter trip.

§ 380.44 Exemption.

Air carriers (other than foreign air carriers) are hereby relieved from section 408(a), 409, and 412 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to acquire, control, have interlocking relationships with, or market charter tours in conjunction with charter operators, but only so long as they comply with the provisions of this part and the conditions imposed herein.

§ 380.45 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any air carrier, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

8. Appendices B, C and D are amended and a new Appendix F is added, to read as set forth below.

(Secs. 102, 204, 401, 402, 416 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 754, 757, 92 Stat. 1731; (49 U.S.C. 1302, 1324, 1371, 1372, 1386).)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

Appendix B—Statement of Charter Operator and Direct Air Carrier Flight Schedule Number—

1. Name and address of charter operator.
2. Name and address of direct air carrier.
3. Proposed date and routing of each flight.
4. Type of aircraft and number of seats engaged:
5. Charter price for each flight:
6. Tour itinerary (if any) including hotels (names and length of stay at each), and other ground accommodations and services:

We, _____ (charter operator) and _____ (direct air carrier), certify that we have entered into a charter contract on _____ (date) that covers the flight schedule described above.

A copy of the flight schedule has been sent to (complete applicable blanks and write "N.A." in those not applicable):

(charter operator's securer)

(charter operator's depository bank)

(direct carrier's securer)

(direct carrier's depository bank)

Charter Operator

By: _____
(Signature and date)

(Title)

Direct Air Carrier

By: _____
(Signature and date)

(Title)

Appendix C—Statement of Charter Operator or Direct Air Carrier and Securer

We, _____ (charter operator) (direct air carrier) and _____ (securer), certify that we have entered into a security agreement, No. _____, in the amount of \$_____, on _____ (date). This agreement covers proposed flight schedule number _____, a copy of which has been received by _____ (securer). This agreement complies with (§ 380.34)(§ 380.34a) of the Civil Aeronautics Board's Special Regulations (14 CFR § 380.34 or § 380.34a). This agreement is a:

- _____ surety bond
 - _____ surety trust agreement
 - _____ (specify type of agreement if other than a bond or surety trust agreement)
- (check one, unless agreement is in unlimited amount)

- _____ There are no outstanding claims against this agreement.
- _____ There are outstanding claims against this agreement in the amount of \$_____. We have executed a rider to the agreement on

_____(date) increasing the coverage by this amount.¹

Charter operator

By: _____
(Signature and date)

(Title)

(Address)

Direct Air Carrier

By: _____
(Signature and date)

(Title)

(Address)

Securer

By: _____
(Signature and date)

(Title)

(Address)

Appendix D—Statement of Charter Operator, Direct Air Carrier and Depository Bank

We, _____ (charter operator, if any) ², _____ (direct air carrier), and _____ (depository bank) certify that we have entered into a depository agreement on _____ (date). This depository agreement covers proposed flight schedule number _____, a copy of which has been received by _____ (depository bank). The depository agreement complies with (§ 380.34)(§ 380.34a) of the Civil Aeronautics Board's Special Regulations (14 CFR § 380.34 or § 380.34a).

Charter Operator

By: _____
(Signature and date)

(Title)

(Address)

Depository Bank

By: _____
(Signature and date)

(Title)

(Address)

Direct Air Carrier

By: _____
(Signature and date)

(Title)

(Address)

Appendix F—Statement of Direct Air Carrier

I, _____ (direct air carrier), hereby promise that I will take responsibility for all

obligations owed by _____ (charter operator) to participants on charter flight schedule No. _____ (or other designation of charter trip), including obligations for ground services and accommodations.

Direct Air Carrier

(Signature and date)

(Title)

(Address)

[FR Doc. 79-27156 Filed 8-29-79; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 202, 203, 230, 240, 250 and 260

[Release Nos. 33-6111; 34-16129; 35-21197; 39-539; IC-10837; IA-695]

Relationship Between Commission and Its Staff and Members of Other Governmental Agencies

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its regulations to provide notice that settlement of a Commission enforcement action does not extend to pending or possible criminal prosecutions; to clarify the Commission's practices with respect to referrals and grants of access to its files and the initiation of administrative proceedings and other enforcement activities in individual cases; to provide expressly that Commission officials may discuss non-public investigations with officials of other governmental agencies and self-regulatory organizations; and to delegate to the Director of the Division of Enforcement, with the concurrence of the General Counsel in matters in which the Commission has entered a formal order of investigation, authority to grant requests by domestic and foreign governmental authorities and self-regulatory organizations for access to the Commission's investigative files.

EFFECTIVE DATE: August 30, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Farrand, Office of the General Counsel, Securities and Exchange Commission, Room 723, 500 North Capitol Street, Washington, D.C. 20549, (202) 755-1144.

SUPPLEMENTARY INFORMATION: These amendments are promulgated for the purpose of assisting the Commission in the effective and efficient carrying out of its administrative responsibilities; they are not intended for the benefit of any individual or organization, and they do

not confer any rights upon any such person. The Commission finds, in accordance with the Administrative Procedure Act ("APA"), 5 U.S.C. 553(b)(A) and 553(d), that these amendments relate solely to agency organization, procedure, or practice and do not relate to a substantive rule. Thus, notice and opportunity for public comment pursuant to the APA are not necessary, and the foregoing action becomes effective immediately upon the publication of these rules in the *Federal Register* (August 30, 1979).

The Commission is adopting these amendments pursuant to its authority under Sections 19 and 20 of the Securities Act of 1933 (15 U.S.C. 77s and 77t); Sections 21 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78u and 78w); Sections 18 and 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79r and 79t); Sections 319 and 321 of the Trust Indenture Act of 1939 (15 U.S.C. 77sss and 77uuu); Sections 38 and 42 of the Investment Company Act of 1940 (15 U.S.C. 80a-37 and 80a-41); Sections 209 and 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9 and 80b-11); and Section 1 of Pub. L. 87-592 (15 U.S.C. 78d-1).

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. By amending § 200.19b to read as follows:

§ 200.19b Director of the Division of Enforcement.

The Director of the Division of Enforcement is responsible to the Commission for the supervision and conduct of all of the enforcement activities under each of the acts administered by the Commission and the investigations relating thereto. The Director is responsible also for recommending the institution of administrative and injunctive actions arising out of such investigations and enforcement activities and for the determination of whether the available evidence supports the allegations in the proposed complaint. In addition, the Director is responsible, in collaboration with the General Counsel, for the review of cases to be referred to the Department of Justice with a recommendation for criminal prosecution and for granting or denying requests by domestic and foreign governmental authorities and self-regulatory organizations for access to

¹ In place of this sentence, the following statement may be used: "_____ (securer) will separately pay any claims for which it may be liable without impairing the security agreement or reducing the amount of coverage."

² Write "N.A." if there is no charter operator.

the Commission's files concerning non-public investigations.

2. By amending paragraph (a) of § 200.21 to read as follows:

§ 200.21 The General Counsel.

(a) The General Counsel is the chief legal officer of the Commission. He or she is responsible for the representation of the Commission in judicial proceedings in which it is involved as a party or as *amicus curiae*, for directing and supervising all civil litigation involving the Commission in the United States District Courts, and for representing the Commission in all cases in appellate courts. The General Counsel is responsible for the review of cases which the Division of Enforcement recommends be referred to the Department of Justice with a recommendation for criminal prosecution and for the review of requests by domestic and foreign governmental authorities and self-regulatory organizations for access to materials contained in Commission files concerning a non-public investigatory proceeding in which a formal order of investigation has been entered. In addition, he or she is responsible for advising the Commission at its request or at the request of any division director or office head, or on his or her own motion, with respect to interpretations involving questions of law; for reviewing and advising the Commission upon the legal aspects and policy implications of pre-argument memorandums and draft Commission opinions prepared by the Office of Opinions and Review; for the conduct of administrative proceedings relating to the disqualification of professional persons from practice before the Commission; for the preparation of Commission comments to the Congress on pending legislation; and for the drafting, in conjunction with appropriate divisions and offices, of legislative proposals to be sponsored by the Commission. The General Counsel is also responsible for the review and clearance of the form and content of articles, treatises, and prepared speeches and addresses by members of the staff relating to the Commission or to the statutes and rules administered by the Commission and is responsible for investigating any claims of staff improprieties. Additionally, he or she has responsibility with the Office of Opinions and Review for dealing with general problems arising under the Administrative Procedure Act, including (with the Office of Opinions and Review) the revision or adoption of rules of practice. He or she is responsible (with the Director of Personnel) for

administering and interpreting the Commission's Conduct Regulation. He or she serves as Counselor to the Commission and its staff with regard to ethical and conflicts of interest questions and acts as the Commission's liaison on such matters with the Office of Personnel Management and the Department of Justice. The General Counsel also is responsible for coordinating and reviewing the interpretative positions of the various divisions and offices. In addition, he or she is responsible for preparing and recommending to the Commission appropriate dispositions of all Freedom of Information Act appeals and is the Commission's advisor with respect to legal problems arising under the Freedom of Information Act, the Privacy Act, the Federal Reports Act, the Federal Advisory Committee Act, the Civil Service laws and regulations, the statutes and rules applicable to the Commission's procurement, contracting, fiscal and related administrative activities, and other statutes and regulations of a similar nature applicable to a number of Government agencies.

3. By amending § 200.30-4 by adding paragraph (a)(7) to read as follows:

§ 200.30-4 Delegation of authority to Director of Division of Enforcement.

(a) * * *

(7) To grant requests for access to, or copies of, materials in the Commission's files concerning a non-public investigation upon written request for such access submitted by domestic and foreign governmental authorities and self-regulatory organizations: *Provided* That, in matters in which the Commission has entered a formal order of investigation, such access shall be granted only with the concurrence of the General Counsel or his or her delegate.

PART 202—INFORMAL AND OTHER PROCEDURES

By amending § 202.5 by amending paragraph (b) and by adding paragraph (f) to read as follows:

§ 202.5 Enforcement activities.

(b) After investigation or otherwise, the Commission may in its discretion take one or more of the following actions: institution of administrative proceedings looking to the imposition of remedial sanctions, initiation of injunctive proceedings in the courts, and, in the case of a willful violation,

reference of the matter to the Department of Justice for criminal prosecution. The Commission may also, on some occasions, refer the matter to, or grant requests for access to its files made by, domestic and foreign governmental authorities or self-regulatory organizations such as the stock exchanges or the National Association of Securities Dealers, Inc.

(f) In the course of the Commission's investigations, civil lawsuits, and administrative proceedings, the staff, with appropriate authorization, may discuss with persons involved the disposition of such matters by consent, by settlement, or in some other manner. It is the policy of the Commission, however, that the disposition of any such matter may not, expressly or impliedly, extend to any criminal charges that have been, or may be, brought against any such person or any recommendation with respect thereto. Accordingly, any person involved in an enforcement matter before the Commission who consents, or agrees to consent, to any judgment or order does so solely for the purpose of resolving the claims against him in that investigative, civil, or administrative matter and not for the purpose of resolving any criminal charges that have been, or might be, brought against him. This policy reflects the fact that neither the Commission nor its staff has the authority or responsibility for instituting, conducting, settling, or otherwise disposing of criminal proceedings. That authority and responsibility are vested in the Attorney General and representatives of the Department of Justice.

PART 203—RULES RELATING TO INVESTIGATIONS

By revising § 203.2 to read as follows:

§ 203.2 Information obtained in investigations and examinations.

Information or documents obtained by the Commission in the course of any investigation or examination, unless made a matter of public record, shall be deemed non-public, but the Commission approves the practice whereby officials of the Division of Enforcement at the level of Assistant Director or higher, and officials in Regional Offices at the level of Assistant Regional Administrator or higher, may engage in, and may authorize members of the Commission's staff to engage in, discussions with representatives of domestic or foreign governmental authorities and self-regulatory organizations concerning information obtained in individual investigations, including examinations

and formal investigations conducted pursuant to Commission order.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

By amending § 230.122 to read as follows:

§ 230.122 Nondisclosure of information obtained in the course of examinations and investigations.

Information or documents obtained by officers or employees of the Commission in the course of any examination or investigation pursuant to section 8(e) or 20(a) (48 Stat. 80, 86; 15 U.S.C. 77h(e), 77t(a)) shall, unless made a matter of public record, be deemed confidential. Except as provided by 17 CFR 203.2, officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his or her refusal upon this section. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

By amending § 240.0-4 to read as follows:

§ 240.0-4 Nondisclosure of information obtained in examinations and investigations.

Information or documents obtained by officers or employees of the Commission in the course of any examination or investigation pursuant to section 17(a) (48 Stat. 897, sec. 4, 49 Stat. 1379; 15 U.S.C. 78q(a)) or 21(a) (48 Stat. 899; 15 U.S.C. 78u(a)) shall, unless made a matter of public record, be deemed confidential. Except as provided by 17 CFR 203.2, officers and employees are

hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his or her refusal upon this section. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

By amending § 250.104 by amending paragraph (c) to read as follows:

§ 250.104 Public disclosure of information and objections thereto.

(c) *Information obtained in the course of examinations, studies, and investigation.* Information or documents obtained by officers or employees of the Commission in the course of any examination, study or investigation pursuant to section 13(g), section 15(f) (49 Stat. 825, 828; 15 U.S.C. 79m, 79o), or paragraph (a) or (d) of section 18 (49 Stat. 831; 15 U.S.C. 79r) shall, unless made a matter of public record, be deemed confidential. Except as provided by 17 CFR 203.2, officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the

information or produce the documents called for, basing his or her refusal upon this rule.

Any officer or employee who is served with such a subpoena, shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

By amending § 260.0-6 to read as follows:

§ 260.0-6 Nondisclosure of information obtained in the course of examinations and investigations.

Information or documents obtained by officers or employees of the Commission in the course of any examination or investigation under section 8(e) of the Securities Act of 1933 (48 Stat. 79; 15 U.S.C. 77h), pursuant to section 307(c) of the Trust Indenture Act of 1939 (53 Stat. 1156; 15 U.S.C. 77ggg), or any examination or investigation under section 20(a) of the Securities Act of 1933 (48 Stat. 86; 15 U.S.C. 77t), pursuant to section 321(a) of the Trust Indenture Act of 1939 (53 Stat. 1174; 15 U.S.C. 77uuu), shall, unless made a matter of public record, be deemed confidential. Except as provided by 17 CFR 203.2, officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his or her refusal upon this section. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

(Sec. 19, 48 Stat. 85; sec. 20, 48 Stat. 86; sec. 21, 48 Stat. 899; sec. 23, 48 Stat. 901; sec. 18, 49

Stat. 831; sec. 20, 49 Stat. 833; sec. 319, 53 Stat. 1173; sec. 321, 53 Stat. 1174; sec. 38, 54 Stat. 841; sec. 42, 54 Stat. 842; sec. 209, 54 Stat. 853; sec. 211, 54 Stat. 855; sec. 1, 76 Stat. 394. (15 U.S.C. 77s, 77t, 78u, 78w, 79r, 79t, 77sss, 77uuu, 80a-37, 80a-41, 80b-9, 89b-11, 78d-1))

By the Commission.

George A. Fitzsimmons,

Secretary.

August 23, 1979.

[FR Doc. 79-27027 Filed 8-29-79; 8:45 am]

BILLING CODE 8010-01-M

PANAMA CANAL

35 CFR Part 253

Regulations of the Secretary of the Army; Compensation and Allowances

AGENCY: Secretary of the Army

ACTION: Final rule.

SUMMARY: Title VIII of the Civil Service Reform Act established pay and grade retention rules for Federal employees to whom Chapter 51 (Classification) of Title 5, U.S. Code, applies and to prevailing rate employees, as defined in 5 U.S.C. § 5342(a)(2). Employees of an agency who are stationed in the Canal Zone are excluded from the coverage of Chapter 51 and from the definition of prevailing rate employees. Such employees are, therefore, excluded from the coverage of Title VIII of the Civil Service Reform Act. This rule provides that the pay and grade regulations in effect for these employees in the Federal service in the United States shall apply to Federal employees in the Canal Zone. This rule is promulgated pursuant to 2 Canal Zone Code § 142(b)(2), 76A Stat. 16, and section 2(a)(2) of Executive Order 11171 (Aug. 18, 1964), 3 CFR 234 (1964-65 Comp.).

EFFECTIVE DATE: September 1, 1979.

ADDRESS: Department of the Army, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT:

Colonel Michael Rhode, Jr. Office of the Assistant Secretary of the Army (CW), Washington, D.C. 20310; telephone (202) 695-1370.

SUPPLEMENTARY INFORMATION:

Adoption of the amendment.

Accordingly, effective September 1, 1979, 35 CFR 253.154 is amended to read as follows:

§ 253.154 Individual pay determinations.

(a) Except as provided in subsection (b), pay determinations in connection with personnel actions such as promotions, demotions, and transfers shall be made in accordance with regulations generally in effect for

employees in the Federal service as follows:

(1) Nonmanual category. Salary changes and retention for employees in this category shall be in general conformity with Subparts B and C of 5 CFR Part 531.

(2) Manual category. Wage determinations for employees in this category shall be made in accordance with regulations published by the Board. Such regulations shall generally conform to regulations published in 5 CFR Part 532.

(3) Special category. Salary and wage changes for employees in this category shall be made in accordance with regulations promulgated by the Panama Canal Company/Canal Zone Government or, after 1 October 1979, the Panama Canal Commission. In those cases where departments other than the Panama Canal Company/Canal Zone Government or, after 1 October 1979 the Panama Canal Commission employ persons in positions in this category, the regulations will be developed jointly by the interested departments.

(b) The pay and grade retention regulations in effect for employees to whom Chapter 51 of Title 5, U.S. Code, applies, which are set forth in 5 CFR Part 536, shall, in general, apply to reductions in the pay or grade of employees to whom this section applies, except that the provisions of 5 CFR Part 536 pertaining to retroactivity and to appeals to the Office of Personnel Management shall not apply. An employee to whom this section and 35 CFR 253.156 apply shall be entitled to the benefit of the section which is more beneficial to him but shall not be entitled to the benefit of both.

(2 Canal Zone Code § 142(b)(2), 76 A Stat. 16,

and section 2(a)(2) of E.O. III71 (Aug. 18, 1964), 3 CFR 234 (1964-65 Comp.)

Clifford L. Alexander, Jr.,

Secretary of the Army.

[FR Doc 79-27062 Filed 8-29-79; 8:45 am]

BILLING CODE 3710-08-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to Bermuda

AGENCY: Postal Service.

ACTION: Final International Express Mail Rates.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407 the Postal Service is beginning International Custom Designed Express Mail Service with Bermuda at rates indicated in the table below.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Patricia M. Gibert, (202) 245-5624.

SUPPLEMENTARY INFORMATION: On July 31, 1979 the Postal Service published for comment in the Federal Register a notice proposing rates of postage for International Express Mail to Bermuda, 44 FR 44893. The notice invited interested persons to submit written data, views or arguments concerning these rates. However, no comments were received. Accordingly, the Postal Service adopts without change the rates of postage for International Express Mail set out in the following table. This table will be included as table 8-10 of Publication 42, International Mail, incorporated by reference, 39 CFR 10.1.

(39 U.S.C. 401, 403, 404(a)(2), 407, 410(a); Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6)

W. Allen Sanders,

Acting Deputy General Counsel.

Table 8-10.—Bermuda International Express Mail, Custom Designed Service

Pounds (up to and including)	Zone to International Exchange Office						
	3	4	5	6	7	8	9
1.....	26.48	26.51	26.55	26.59	26.63	26.68	26.73
2.....	27.18	27.24	27.32	27.40	27.48	27.58	27.68
3.....	27.88	27.97	28.09	28.21	28.33	28.48	28.63
4.....	28.58	28.70	28.86	29.02	29.18	29.38	29.58
5.....	29.28	29.43	29.63	29.83	30.03	30.28	30.53
6.....	29.98	30.16	30.40	30.64	30.88	31.18	41.48
7.....	30.68	30.89	31.17	31.45	31.73	32.08	32.43
8.....	31.38	31.62	31.94	32.26	32.58	32.96	33.38
9.....	32.08	32.35	32.71	33.07	33.43	33.88	34.33
10.....	32.78	33.08	33.48	33.88	34.28	34.78	35.28
11.....	33.48	33.81	34.25	34.69	35.13	35.68	36.23
12.....	34.18	34.54	35.02	35.50	35.98	36.58	37.18
13.....	34.88	35.27	35.79	36.31	36.83	37.48	38.13
14.....	35.58	36.00	36.56	37.12	37.68	38.36	39.08
15.....	36.28	36.73	37.33	37.93	38.53	39.28	40.03
16.....	36.98	37.46	38.10	38.74	39.38	40.18	40.98
17.....	37.68	38.19	38.87	39.55	40.23	41.08	41.93
18.....	38.38	38.92	39.64	40.36	41.08	41.98	42.88
19.....	39.08	39.65	40.41	41.17	41.93	42.88	43.83

Table 8-10.—Bermuda International Express Mail, Custom Designed Service—Continued

Pounds (up to and including)	Zone to International Exchange Office						
	3	4	5	6	7	8	9
20.....	39.78	40.38	41.18	41.98	42.78	43.78	44.78
21.....	40.48	41.11	41.95	42.79	43.63	44.68	45.73
22.....	41.18	41.84	42.72	43.60	44.48	45.58	46.68
23.....	41.88	42.57	43.49	44.41	45.33	46.48	47.63
24.....	42.58	43.30	44.26	45.22	46.18	47.38	48.58
25.....	43.28	44.03	45.03	46.03	47.03	48.28	49.53
26.....	43.98	44.76	45.80	46.84	47.88	49.18	50.48
27.....	44.68	45.49	46.57	47.65	48.73	50.08	51.43
28.....	45.38	46.22	47.34	48.46	49.58	50.98	52.38
29.....	46.08	46.95	48.11	49.27	50.43	51.88	53.33
30.....	46.78	47.68	48.88	50.08	51.28	52.78	54.28
31.....	47.48	48.41	49.65	50.89	52.13	53.68	55.23
32.....	48.18	49.14	50.42	51.70	52.98	54.58	56.18
33.....	48.88	49.87	51.19	52.51	53.83	55.48	57.13

NOTES: (1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.

(2) Pick-up is available under a Service Agreement for an added charge of \$5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

(3) If tendered at origin airport mail facility, deduct \$3.00 from these rates.

[FR Doc. 79-27026 Filed 8-29-79; 8:45 am]

BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. F-491]

Listening-In and Recording of Telephone Conversations by Federal Agencies; Temporary Regulation

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation describes the circumstances under which listening-in or recording of telephone conversations may be performed in Government operations and prescribes policies that limit the practice within the Federal Government.

DATES: Effective date: October 1, 1979.

Expiration date: October 1, 1980.

Comments due by: October 29, 1979.

ADDRESS: Comments should be addressed to: General Services Administration (CPEP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Evaluation Division (202-566-0834).

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.

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

In 41 CFR Chapter 101, the following

temporary regulation is listed in the appendix at the end of Subchapter F.

General Services Administration,
Washington, D.C. 20405.

Federal Property Management Regulations

Temporary Regulation F-491

TO: Heads of Federal agencies.

SUBJECT: Listening-in and recording of telephone conversations by Federal agencies.

1. *Purpose.* This temporary regulation describes the circumstances under which listening-in or recording of telephone conversations may be performed in Government operations and prescribes policies that limit the practice within the Federal Government. The provisions of this regulation do not apply to telecommunications monitoring conducted in accordance with Executive Order 12036.

2. *Effective date.* This regulation is effective October 1, 1979.

3. *Expiration date.* This temporary regulation expires 1 year from the effective date.

4. *Definitions.* For the purposes of this temporary regulation the words and items are defined as follows:

a. "Consensual" means that one party to a telephone conversation has given prior consent to the interception or recording of the conversation.

b. "Nonconsensual" means that none of the parties to a telephone conversation has given prior consent to the interception or recording of the conversation.

c. "Listening-in devices" means items such as: Tape recorders, transmitter cut-off switches, and service monitoring equipment.

5. *Nonconsensual listening-in or recording.* Nonconsensual listening or recording of telephone conversations shall be authorized and handled in accordance with the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (18 U.S.C. 2510 et seq.), and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

6. *Consensual listening-in or recording.* Consensual listening-in or recording of telephone conversations on the Federal

Telecommunications System or any other telephone system approved in accordance with the Federal Property and Administrative Services Act of 1949, section 201(a) (1) and (3) (40 U.S.C. 481(a)(1)), and implementing regulations thereof is prohibited except under the following cited conditions:

a. When performed for law enforcement purposes in accordance with procedures established by the agency head as required by the Attorney General's Guidelines for Administration of the Omnibus Crime Control and Safe Streets Act of 1968, and pursuant to procedures established by the Attorney General.

Note.—The General Services

Administration recommends that at a minimum agency procedures provide:

(1) The identity of an agency official who is authorized to approve the actions in advance;

(2) An emergency procedure when advance approval is not possible;

(3) Adequate documentation on all actions taken;

(4) Records administration and dissemination procedures; and

(5) Reporting requirements.

b. When performed for counter-intelligence purposes and approved by the Attorney General or his or her designee.

c. When performed by any Federal employee for public safety purposes and when documented by a written determination of the agency head or the designee citing the public safety needs. The determination must identify the segment of the public needing protection and the specific hurt, injury, danger, or risks that the public is to be protected from. Examples would be police and fire department operations, air traffic safety control, and marine rescue operations.

d. When performed by a Federal handicapped employee, provided a physician has certified (and the head of the agency or designee concurs) that the employee is physically handicapped and the head of the agency or designee determines that the use of a listening-in or recording device is required to fully perform the duties of the official position description. Equipment shall be for the exclusive use of the handicapped employee. The records of any interceptions by handicapped employees shall be used, safeguarded, and destroyed pursuant to appropriate agency records management and disposition systems.

e. By any Federal agency for service monitoring only after analysis of alternatives and a determination by the agency head or the agency head's designee that monitoring is required to effectively perform the agency mission. Procedures shall be established which at a minimum contain these provisions:

(1) No telephone call shall be monitored unless the Federal agency has taken continuous positive action to inform the public of the monitoring.

(2) No data identifying the caller shall be recorded by the monitoring party.

(3) The number of calls to be monitored shall be kept to the minimum necessary to comprise a statistically valid sample.

(4) Any telephone instrument used by the agency which is subject to being monitored

shall be conspicuously labeled with a statement to that effect.

(5) Since no identifying data of the calling party will be recorded, information obtained by the monitoring shall not be used against the calling party.

f. When performed by any Federal employee with the express consent of all parties for each specific instance.

7. *Documentation requirements.* Copies of agency documentation, determinations, and procedures for listening-in or recording of telephone conversations in support of conditions cited in paragraphs 6c, 6d, and 6e shall be certified by the agency head or the designee and forwarded to the Commissioner, Automated Data and Telecommunications Service (mailing address: General Services Administration (C), Washington, DC 20405).

8. *Installed listening-in and recording devices.* Devices presently installed must be determined to be necessary under one of the conditions cited in paragraph 6 or removed or disabled from service within 60 days from the effective date of this regulation.

9. *Reevaluation.* The need and determination concerning listening-in or recording of telephone conversations shall be reevaluated at least every 2 years.

10. *Use restriction.* Nothing in this temporary regulation shall be construed as authorization for the listening-in or recording of any telephone conversation for the purpose of committing any criminal or tortious act in violation of the Constitution or the laws of the United States.

11. *Agency assistance.* GSA will provide assistance to agencies in determining what communications devices and practices fall within the listening-in or recording category; i.e., have the capacity to listen in, monitor, or intercept telephone conversations. GSA will also help develop administrative alternatives to the listening-in or recording of telephone conversations. Requests for assistance shall be addressed to the Commissioner, Automated Data and Telecommunications Service (mailing address: General Services Administration (C), Washington, DC 20405).

12. *Comments.* Comments concerning this regulation should be sent to: General Services Administration (CPEP) Washington, DC 20405.

13. *Information.* Further information concerning this regulation may be obtained from the General Services Administration (CPEP), Washington, DC 20405, or call Mr. Robert R. Johnson on 202-566-0834.

14. *Effect on other directives.* Section 101-37.311 is revoked. All deviations ordered or approved under the guidelines of § 101-37.311 are revoked.

Dated: August 24, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-27170 Filed 8-29-79; 8:45 am]

BILLING CODE 6820-25-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1069

[CSA Instruction 6910-1b, Ch. 1]

Grantee Personnel Management; Travel Regulations for CSA Grantees and Delegate Agencies

AGENCY: Community Services
Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is revising its mileage rates for CSA grantees and delegate agencies from 17 cents per mile to 18.5 cents per mile for use of a privately-owned automobile. On June 29, 1979 the General Services Administration filed changes to the *Federal Register* increasing the mileage reimbursement rate effective on or after July 1, 1979. Since CSA grantees are required to comply with the Federal Travel Regulations, this rule will inform them of the change thereto.

EFFECTIVE DATE: This rule is effective August 30, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Maryann J. Fair, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, Telephone: 202-254-5047, Teletypewriter: 202-254-6218.

SUPPLEMENTARY INFORMATION: This rule will inform grantees of the change and permit grantees to implement the regulation retroactively to July 1, 1979, the effective date of the amended Federal Travel Regulations.

CSA does not deem this revision significant.

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

Graciela (Grace) Olivarez,
Director.

45 CFR 1069.3-4(a)(1)(ii) is amended to read as follows:

§ 1069.3-4 General travel regulations.

(a) * * * (1) * * *

(ii) The mileage costs for use of privately-owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates paid exceed 18.5 cents a mile. (Effective for travel performed on or after July 1, 1979.)

* * * * *

[FR Doc. 79-27067 Filed 8-29-79; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-514]

National Security Information; Classification, Downgrading, Declassification, and Safeguarding

AGENCY: FCC.

ACTION: Rule revision.

SUMMARY: The Commission is publishing this revision of the rules to comply with Executive Order 12065, relating to the classification, downgrading, declassification and safeguarding of national security information. This rule revision is intended to increase openness in Government by limiting classification and accelerating declassification but at the same time, providing protection against unauthorized disclosure for that information that requires such protection in the interests of national security.

EFFECTIVE DATE: August 31, 1979.

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

FOR FURTHER INFORMATION CONTACT: Fred J. Goldsmith, Office of Executive Director, 632-7143.

SUPPLEMENTARY INFORMATION:

Order

Adopted: August 20, 1979.

Released: August 23, 1979.

By the Commission: Commissioners Lee and Fogarty absent.

In the matter of revision of Part 0, rules and regulations, pertaining to National Security Information.

1. Executive Order 12065, National Security Information, requires that agencies that handle classified information adopt regulations identifying the information to be protected, to prescribe classification, downgrading, declassification and safeguarding procedures, and to establish a monitoring system to ensure compliance.

2. We are hereby adopting a revision of Subpart D, Part 0, of the rules pertaining to Public Availability of Classified Material to comply with the requirements of the Executive Order.

3. The revision is set out in the attached Appendix. Because it concerns only Commission policies and procedures and implements Executive Order 12065, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable. Authority for adoption of this revision is contained in Sections 4(i) and 303(r) of the Communications

Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

4. Accordingly, it is ordered, effective August 31, 1979 that Part 0 of the rules and regulations is revised as set out in the Appendix hereto.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Subpart D, Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is revised as follows:

PART 0—COMMISSION ORGANIZATION

Subpart D—Public Availability of Classified Material

General

Sec.

0.501 Purpose.

0.502 Program oversight.

0.503 Classification Review Committee.

0.504 Original classification.

0.505 Derivative classification.

Downgrading and Declassification

0.520 Introduction.

0.521 Mandatory declassification review.

0.530 Access to classified materials.

0.531 Access by historical researchers and former Presidential appointees.

0.540 Fees and charges.

Authority: Secs. 4(i), 303(r), Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303(r)).

Subpart D—Public Availability of Classified Material

General

§ 0.501 Purpose.

Pursuant to Executive Order 12065 and Information Security Oversight Office Directive No. 1, the Commission prescribes the following regulations to insure that classified information and material is protected, but only to the extent and for such period as is necessary. The regulations identify the information to be protected, prescribe classification, downgrading, declassification and safeguarding procedures to be followed, and establish a monitoring system to ensure the regulations' effectiveness.

§ 0.502 Program oversight.

The Chief, Internal Review and Security Division will be responsible for conducting an oversight program that ensures effective implementation of Executive Order 12065, to include:

(a) Conducting security training and education programs.

(b) Encouraging Commission personnel to challenge those

classification decisions they believe to be improper.

(c) Issuing directives that ensure classified information is used, processed, stored, reproduced and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(d) Recommending to the Chairman appropriate administrative action to correct abuse or violation of any provision of these regulations, including notification by warning letters, formal reprimand, and, to the extent permitted by law, suspension without pay and removal.

§ 0.503 Classification Review Committee.

The Executive Director will chair the Commission's Classification Review Committee which shall have authority to act on all suggestions and complaints with respect to the Commission's administration of these regulations. The General Counsel, or a senior member of his staff designated by him, and the Chief, Internal Review and Security Division will serve as members of the Committee. All suggestions and complaints including those regarding overclassification, failure to classify, or delay in declassifying not otherwise resolved, shall be referred to the Committee for resolution. The Committee shall establish procedures to review and act within 30 days upon all appeals regarding requests for declassification. The Committee shall be authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the Committee determines that continued classification is required under the criteria of the Executive Order, it shall promptly so notify the requester and advise him that he may file an application for review with the Commission. In addition, the Committee shall review all appeals of requests for records under Section 552 of Title 5 U.S.C. (Freedom of Information Act) when the proposed denial is based on their continued classification under Executive Order 12065.

§ 0.504 Original classification.

Executive Order 12065 removed the Commission's prior authority for original classification of national security information as "SECRET" and "CONFIDENTIAL." In any instance where a Commission employee develops information that appears to warrant classification because of its national security character, the material will be afforded protection and sent to the Internal Review and Security Division (IRSD). Upon determination that classification is warranted, IRSD will

submit such material to the agency which has appropriate subject matter interest and classification authority.

§ 0.505 Derivative classification.

(a) Distinct from "original" classification is the determination that a document must be classified because it contains paraphrases, restatements, or summaries of, or incorporates in new form, information previously classified by proper authority. Authority to apply derivative classification is granted to Commissioners and Bureau and Office Chiefs, who may delegate this responsibility to the Division level. Original classification decisions must be respected, and to the extent practicable, the current level of classification should be verified through the original classification authority. Declassification or review instructions will be carried forward from the source material or, where available, the classification guide of the originator.

(b) Any document that derives its classification from information classified on or after December 1, 1978, shall be marked with the date or event assigned to the source information for its continued need for classification. If derived from an older document with a declassification date or event 20 years or less from the date of its original classification, that date will be carried forward to the derivative document. Documents derived from source documents without declassification date or event, or with a date 20 years or more from the date of original classification, will be given a declassification date 20 years from the date of original classification of the source document.

Downgrading and Declassification

§ 0.520 Introduction.

(a) Executive Order 12065 is intended to improve protection against unauthorized disclosure of national security information or material while increasing openness in Government by limiting classification and accelerating declassification. Declassification shall be given emphasis comparable to that accorded classification, with declassification action taken as early as national security considerations permit. The loss of the information's sensitivity with the passage of time or on the occurrence of a declassification event shall form the basis for the decision to declassify. Commission documents given original classification prior to December 1, 1978 may be declassified by the authorizing official, a successor, or by a supervisory official of either.

(b) Those permanent records given original classification by the

Commission prior to December 1, 1978, and not in the possession and control of the General Services Administration, must receive a systematic review for declassification prior to becoming twenty years old. Any record considered to require extension of classification must be submitted to an official authorized under E.O. 12065 as original classification authority. Absent such approval, or a prior automatic declassification date, the information is declassified automatically at the end of twenty years from the date of original classification. Exempt from such automatic declassification and the twenty year systematic review is foreign government information. Such information, unless declassified earlier, will be given a declassification review thirty years from its date of origin. As used herein, "foreign government information" is information provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or information produced by the United States pursuant to a written joint agreement with a foreign government or international organization of governments requiring that either the information or the arrangements, or both, be kept in confidence.

§ 0.521 Mandatory declassification review.

(a) The Office of the Executive Director is hereby designated as the office to which members of the public or Departments may direct requests for mandatory review for declassification under this provision. In the case of documents originally classified by the Commission, this office shall, in turn, assign the request to the appropriate office for action within 60 days. In each instance, receipt of the request will be acknowledged in writing immediately by the office which has been assigned action. A request for classification review must reasonably describe the document.

(b) Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information to the extent possible. Whenever a request does not reasonably describe the information sought, the requester shall be notified that unless additional information is provided or the scope of the request is narrowed, no further action will be undertaken. Upon a determination that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from

disclosure under 5 U.S.C. 552(b) (Freedom of Information Act) or other provision of law. If the information may not be released in whole or in part, the requester shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination to the Classification Review Committee, and a notice that such an appeal must be filed with the Commission within 60 days in order to be considered.

(c) When the request relates to a document given derivative classification by the Commission, the request and the document will be forwarded to the originator of the source document, and the requester notified of such referral.

(d) Employees presently cleared for access to classified information are encouraged to challenge classification in cases where there is reasonable cause to believe that information is classified unnecessarily, improperly, or for an inappropriate period of time. Such challenges should be brought to the attention of the Executive Director who will act thereon within 30 days, informing the challenger of actions taken. Requests for confidentiality will be honored.

§ 0.530 Access to classified materials.

No person may be given access to classified information (a) Unless that person has been determined to be trustworthy and (b) Unless access is necessary for the performance of official duties.

§ 0.531 Access by historical researchers and former presidential appointees

The requirements of § 0.530 may be waived for persons who are engaged in historical research projects, or who previously served as FCC Commissioners, provided they execute written agreements to safeguard the information and written consent to the Commission's review of their notes and manuscripts solely for the purpose of determining that no classified information is disclosed. A precondition to any such access is the favorable completion of an appropriate investigative inquiry.

§ 0.540 Fees and charges.

(a) The Commission has designated a contractor to make copies of Commission records and offer them for sale (See § 0.465).

(b) An hourly fee is charged for recovery of the direct costs of searching for the documents (See § 0.466). No search fee will be charged if:

- (1) The records are not located
- (2) The records are located but not declassified

(3) The search does not exceed one hour in duration.

[FR Doc. 79-27141 Filed 8-29-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 19

[RM-2961; FCC 79-507]

Petition for Adoption of Policy and Rule on Employee Service After Acceptance of Outside Employment in Communications Field

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC adopts internal procedures to assure against any conflict of interest when an employee is negotiating for, or has accepted, employment with any organization having business with the Commission, but rejects proposal to require that an employee's services be terminated immediately upon acceptance of outside employment.

EFFECTIVE DATE: October 3, 1979.

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

FOR FURTHER INFORMATION CONTACT: Upton Guthery, Office of General Counsel, (202) 632-6990.

Order

Adopted: August 16, 1979.

Released: August 21, 1979.

By the Commission: Commissioners Lee and Washburn dissenting.

In the matter of petition for adoption of policy and rule on employee service after acceptance of outside employment in Communications field, RM-2961.

1. The Commission has before it a petition for rulemaking filed by Citizens Communications Center (Citizens) on August 22, 1977. Citizens requests our adoption of a rule requiring Commission employees¹ to terminate their governmental employment immediately upon accepting an offer of future employment with any firm or organization having communications business with the FCC. Public Notice of the filing of the petition was given on September 19, 1977. No statements supporting or opposing the petition were filed.

2. The concern expressed by petitioner is for safeguarding the integrity of the Commission's processes during an FCC employee's transition from public to private employment. At present, an employee may continue in

¹ Citizens also urges adoption of a policy, tracking the proposed rule, to apply to Commissioners.

his federal capacity for a period of time after accepting another job. Citizens believes that during this time of transition the employee is placed in a position of divided allegiance between continuing to maintain the public trust and wishing to protect or further the interests of his future employer. Adoption of the proposed rule is thus urged to preclude such conflict from arising.

3. We do not think that the immediate termination of an employee's services is required to safeguard the integrity of the Commission's processes. An FCC employee who is negotiating regarding future private employment is prohibited from participating in his governmental capacity in any matter in which a person with whom he is negotiating has a financial interest. 18 U.S.C. 208(a); 47 CFR 19.735-204(e)(2). The same prohibition obviously applies if the employee has accepted private employment but remains temporarily with the Commission. Commission employees are also prohibited from disclosing non-public information to any person outside the Commission.

4. In practice, employees who have accepted private employment are expected to complete their FCC responsibilities as quickly as possible. Allowing them a brief period of time to remain in government service permits an orderly transition of work and fosters the proper conduct of the Commission's business.

5. It does appear, however, that procedural arrangements to assure there is no conflict of interest should be tightened. We are therefore amending § 19.735-204(e) of the rules as follows: Immediately upon entering into negotiations with a prospective employer, a Commission employee shall notify his immediate supervisor. The supervisor shall review the employee's assignments and responsibilities and discharge him from any that could affect the interests of the prospective employer. Thereupon, the employee shall file a statement of disqualification and non-participation pursuant to § 19.735-412(e). This employee's disqualification naturally continues if the employee remains with the Commission temporarily after accepting private employment.

6. Authority for this amendment is contained in Sections 4(i) and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in 18 U.S.C. 208. Because the amendment involves a matter of internal procedure, the prior notice provisions of 5 U.S.C. 553 are inapplicable.

7. Accordingly, it is ordered, effective October 3, 1979, that the Petition for

Rule Making (RM-2961) is denied, that § 19.735-204 is amended as set out in the attached Appendix, and that this proceeding is terminated.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

In Part 19 of Chapter I of Title 47 of the Code of Federal Regulations, § 19.735-204 is amended as follows:

1. That portion of § 19.735-204(e)(2) preceding subdivision (i) is revised; a new § 19.735-204(e)(3) is added; and present § 19.735-204(e)(3) is redesignated § 19.735-204(e)(4), to read as follows:

§ 19.735-204 Financial interests.

* * * * *

(e) * * *

(2) An employee may not participate in his governmental capacity in any matter in which he, his spouse, minor child or outside business associate has a financial interest (18 U.S.C. 208).

* * * * *

(3) An employee may not participate in his governmental capacity in any matter in which a person from whom he has accepted employment, or with whom he is negotiating for employment, has a financial interest. At the outset of negotiations with such a prospective employer, the employee shall notify his immediate supervisor. The supervisor shall review the employee's current assignments and responsibilities and discharge him from any that could affect the interests of the prospective employer. The employee shall thereupon file a statement of disqualification and non-participation pursuant to § 19.735-412(e). The statement shall continue in effect until such time (if any) as the negotiations are unsuccessfully terminated.

(4) [text of old (e)(3) redesignated (e)(4)]

[FR Doc. 79-27140 Filed 8-29-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 192

[Amendment 192-34; Docket PS-54]

Transportation of Natural and Other Gas by Pipeline; Joining of Plastic Pipe

AGENCY: Materials Transportation Bureau.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period to September 30, 1979, for comments to be submitted on certain issues regarding the final rule on joining of plastic pipe as published in the Federal Register, Volume 44, No. 142, page 42968, on July 23, 1979.

DATES: Comments due by September 30, 1979.

ADDRESS: Communications should refer to the docket and amendment number and should be sent to: Docket Branch, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Paul J. Cory, 202-426-2392.

SUPPLEMENTARY INFORMATION: In a letter of July 31, 1979, the American Gas Association (AGA) requests that the comment period on Amendment 192-34; Docket PS-54, Joining of Plastic Pipe, be extended for an additional 30 days. As justification for this request AGA points out that the limited time for response, based on the publication date of the amendment and the closing date for reply, does not permit time for distribution of the amendment and a thorough review by individuals in the industry having expertise in this area.

Based on the above request, MTB is extending the comment period to September 30, 1979, on Amendment 192-34, Docket PS-54, Joining of Plastic Pipe. (49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53 and Appendix A of Part 1).

Issued in Washington, D.C. on August 27, 1979.

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 79-27193 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of Pocasse National Wildlife Refuge, South Dakota, to Upland Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Pocasse 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: November 17, 1979 through December 9, 1979.

FOR FURTHER INFORMATION CONTACT: Sam Waldstein, Refuge Manager, Sand Lake NWR, Columbia, South Dakota 57433 (605) 885-6320.

SUPPLEMENTARY INFORMATION:

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

Upland game hunting is permitted on the Pocasse National Wildlife Refuge, South Dakota, only on the areas designated by signs as being open to hunting. These areas comprising 2540 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Upland Game Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting pheasants on the refuge is from November 17, 1979 through December 9, 1979.

2. Hunters will not be allowed to drive on the refuge, but may park their vehicles outside the refuge and hunt on foot.

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

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

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb)

Dated: August 17, 1979.

Sam Waldstein,
Refuge Manager, Sand Lake National Wildlife Refuge.

[FR Doc. 79-27036 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Opening of Pocasse National Wildlife Refuge, South Dakota, to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to big game hunting of Pocasse 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: November 24, 1979 through December 2, 1979.

FOR FURTHER INFORMATION CONTACT: Sam Waldstein, Refuge Manager, Sand Lake NWR, Columbia, SD 57433 (605) 885-6320.

SUPPLEMENTARY INFORMATION:

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

Big game hunting is permitted on the Pocasse National Wildlife Refuge, South Dakota, only on the areas designated by signs as being open to hunting. These areas comprising 2400 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Big game hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting deer on the refuge is from November 24, 1979 through December 2, 1979.

2. Hunters will not be allowed to drive on the refuge, but may park their vehicles outside the refuge and hunt on foot.

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

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

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb)

Dated: August 17, 1979.

Sam Waldstein,
Refuge Manager, Sand Lake National Wildlife Refuge.

[FR Doc. 79-27037 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Opening of Sand Lake National Wildlife Refuge, South Dakota, to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to big game hunting of Sand Lake 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: November 1, 1979 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Sam Waldstein, Refuge Manager, Sand Lake NWR, Columbia, SD 57433 (605) 885-6320.

SUPPLEMENTARY INFORMATION:

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

Big game hunting is permitted on the Sand Lake National Wildlife Refuge, South Dakota, only on the areas designated by signs as being open to hunting. These areas comprising 20,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Big game hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open seasons for hunting deer on the refuge are:

a. Archery season—November 1, 1979 through November 16, 1979 and December 10, 1979 through December 31, 1979.

b. Firearms season.—1. Muzzle loading rifles—November 17, 1979 through November 23, 1979.

2. Rifle and other legal firearms—November 24, 1979 through November 27, 1979; November 28, 1979 through December 2, 1979; and December 3, 1979 through December 9, 1979.

2. All hunters must exhibit their license, deer tag and vehicle contents to Federal or State Officers upon request.

3. Hunters are allowed to drive in the refuge only at times designated by the

refuge manager. A list of the regulations is available at Refuge Headquarters.

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

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

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

Dated: August 17, 1979.

Sam Waldstein,
Refuge Manager, Sand Lake National
Wildlife Refuge.

[FR Doc. 79-27038 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Opening of Sand Lake National Wildlife Refuge, South Dakota to Migratory Game Bird Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The director has determined that the opening to migratory game bird hunting of Sand Lake 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 29, 1979 through December 23, 1979.

FOR FURTHER INFORMATION CONTACT: Sam Waldstein, Refuge Manager, Sand Lake NWR, Columbia, SD (605) 885-6320.

SUPPLEMENTARY INFORMATION:

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

Migratory game bird hunting is permitted on the Sand Lake National Wildlife Refuge, South Dakota, only on the areas designated by signs as being open to hunting. These areas comprising 275 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box

25486, Denver Federal Center, Denver, Colorado 80225. Migratory game bird hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting geese on the refuge is from September 29, 1979 through December 23, 1979.

2. The open season for hunting ducks and coots on the refuge is from October 6, 1979 through November 25, 1979 and from December 1, 1979 through December 9, 1979.

3. Hunting will be from established blinds only, without cost, with each site restricted to no more than two hunters, on a first come, first served basis. Blind sites and their use are more specifically described on a map and a list of regulations available at Refuge Headquarters and at each of the hunting sites.

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

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

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

Dated: August 17, 1979

Sam Waldstein,
Refuge Manager, Sand Lake National
Wildlife Refuge.

[FR Doc. 79-20732 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Opening of Sand Lake National Wildlife Refuge, South Dakota, to Upland Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Sand Lake 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: December 10, 1979 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Sam Waldstein, Refuge Manager, Sand Lake NWR, Columbia, South Dakota 57433 (605) 885-6320.

SUPPLEMENTARY INFORMATION:

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

Upland game hunting is permitted on the Sand Lake National Wildlife Refuge, South Dakota, only on the areas designated by signs as being open to hunting. These areas comprising 20,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Upland Game Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting pheasants on the refuge is from December 10, 1979 through December 31, 1979.

2. Hunters will not be allowed to drive on the refuge, but may park their vehicles outside the refuge and hunt on foot.

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

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

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

Dated: August 17, 1979.

Sam Waldstein,
Refuge Manager, Sand Lake National
Wildlife Refuge.

[FR Doc. 79-27033 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

Opening of Flint Hills National Wildlife Refuge, Kansas to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Flint Hills 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: As determined by applicable state laws.

FOR FURTHER INFORMATION CONTACT: The Area Manager or Refuge Manager at the address or telephone number listed below:

Tom A. Saunders, Area Office Manager, U.S. Fish and Wildlife Service, 2701 Rockcreek Parkway, Suite 106, North Kansas City, MO 64116, Telephone: (816) 374-6166.

Mike Long, Refuge Manager, Flint Hills National Wildlife Refuge, P.O. Box 128, Hartford, Kansas 66854, Telephone: (316) 392-5553.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for recreation as an appropriate incidental or secondary use only to the extent that 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; (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kansas, is permitted only on the areas designated as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

Sport fishing shall be in accordance with all applicable State regulations

subject to the following special conditions:

1. Beginning one week before the opening of the 1979-80 Regular Waterfowl Season, as determined by State and Federal Law, and thru the close of this season, Only Eagle Creek, the Neosho River and impoundments in the Eagle Creek and Hartford hunting units are open to public fishing. Except the Neosho River Oxbow northeast of the Strawn Township is closed, as marked by buoys.

2. Immediately following the close of the 1979-80 Waterfowl Season, as determined by State and Federal Law, all waters within the Flint Hills Refuge are open to sport fishing and the taking of bullfrogs.

3. Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

4. All man-made water impoundments within the refuge may be fished with pole and line and bow and arrow only. The 15-inch minimum length for black bass, as defined by Kansas Law applies to all refuge man-made impoundments.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb)

Dated: August 23, 1979.

Jefferson L. Fountain,
Acting Area Manager.

[FR Doc. 79-27035 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

Opening of Wildlife Management Areas 10, 11, and 12 to Public Pheasant Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening of parts of the Lacreek National Wildlife Refuge, Martin, South Dakota, to public hunting of cock pheasants is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will supply additional recreational opportunities to the public. These special regulations describe the conditions under which

pheasant hunting will be permitted on portions of Lacreek National Wildlife Refuge.

DATES: October 20, 1979 through December 9, 1979.

FOR FURTHER INFORMATION CONTACT: Rolf H. Kraft, Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota 57551 or Telephone 605-685-6508.

SUPPLEMENTARY INFORMATION:

General

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer this area 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 such recreational use 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 permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purpose for which the Lacreek National Wildlife Refuge was established. This determination is based upon consideration of 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.

§ 33.5 Special regulations; hunting ring-necked pheasant; for individual wildlife refuge areas.

Public hunting of cock ring-necked pheasant on the Lacreek National Wildlife Refuge, South Dakota, is permitted in those parts of Wildlife Management Areas 10, 11, and 12 (3,850 acres) delineated on maps available at designated registration stations and Refuge Headquarters. Hunting shall be according to State and Federal Regulations governing the hunting of cock pheasants subject to the following special conditions:

a. Hunters must check in and check out each day.

b. A special daily permit is required and must be in possession while hunting. The permits are available at self-service registration stations.

c. Motor vehicle use is restricted to designated access roads and parking areas.

d. Parking is permitted only in designated parking areas.

e. Discharging of firearms from, upon, or across any public roadway, or within 50 feet of the center line of any public roadway, or within the confines of parking areas, is prohibited.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 33, and are effective through December 31, 1979. The public is invited to offer suggestions and comments at any time.

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

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651 secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270 sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

Dated: August 20, 1979.

Rolf H. Kraft,

Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

[FR Doc. 79-27034 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 44, No. 170

Thursday, August 30, 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 rule.

COST ACCOUNTING STANDARDS BOARD

[4 CFR Parts 403, 410, and 422]

Promulgation of Standards; Public Meeting

AGENCY: Cost Accounting Standards Board.

ACTION: Notice of public meeting.

SUMMARY: This notice is issued in furtherance of the decision of the Cost Accounting Standards Board to invite the public to observe meetings at which the Board considers the merits of Standards, rules and regulations, including modifications, which are proposed for final promulgation. The Board will consider a proposal to promulgate a Cost Accounting Standard on "Accounting for Independent Research and Development Costs and Bid and Proposal Costs." The Standard to be considered is based on the proposed Standard on this subject published for comment in the *Federal Register* on May 25, 1979, (44 FR 30347) and on the response to that publication. The meeting will be open to the public.

DATE: 2:30 p.m., September 14, 1979.

ADDRESS: General Accounting Office, Room 7315, 441 G Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Arthur Schoenhaut, Executive Secretary, 202-275-6111.

Arthur Schoenhaut,
Executive Secretary.

[FR Doc. 79-27014 Filed 8-29-79; 8:45 am]

BILLING CODE 1620-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[9 CFR Part 202]

Proposed Revocation of Rules of Practice Applicable to Rate Proceedings

AGENCY: Packers and Stockyards,

Agricultural Marketing Service, U.S. Department of Agriculture.

ACTION: Proposed Amendment.

SUMMARY: This proposed rule revokes the rules of practice governing proceedings under the Packers and Stockyards Act (9 CFR, Part 202) which apply to rate proceedings.

DATE: Comments must be received on or before October 29, 1979.

ADDRESS: Send comments to Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250. All comments received may be reviewed in the Hearing Clerk's office, Room 1077, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Jack W. Brinckmeyer, Livestock Marketing Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250, 202-447-4366.

SUPPLEMENTARY INFORMATION: On February 1, 1977, rules of practice governing formal adjudicatory proceedings (7 CFR 1.130 *et seq.*) superseded the rules of practice applicable to disciplinary proceedings under the Packers and Stockyards Act. The rules of practice currently applicable to rate proceedings should be revoked because they incorporate by reference certain sections of old rules applicable to disciplinary proceedings which have been superseded.

In October 1978 the Department's control of rates and charges at posted stockyards was reduced to the point that it is unlikely a rate proceeding will be instituted in the immediate future. Therefore, issuance of new rules at this time would be inappropriate. If, however, in the future it becomes necessary to institute a rate proceeding, rules will be adopted at that time.

§§ 202.1—202.38 and 202.60 [Revoked]

Accordingly, it is proposed to amend Title 9, Code of Federal Regulations by revoking § 202.1 through 202.38 inclusive, and § 202.60. (See 407, 42 Stat. 169, as amended, 72 Stat. 1750, 77 Stat. 79, and 90 Stat. 1252.3; (7 U.S.C. 228)).

This proposal has been reviewed under the USDA criteria established to implement Executive Order 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: Jack, W. Brinckmeyer, Livestock Marketing Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: 202-447-4366.

Done at Washington, D.C., August 24, 1979.

Chas. B. Jennings,

Deputy Administrator, Packers and Stockyards-AMS.

[FR Doc. 79-27039 Filed 8-29-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 212]

[Docket No. ERA-R-79-42]

Mandatory Petroleum Price Regulations; Refiner Investment Incentives

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of inquiry and of public hearings on requests for rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a public hearing and solicits comments regarding requests by certain refiners for a rulemaking regarding refiner investment incentives. These refiners propose that the refiner price rule be amended to permit refiners to recoup as a nonproduct cost increase an annual rate of return on new investments designed to increase refinery capacity. DOE specifically invites comments and data on the need for an investment incentive and on several unresolved substantive issues regarding any proposed amendments. DOE will consider the information produced in response to this notice in determining whether it should issue a notice of proposed rulemaking.

The purpose of any such proposed rulemaking would be to create an economic incentive for refiners to increase and upgrade refinery capacity.

DATES: Comments by October 26, 1979, 4:30 p.m. Requests to speak by September 24, 1979, 4:30 p.m. Hearing Dates: New York hearing, October 2, 1979, 9:30 a.m.; Houston hearing, October 4, 1979, 9:30 a.m.

ADDRESSES: All comments to Public Hearing Management; Docket No. ERA-

R-79-42, Department of Energy, Room 2313, 2000 "M" Street, N.W., Washington, D.C. 20461. Requests to speak at New York hearing to Department of Energy, Attn: Eugene Hennessy, 26 Federal Plaza, NY, NY 10012. Requests to speak at Houston hearing to Department of Energy, 2626 West Mockingbird Lane, P.O. Box 352228, Attn: Mac L. Lacefield, Dallas, Texas 75235.

HEARING LOCATIONS:

New York: Federal Building, 26 Federal Plaza, Room 305C, New York, New York 10007.

Houston: Allen Park Inn, 2121 Allen Parkway, Houston, Texas 77019.

FOR FURTHER INFORMATION:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2222-A, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5201.

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

Ed Mampe or Chuck Boehl (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7200.

William Mayo Lee (Office of General Counsel), Department of Energy Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6754.

SUPPLEMENTARY INFORMATION:

- I. Proposed Amendment
- II. Comments Requested
- III. Written Comments and Public Hearing Procedures

I. Proposed Amendment

The DOE and its predecessor agencies have, since 1973, regulated the prices which refiners may charge for controlled products under a scheme which generally limits the refiner's nominal cents per gallon markup while allowing the pass-through of many increased costs. This mode of regulation has been criticized for failing to address adequately the effects of diminishing rates of returns over time on new refinery investments, given their higher costs and in the absence of significant increases in productivity.

Several refiners have requested DOE to amend the refiner price rules to permit refiners to recoup as an increased cost a return (at some specified rate) on new equity investments designed to increase or upgrade refinery capacity. In response to these requests, DOE is issuing this notice of inquiry to allow refiners and the general public the opportunity to

present to DOE arguments and information on whether such an amendment to the price rules is appropriate and necessary and to offer ideas and suggestions regarding the substantive provisions of any proposed amendment DOE might issue.

In general, it is DOE's policy that the price regulations provide reasonable incentives to refiners to make the most efficient possible use of crude oil. Currently the refiner price regulations provide various mechanisms for the recovery of certain investment costs in order to encourage refiners to install equipment to increase the production of light products. For example, the capital costs of new refining capacity can be depreciated, and those depreciation costs can be passed through in the form of higher product prices. In addition, the cost of borrowed capital, insofar as it is reflected in the interest paid on such borrowings, may be passed through. In addition, certain provisions in the price rules were included in order to provide incentives for certain types of investments. For example, the so-called gasoline tilt rule, adopted March 1, 1979, provides refiners with the opportunity to pass through a greater than volumetric proportion of their costs on gasoline under a general formula that is intended to allow for full recovery of investments in expanded gasoline production facilities. An amendment is pending that would provide an incentive to increase unleaded gasoline production. The regulations do not explicitly provide, however, for the explicit passthrough in product prices of an amount which reflects a fair rate of return on equity investments or which allow refiners to take advantage of decreased crude costs because such investments allow them to process lower quality crude oil. The requests at issue in this proceeding suggest that provisions for such passthrough be included in the refiner price rule.

In general, the proposal made by the petitioners would permit refiners to recoup as a non-product cost increase an annual return (possibly expressed as a percentage rate of return) on new investments designed to increase refinery capacity. DOE invites comments on the need for such an amendment to the price rules and on the substantive provisions which should be included in a proposed amendment. DOE will issue a notice of proposed rulemaking only after the comments have been evaluated and if they indicate

a sufficient factual basis upon which to initiate a formal rulemaking on this subject.

II. Comments Requested

DOE requests comments in two general areas: (1) the economic justification for adopting any amendment permitting refiners to recoup as an increased nonproduct cost a rate of return on investment; and, (2) the substantive provisions of any amendment DOE may propose. All comments should be to the maximum possible extent be documented with economic data.

A. Economic Justification

1. Would the adoption of any amendment similar to the one suggested today encourage new investments in increased refinery capacity? If so, describe the investments and the rate of return needed to make such investments. Would such investments be made irrespective of the adoption of any amendments to the rules? Would the adoption of the proposed amendment result in greater incentives to upgrade facilities to a) desulfurize crude oil; b) produce greater quantities of light clean products from given quantities of crude oil; c) provide greater incentives to increase unleaded production or upgrade unleaded gasoline octanes?

2. Did the gasoline tilt rule adopted by DOE on March 1, 1979 (44 F.R. 15600, March 14, 1979) increase refiners' incentives to increase and upgrade refining capacity? Describe any refinery expansions or upgrading planned that would not likely have been approved in the absence of the tilt regulation. Why is the tilt regulation alone adequate or not adequate, as the case may be, to provide incentives to refiners to increase or upgrade their refining capacity? If we were to adopt the proposal suggested by some refiners, would there be an overlap with the profit incentives created by the tilt?

3. Describe all decisions made by your company since January 1, 1979 to increase or upgrade refinery capacity. During 1978? What is the estimated capital cost of each?

4. Does your company anticipate during the next twelve months reviewing and deciding upon future refinery expansions or upgrading? If so, describe the potential investments and the costs.

5. Describe and give examples of the various sources of investment capital used by your firm to increase or upgrade

refinery capacity. What factors determine the manner in which you raise funds? Would they be affected by a rulemaking explicitly allowing a return on investment capital?

6. Will a return on investment in new refinery capacity unfairly discriminate against some refiners?

7. What would be the amount of increased cost you would have incurred and what portion, if any, of this amount could you have recouped if the suggested amendment had been in effect during the last 6 months? During 1978?

8. What do you anticipate will be the effect of the suggested amendment on retail gasoline prices? Other regulated product prices? On the prices of unregulated products?

9. DOE has estimated that each one cent increase in the price of gasoline reduces consumption by 20,000 barrels per day. Recent large increases in petroleum product prices may therefore have reduced consumption of gasoline by up to 500,000 barrels per day.

(1) What is the extent of the reduction in consumption attributable to recent large product price increases? What is your estimate of short-term elasticity?

(2) Do these reductions in consumption obviate the need for the investment incentives? How might they affect the need for any investment incentives?

B. Substantive Provisions

1. What rate of return on investment should DOE propose?

(a) Should the return be based on the industry average return on equity or on company specific rates of return? Does it make more sense to base any return on refining investments, as opposed to the return on all investments (production, marketing, distribution, and non-petroleum activities)? What is the historic average return of the refining segment of the petroleum industry?

(b) Should the return vary depending on the type and cost of the investment? If so, how and why?

(c) Should the return vary depending on prevailing conditions in the money market? For example, should it change with the average bank prime lending rate?

(d) Should the return be computed on a pre-tax or a post-tax basis? If the incentive were computed on a pre-tax basis, what would the after-tax benefit be for your company?

2. How should a proposed regulation describe the types of investments which would qualify as investments to increase or upgrade refinery capacity? Which investments should be disallowed? Should it be necessary for refiners to demonstrate the need for

such investments prior to allowing them to pass through such increased costs?

3. What investments should be considered "new" investments? Those made after January 1, 1979? Since August 1, 1979?

4. When should an investment be considered to be made? When construction or installation of the project is begun or completed? As funds are expended?

5. Should any amendments be made to the current nonproduct cost increase categories (such as depreciation and interest) to prevent firms from recovering a cost increase more than once?

6. For how long a time period should a return be permitted on a particular investment? Should any allowable return vary with the type of product being produced because of such investment, i.e., a lower cost passthrough for investments to produce uncontrolled products (e.g., residual fuel oil) and a higher cost passthrough for investments to produce controlled products (e.g., gasoline)? Does this approach make sense given the fact refiners can obtain a return on investments to produce decontrolled products? How would such a mechanism work?

7. Comment on any accounting problems you might have in calculating an increased cost based on rate of return. Should DOE establish standard accounting procedures to be used by all firms in calculating rates of return? If so, what method would you endorse?

8. As an alternative to allowing refiners a return on new fixed capital investments, would it make better sense to fund such increased costs out of the entitlements program? Would such an approach result in additional investments? Should such a mechanism be limited to needed investments, such as unleaded gasoline capacity additions? How might such a mechanism work?

9. In the alternative or in conjunction with this proposal, where such investments allow use of a lower quality, lower priced crude oil (while still producing the same product slate), should refiners be able to retain all or part of the reduced crude oil acquisition cost? How would such a mechanism work?

10. Should any additional allowable nonproduct cost increase as a result of such a regulatory change be passed through to product prices only after all current month's costs are passed through? Should they be non-bankable? Alternatively, should a time limit be imposed on the recoupment of such increased costs?

11. Should this proposal be limited to petroleum refiners or should it be extended to natural gas processors? Specifically, do the current natural gas price regulations provide adequate incentives for modernization and upgrading of existing plants? Does the absence of a return on gas plant investment inhibit investment in gas plant facilities where the percentage of NGL's is small?

12. To what extent has the refinery fuel incentive encouraged investment for fuel economy? Has this incentive been gradually diminished by higher fuel costs? Should the refinery fuel incentive be deleted if a return on investment is adopted? If it is not adopted, should the base period for refinery fuel cost calculation be updated? What new investments would be likely if this were done and what fuel economy would be achieved?

13. If the refiners' proposal or an alternative is adopted, what other changes in the price rules would be appropriate? If no specific incentive change is adopted, what changes in the price rules would be appropriate with or without reference to incentive mechanisms?

III. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this Notice of Inquiry by submitting data, views or arguments with respect to the issues set forth in this Notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Refiner Investment Incentives," Docket No. ERA-R-79-42. Ten copies should be submitted. All comments received will be available for public inspection in the DOE Freedom of Information Office, Room GA-145, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Comments should be received by October 26, 1979, 4:30 p.m. in order to be considered.

Confidential information and data should be designated as "confidential." DOE retains the authority to determine if information and data submitted is of a confidential nature and to treat it accordingly.

B. Public Hearing

1. *Procedure for Requesting Participation.* The times and places for the hearings are indicated in the "Dates" and "Addresses" section of this Notice. If necessary to present all testimony, hearings will be continued at 9:30 a.m.

on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation at the hearings. The requests should contain a phone number where you may be contacted through the day before the hearing.

We will notify each person selected to be heard before 4:30 p.m., September 26, 1979. Persons scheduled to speak at the hearings must provide 100 copies of their statement to the hearing location by 9:30 a.m. on the date of the hearing.

2. Conduct of the Hearing. We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearings, which will not be judicial in nature. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked by the presiding officer of any person making a statement at the hearings. Such questions should be submitted to the address indicated above for requests to speak, for the location concerned, before 4:30 p.m. on the day prior to the hearing. If at the hearing you decide that you would like to ask a question of a witness, you may submit the question, in writing, to the presiding officer. In either case the presiding officer will determine whether the time limitations permit it to be presented for a response.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officers.

Transcripts of the hearings will be made, and the entire record of the hearings, including the transcripts, will be retained by the DOE and made available for inspection at the Freedom of Information Office, Room GA-145, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for us to cancel a hearing, we will make every effort to publish advance notice in the *Federal Register* of such cancellation. Moreover, we will give

actual notice to all persons scheduled to testify at the hearings. However, it is not possible to give actual notice of cancellations or changes to persons not identified to us as participants. Accordingly, persons desiring to attend a hearing are advised to contact DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., August 23, 1979.

David J. Bardin,
Administrator, Economic Regulatory
Administration.

[FR Doc. 79-27006 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Leasing Policy Development

[10 CFR Parts 212, 375 and 391]

Leasing; Cancellation of Regional Hearing on Proposed Rulemaking Regarding the Acquisition and Disposition of Federal Royalty Oil

AGENCY: Department of Energy.

ACTION: Cancellation of Regional Hearing in New Orleans, Louisiana on September 5, 1979.

SUMMARY: On July 28, 1979, the Department of Energy (DOE) proposed regulations entitled "Proposed Rulemaking and Public Hearing Regarding the Acquisition and Disposition of Federal Royalty Oil" (44 FR 45900, August 3, 1979). On August 1, 1979, a supplemental notice was also issued (44 FR at 45909, August 3, 1979) which announced proposed regional hearings in Denver, Colorado on August 30, 1979 and New Orleans, Louisiana on September 5, 1979. Requests to speak at these regional hearings were due by August 22, 1979.

Due to a lack of interest in speaking at the regional hearing in New Orleans, DOE has decided that the September 5 hearing shall be cancelled. The hearing in Denver on August 30 and the Washington, D.C. hearing on September 12 will be held, as scheduled, at the

times and locations given in the *Federal Register* notice of August 3.

Issued in Washington, D.C. on August 4, 1979.

George S. McIsaac,
Assistant Secretary, Resource Applications.
[FR Doc. 79-27060 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

Proposed Rule—Agency Relationship With Approved Mortgage Lender

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would permit a Federal credit union to act as an agent for a mortgage lender, approved by the National Credit Union Administration, granting long term real estate loans to members of the Federal credit union. The rule is necessary so that a Federal credit union which is unable to meet its members' demand for mortgage loans will nonetheless be able to provide this important service to its membership. Under the proposed rule, members would be able to obtain loans through their Federal credit union on the terms and conditions that would apply if the Federal credit union granted the loans.

DATE: Comments must be received on or before November 7, 1979.

ADDRESS: Send comments to: Robert S. Monheit, Senior Attorney/Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Assistant General Counsel, Edward J. Dobranski, Senior Attorney, or John L. Culhane, Jr., Attorney-Advisor, Office of General Counsel, at the above address, telephone: (202) 632-4870.

SUPPLEMENTARY INFORMATION:

Background

Prior to the April 19, 1977 amendments to the Federal Credit Union Act (Pub. L. 95-22, 91 Stat. 49) Federal credit unions were only authorized to grant loans with maturities of 10 years or less. This made it difficult for Federal credit unions to grant conventional mortgage loans. Pub. L. 95-22 amended the Act to permit Federal credit unions to grant residential real estate loans with maturities of 30 years or less. This power was to be implemented by regulations adopted by

NUCA. Congress indicated that NCUA should use its discretion in determining how Federal credit unions should provide this service without adversely affecting their primary function of providing low cost consumer loans to their members. See H.R. Rep. No. 23, 95th Cong., 1st Sess. 9 (1977). In adopting Public Law 95-22 Congress also intended Federal credit unions to take greater advantage of secondary mortgage market programs, such as those operated by state and Federal housing authorities. See H.R. Rep. No. 23, 95th Cong., 1st Sess. 12, 16-17 (1977).

The Administration has monitored FCU mortgage lending since the adoption of § 701.21-6 of its Rules and Regulations (12 CFR 701.21-6), which implemented the power to grant 30-year mortgage loans. It has become apparent that the vast majority of Federal credit unions are not able to provide this service to their members because of insufficient funds and due to their inability to participate effectively in the secondary mortgage market.

Since § 701.21-6 was adopted, different organizations have requested that NCUA permit Federal credit unions to act as agents for other lenders granting long term real estate loans to credit union members. These requests came from the CUNA Mortgage Corporation, state housing authorities (many of which traditionally operate in this manner), and a Pension Fund of a Federal credit union's sponsor.

Consequently, the Administration approved, as an experiment, the participation of a Federal credit union as an agent for the Pension Fund granting long term real estate loans to the members of the Credit Union. The Administration now proposes to permit Federal credit unions to act as agents for mortgage lenders. This will allow Federal Credit unions to channel needed capital to housing markets without affecting either their liquidity or their ability to provide low cost consumer loans to their members. It will also allow Federal credit unions and their members to take greater advantage of programs operated by state and Federal housing authorities.

Scope

The proposed regulation would only permit a Federal credit union to contract to act as an agent for a lender who grants "long term real estate loans" to the members of the Federal credit union. A Federal credit union could not act as an agent for a lender unless the provisions of this regulation are complied with. Thus, for example, a Federal credit union could not act as an

agent for a lender with respect to other loans, such as automobile loans.

A "long term real estate loan" is basically a loan that a Federal credit union could grant under § 701.21-6 of NCUA's rules and regulations. It is defined as a loan granted to finance or refinance the acquisition of a one-to-four family dwelling for the principal residence of the borrower, the sales price of which is not more than 150 percent of the median sales price of residential real property situated in the geographical area in which the property is located. By definition, a "long term real estate loan" must also be secured by a first lien upon such dwelling, and it must have a maturity in excess of twelve but not exceeding thirty years.

As proposed, this regulation would apply whenever a Federal credit union performs any of the following acts on behalf of a mortgage lender granting long term real estate loans to the FCU's members: (1) Accepting and forwarding loan applications from its members; (2) processing loan applications from its members and recommending either granting or denying loans or offering loans on different terms and conditions than those requested; (3) providing a site for closings; (4) distributing the loan proceeds provided by the mortgage lender; and (5) servicing long term real estate loans granted by the mortgage lender.

Approved Mortgage Lender

Any institution, if authorized to grant long term real estate loans on the terms and conditions that apply when Federal credit unions make such loans, may apply to the Administration for designation as an approved mortgage lender. In recognition of the fact that their programs are designed to serve special social policies, approval is granted automatically to state and Federal housing authorities. The proposed rule would not require them to file applications with the Administration, however, their programs would still have to comply with this regulation as a condition of Federal credit union participation.

Under this proposed rule, if approved, the mortgage lender would agree: (1) That certain terms would be in the contract between any Federal credit union agent and the mortgage lender; (2) that no officials or employees of the Federal credit union agent would have any financial interest in or receive monies from the mortgage lender; (3) that the mortgage lender would be subject to a limited examination by NCUA (except that this requirement would not apply to state and Federal Housing authorities); (4) that it would

pay interest on escrow accounts at a rate at least equal to that the Federal credit union would pay; and (5) that a disclaimer would be used in the event the lender advertises that it is an "approved mortgage lender."

The rule requires that specific terms be part of the contract between a Federal credit union and the mortgage lender. One set of terms is designed to assure that the loan process will resemble as closely as possible that used by the Federal credit union, as that process provides substantial protections for the borrower. These terms include the prohibition on membership fees (§ 701.21-6A(c)(1)(A)), the requirement that the credit union follow standard procedures for reviewing loan applications (§ 701.21-6A(c)(1)(B)), the requirement that transactions be kept confidential (§ 701.21-6A(c)(1)(C)), and the requirement that the mortgage lender be subject to the same proscriptions against discriminating against any class of members that apply to the Federal credit union (§ 701.21-6A(c)(1)(D)).

The confidentiality provision warrants further explanation. The requirement that the officers, directors, committee members, and employees of the mortgage lender keep all transactions confidential is based on Article XIX, Section 2 of the standard Federal Credit Union Bylaws. This bylaw requires that information be kept confidential, except to the extent deemed necessary in connection with the making of loans and the collection of those loans. Thus, this requirement would prohibit the mortgage lender from releasing information regarding accounts or from making lists of borrowers available to third parties or to other lending divisions of the mortgage lender. (A standard amendment to this bylaw which permits the release of information to a credit reporting agency is available.)

A second set of terms in the contract between the mortgage lender and the Federal credit union will assure that the Federal credit union does not exceed the scope of its incidental powers in participating as an agent for a mortgage lender. These terms include the provision limiting reimbursement by the mortgage lender to actual costs incurred by the credit union (§ 701.21-6A(c)(1)(E)), the requirement that the loans be made on the same terms and conditions that would apply if the Federal credit union granted the loans (§ 701.21-6A(c)(1)(F)), and the restrictions on loans which the Federal credit union may service (§ 701.21-6A(c)(1)(G)).

The additional term is essentially administrative. The proposed requirement that records be retrievable by the name of the Federal credit union agent should enhance the accessibility of the records in the event the Federal credit union or NCUA needs to obtain copies of them.

The Administration has proposed to reserve the right to terminate the designation of a lender as an approved mortgage lender if, in operating under this regulation, the mortgage lender or its officials act in such a fashion as would warrant administrative action against a Federal credit union. Consequently, under this proposed rule the Administration could terminate the designation of a lender as an approved mortgage lender: (1) If the program is operated in an unsafe and unsound manner, (2) if the mortgage lender, when requested to do so by NCUA, fails to remove or suspend any official whose conduct would warrant removal or suspension if the official were an official of a Federal credit union, (3) if the mortgage lender violates any conditions of its approval, or (4) if it violates this regulation.

FCU Agent

The proposed regulation requires that the board of directors specifically determine that the credit union will enter into an agency relationship with another lender. The Administration would not review this decision, as it believes that this is a matter for the board's discretion. It should be noted, however, that NCUA does not view the choice to enter into an agency relationship with another mortgage lender as excluding a Federal credit union from granting its own long term real estate loans.

Although NCUA does not intend to review the decision of a credit union's board of directors to enter into an agency relationship with another lender, the proposed regulation would require the credit union to notify the appropriate Regional Director before the agency relationship begins. This will permit NCUA to monitor those Federal credit unions participating as agents for other lenders.

This notice is also designed to assure that the board of directors has considered certain significant factors. Those factors include the designation of the lender as an approved mortgage lender, the existence of appropriate surety bond coverage, the payment of interest on escrow accounts held by the credit union, and compliance with applicable consumer laws.

Loan Terms

Loans granted by a mortgage lender to members of a Federal credit union agent must be made on the terms and conditions that would apply if the Federal credit union granted the loan. Consequently, the significant provisions of § 701.21-6 (12 CFR 701.21-6), the regulation governing long term real estate loans granted by Federal credit unions, will apply. In addition, NCUA's non-discrimination regulation, Section 701.31 (12 CFR 701.31), would apply, as would certain provisions of NCUA's flood insurance regulation, § 760.2 and Appendix A thereto (12 CFR 760.2, Appendix A).

Included in the terms and conditions are those terms dealing with late charges. Under the proposed rule, the mortgage lender will be responsible for complying with the provisions of Article XII, Section 8 of the Federal credit union's bylaws. Federal credit unions are therefore advised to adopt the standard bylaw amendment to Article XII, Section 8 so that the provisions of the bylaw will not conflict with the provisions of the FNMA/FHLMC Uniform Instrument, which would have to be used by the mortgage lender under §§ 701.21-6A(g)(1) and 701.21-6(b)(7).

The standard amendment should be adopted because under Article XII, Section 8 of the standard bylaws, the late charge would be calculated as a percentage of the interest due. Under the provisions of the Uniform Instrument, the late charge would be calculated as a percentage of the overdue payment, which would include principal and interest. Consequently, if the Federal credit union agent operates under the standard bylaw provision, the approved mortgage lender could not assess a late charge in accordance with the Uniform Instrument. However, the standard bylaw amendment to Article XII, Section 8 permits a Federal credit union to assess a late charge not to exceed 5 percent of the principal and interest payment which is late. Thus, if it is adopted by the Federal credit union agent, the mortgage lender could assess a late charge.

Accordingly, NCUA proposes to amend its rules and regulations by adopting a new § 701.21-6A as set forth below.

Lawrence Connell,
Chairman.

August 23, 1979.

(Sec. 107(5)(A)(i), (15) (12 U.S.C. 1757(5)(A)(i), (15)); sec. 120(a) (12 U.S.C. 1766(a)); sec. 209(a)(11) (12 U.S.C. 1789(a)(11))).

§ 701.21-6A Agency relationship with approved mortgage lender.

(a) This regulation permits a Federal credit union to enter into an agency relationship with a mortgage lender, approved by the Administration, granting long term real estate loans to members of the Federal credit union.

(b) For purposes of this section:

(1) "Federal Credit Union Agent" means a Federal credit union that has entered into an agency relationship with an approved mortgage lender;

(2) "Approved Mortgage Lender" means a bank, savings and loan association, Federal credit union, state chartered credit union, private mortgage corporation, pension fund, or other institution, which applies to and is approved by the Administration as an institution with which a Federal credit union agent may enter into an agency relationship. In addition, state and Federal housing authorities whose programs are operated in accordance with this regulation are deemed to be approved mortgage lenders and therefore do not have to file written applications with the Administration;

(3) "Agency Relationship" means the relationship between a Federal credit union agent and an approved mortgage lender where, by contract, the approved mortgage lender agrees to grant long term real estate loans to creditworthy borrowers/members of the Federal credit union agent, and the Federal credit union agent agrees to perform any of the following acts on behalf of the approved mortgage lender: To accept and forward loan applications from its members, to process loan applications from its members and to recommend either granting or denying the loans or offering loans on different terms and conditions than those requested, to provide a site for closings, to distribute the loan proceeds provided by the approved mortgage lender, and to service long term real estate loans granted by the approved mortgage lender; and

(4) "Long Term Real Estate Loan" or "Loan" means a loan granted to finance or refinance the acquisition of a one-to-four family dwelling for the principal residence of the borrower, the sales price of which is not more than 150 percent of the median sales price of residential real property situated in the geographical area in which the property is located, which is secured by a first lien upon such dwelling, and which has a maturity in excess of twelve but not exceeding thirty years.

(c) Any institution authorized to grant long term real estate loans on the terms and conditions specified in paragraph (g) of this section may apply to the

Administration for designation as an approved mortgage lender. The application shall consist of a written agreement:

(1) That the contract to be entered into between any Federal credit union agent and the mortgage lender will explicitly provide:

(i) That no membership fee will be charged by the mortgage lender to any prospective borrower/member of any Federal credit union agent as a condition of eligibility for a loan;

(ii) That a Federal credit union processing loan applications and recommending either granting or denying the loan or offering a loan on different terms and conditions than those requested shall follow the procedures of Article IX, Section 4 of its bylaws, as though the loan applicant sought a loan from the Federal credit union, i.e., that a loan officer may recommend approval of any application to the mortgage lender but may not recommend disapproval, and that the credit committee will act upon all applications or requests on which the loan officer has not recommended approval;

(iii) That the mortgage lender will comply with Article XIX, Section 2 of the bylaws of any Federal credit union agent, i.e., that the officers, directors, members of committees, and employees of the mortgage lender shall hold in confidence all transactions between the mortgage lender and borrower/members of any Federal credit union agent, except to the extent deemed necessary in connection with the making of loans and the collection thereof;

(iv) That in granting loans to borrowers/members of any Federal credit union agent, the mortgage lender will be subject to the proscriptions covering discrimination against any class of members of the Federal credit union agent, which would otherwise apply if the loan were granted by the Federal credit union agent;

(v) That any Federal credit union agent will be reimbursed only for the actual costs of any actions performed on behalf of the mortgage lender, which costs will be estimated and specified in the contract. Reimbursement may not be based on a percentage of the amount of any loan;

(vi) That all loans granted to borrowers/members of any Federal credit union agent shall comply with the requirements of paragraph (g) of this section;

(vii) That the Federal credit union agent shall not service any loan granted by the mortgage lender if the Federal credit union agent recommended denying the loan and that the Federal

credit union agent shall not service any loan if the terms and conditions of the loan are different from those recommended by the Federal credit union agent; and

(viii) That records maintained by the mortgage lender with respect to loans granted to members of any Federal credit union agent will be accessible by the name of the Federal credit union agent;

(2) That no official or employee of any Federal credit union agent shall have any direct or indirect pecuniary interest in the approved mortgage lender and no official of a Federal credit union agent shall receive any salary, fee, or other compensation from the mortgage lender;

(3) That the mortgage lender will be subject to examination, limited to its actions as an approved mortgage lender, by the Administration, to the extent that this requirement does not conflict with applicable Federal law (except that this requirement shall not apply to State and Federal housing authorities);

(4) That in the event any borrower/member of a Federal credit union agent is required to maintain an escrow account with an institution other than the Federal credit union agent, that account will earn either interest or dividends at a rate at least equal to the rate paid by the Federal credit union agent on a regular share account as defined in § 701.35(a)(1)(i) of the National Credit Union Administration Rules and Regulations (12 CFR 701.35(a)(1)(i)); and

(5) That any advertisement that states that the mortgage lender has been designated as an approved mortgage lender by the Administration shall also contain the following statement: "The Designation of _____ as an approved mortgage lender by the National Credit Union Administration means only that a Federal credit union may act as an agent for the mortgage lender when it is granting long term real estate loans to the Federal credit union's members. This does not indicate approval of the financial condition of the mortgage lender or of the merits of any loan from the mortgage lender."

(d) The Administration may terminate the designation of any approved mortgage lender if, in operating under this regulation, it operates in an unsafe and unsound manner; fails, when requested by NCUA, to remove or suspend any official whose conduct would warrant removal or suspension, in accordance with the provisions of the Federal Credit Union Act, if the official were an official of a Federal credit union; violates the conditions of its approval; or violates any applicable provision of this regulation. When such

designation is terminated, any Federal credit union agent shall be required to terminate the agency relationship in a manner and within a time frame appropriate to individual circumstances as determined by the Administration.

(e)(1) Requests for approval shall be submitted to the appropriate Regional Director in writing, with a copy of all necessary documents, no later than 45 days prior to the proposed implementation of approval. Any mortgage lender that proposes to enter into agency relationships with Federal credit union agents in more than one Region shall submit its request for approval in writing, with a copy of all necessary documents, to the Washington Office no later than 45 days prior to the proposed implementation of approval. In the latter case, copies of the request shall also be sent to the appropriate Regional Directors.

(2) The Regional Director, in the case of a mortgage lender that plans to enter into agency relationships with Federal credit union agents in only one Region, and the Washington Office, in the case of a mortgage lender that plans to enter into agency relationships with Federal credit union agents in more than one Region, will investigate each request and will make a recommendation as to whether it should be approved or disapproved. The request, supporting documents, and the recommendation shall be submitted to the Board, which will approve or disapprove the request. The Regional Director, or the Washington Office, as appropriate, will be informed of the Board's decision and will promptly notify the mortgage lender.

(3) An application for approval shall be acted upon by the Administration within a 45 day period that begins on the date of receipt by the Regional Office or the Washington Office, as appropriate, of the complete written record constituting the application. In the event the Administration fails to act upon the application within 45 days, the application shall be deemed to be approved. Action on any application shall be deemed to have been taken when written notice of the Board's decision is received by the applicant;

(f) A Federal credit union that plans to act as a Federal credit union agent and enter into an agency relationship with an approved mortgage lender shall submit a written notice to the Regional Director at least 45 days prior to the proposed date the agency relationship will begin. The notice shall include:

(1) An official copy of the minutes of the board of directors authorizing the Federal credit union to enter into an

agency relationship with an approved mortgage lender;

(2) A statement that the prospective mortgage lender has been designated an approved mortgage lender;

(3) A statement that the board of directors has determined that its surety bond covers its officers and employees when it is acting as an agent for an approved mortgage lender;

(4) An official copy of a board resolution acknowledging that in the event any borrower/member is required to maintain an escrow share account at the Federal credit union, the rate of interest paid on such account shall be equal to the dividend rate paid on a regular share account as defined in § 701.35(a)(1)(i) of the National Credit Union Administration Rules and Regulations (12 CFR 701.35(a)(1)(i)); and

(5) A statement that the board of directors will assure that the Federal credit union complies with all consumer laws and regulations which apply as a result of the functions it performs as an agent for the approved mortgage lender, including the Truth in Lending Act and Regulation Z, the Real Estate Settlement Procedures Act, the Equal Credit Opportunity Act and Regulation B, and § 701.31 of the National Credit Union Administration's Rules and Regulations (12 CFR 701.31).

(g) All loans granted by an approved mortgage lender to members of a Federal credit union agent shall comply with:

(1) The following provisions of the National Credit Union Administration Rules and Regulations, which would otherwise apply if the loans were granted by the Federal credit union agent: §§ 701.21-6(b)(1), (2), (3), (5), (6), (7), and (11) (12 CFR 701.21-6(b)(1), (2), (3), (5), (6), (7), and (11)), §§ 701.21-6(c)(1), (2), (3), (4), (5), and (6) (12 CFR 701.21-6(c)(1), (2), (3), (4), (5), (6)), sections 701.31(a), (b), (c) and (e) (12 CFR 701.31(a), (b), (c) and (e)), and § 760.2 and Appendix A thereto (12 CFR 760.2); and

(2) The provisions on late charges of Article XII, Section 8 of the bylaws of the Federal credit union agent, which would otherwise apply if the loans were granted by the Federal credit union agent.

[FR Doc. 79-27178 Filed 8-29-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-EA-35]

Proposed Alteration of Transition Area: Binghamton, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Binghamton, N.Y., Transition Area over Broome County Airport, Binghamton, N.Y. This alteration will provide protection to aircraft executing the new VOR RWY 10 instrument approach which has been developed for the airport. An instrument approach procedure requires the alteration of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before October 22, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

Comments Invited

Interested parties 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before October 22, 1979, will be considered before action is taken on the proposed amendment. The proposals 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 Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket 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 over Broome County Airport. It is proposed to add a triangular shape of airspace 6x6x10 miles, to the present northwesterly edge of the transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Binghamton, N.Y., 700-foot floor transition area as follows:

In the text delete, "within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR"; and substitute therefor, "within 4 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 11 miles from the Binghamton VOR;"

(Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of Section 6(c) of the 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 considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Jamaica, New York, on August 14, 1979.

L. J. Cardinali,

Acting Director, Eastern Region.

[FR Doc. 79-28926 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-CE-25]

Proposed Alteration Transition Area; New Madrid, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at New Madrid, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the County Memorial Airport, New Madrid, Missouri, utilizing the Malden, Missouri VOR as a navigational aid.

DATES: Comments must be received on or before October 4, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 4, 1979, will be

considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at New Madrid, Missouri. To enhance airport usage, an additional instrument approach procedure to the County Memorial Airport, New Madrid, Missouri, has been established utilizing the Malden, Missouri VOR as a navigational aid. The establishment of a new instrument approach procedure based on these facilities entails alteration of the transition area at and above 700 feet above ground level (AGL) within which aircraft will be provided additional controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by altering the following transition area:

New Madrid, Missouri

That airspace extending upward from 700 feet above the surface within a five mile radius of County Memorial Airport (latitude 36°32'10" N., longitude 89°35'50" W.); within 2.5 miles each side of the 360° bearing from Runway 18, extending from the five mile radius area to six miles north of the airport; within 3.0 miles each side of the 008° bearing from the New Madrid NDB (latitude 36°32'11" N., longitude 89°36'06" W.) extending from the five mile radius area

to 8.5 miles north of the airport; and within two miles each side of the Malden, Missouri, VOR 94° radial, extending from the five mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Missouri transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (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.

Issued in Kansas City, Missouri, on August 17, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-28923 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-EA-45]

Proposed Alteration of Transition Area: Pittsburgh, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Pittsburgh, Pa., Transition Area over Greater Pittsburgh International Airport, Pittsburgh, Pa. This alteration will provide protection to aircraft executing the proposed amended ILS Runway (10L) instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before October 22, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Charles J. Bell, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391

Comments Invited

Interested parties 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before October 22, 1979, will be considered before action is taken on the proposed amendment. The proposals 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

1. Any person may obtain a copy of this notice of proposed rulemaking, (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket 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 Pittsburgh, Pa., Transition Area. The airport is at present overlaid by a 700-foot area to which will be added a portion of airspace approximately one mile deep and five miles wide at the western side of the area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of the Federal Aviation Regulations so as to amend the description of the Pittsburgh, Pennsylvania 700-foot floor transition area as follows:

In the text delete, "of Greater Pittsburgh International Airport, Pittsburgh Pa.; within an 8.5-mile radius of the Center," and substitute therefor, "of Greater Pittsburgh International Airport, Pittsburgh, Pa.; and within 3.5-miles each side of the Greater Pittsburgh ILS Runway 10L Localizer Course extending from the 12-mile radius area to 6.5 miles west of the OM; within an 8.5-mile radius of the center,".

(Section 307(a) of the Federal Aviation Act of 1958 72 Stat. 749; 49 U.S.C. 1348(a)) and of Section 6(c) of the 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 considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Jamaica, New York, on August 15, 1979.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 79-26931 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]**[Airspace Docket No. 79-CE-24]****Proposed Designation of Transition Area: Waverly, Iowa**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Waverly, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Waverly, Iowa Municipal Airport based on the Waterloo, Iowa VOR, a navigational aid.

DATES: Comments must be received on or before October 4, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation

Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwayne E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 4, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR, § 71.181) by designating a 700-foot transition area at Waverly, Iowa. To enhance airport usage, a new instrument approach procedure is being established for the Waverly, Iowa Municipal Airport, utilizing the Waterloo, Iowa VOR as a navigational aid. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Waverly, Iowa, at and above 700 feet above ground level (AGL)

within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Waverly, Iowa

That airspace extending upward from 700 feet above the surface within a six mile radius of the Waverly Municipal Airport (latitude 42°44'33" N., longitude 92°30'26" W.) excluding that portion that overlies the Waterloo, Iowa transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (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.

Issued in Kansas City, Missouri, on August 17, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-26924 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-CE-13]

Transition Area—Forest City, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Forest City, Iowa, to provide additional airspace for aircraft executing a new instrument approach procedure to the Forest City, Iowa Municipal Airport, which is based on a Non-Directional Radio Beacon, a navigational aid being

installed on the airport by the City of Forest City, Iowa.

DATES: Comments must be received on or before October 6, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 6, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181

of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Forest City, Iowa. To enhance airport usage, a new instrument approach procedure is being developed for the Forest City, Iowa Municipal Airport based on a Non-Directional Radio Beacon being installed on the airport. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Forest City, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442) by altering the following transition area:

Forest City, Iowa

That airspace extending upward from 700 feet above the surface within a 8½ mile radius of the Forest City Municipal Airport (latitude 43°14'00"N, longitude 93°37'30"W). Excluding that portion overlying the Mason City, Iowa, 700 foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).)

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.

Issued in Kansas City, Missouri, on August 20, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-27056 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1214]

Space Transportation System; Procurement of Spinning Solid Upper Stages

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA proposes to issue a policy defining general guidelines for user procurement of Spinning Solid Upper Stages (SSUS). This policy applies only to the procurement of those Spinning Solid upper Stages developed under the provisions of commercial development agreements established between NASA and SSUS supplier(s). Because commercial source(s) of SSUS are available, it is NASA policy that users should procure from these source(s) without NASA involvement. However, NASA will in certain limited circumstances act as the procurement agent for SSUS users.

DATE: Comments or suggestions regarding the proposed policy should be submitted in writing not later than October 29, 1979.

ADDRESS: STS Operations, Office of Space Transportation Systems, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: George D. Ojalehto, STS Operations, National Aeronautics and Space Administration, Washington, DC 20546 (202-755-2344).

PART 1214—SPACE TRANSPORTATION SYSTEM

1. 14 CFR Part 1214 is amended by adding a new Subpart 1214.10 reading as follows:

Subpart 1214.10—Procurement of Spinning Solid Upper Stages

Sec.

1214.1000 Scope.

1214.1001 Definitions.

1214.1002 Procurement process.

1214.1003 Reimbursement procedures.

Authority: Sect. 203, Pub. L. 85-568, 72 Stat. 429, as amended (42 U.S.C. 2473).

Subpart 1214.10—Procurement of Spinning Solid Upper Stages

§ 1214.1000 Scope.

This Subpart 1214.10 sets forth the NASA policy on procurement of Spinning Solid Upper Stages (SSUS). It does not cover Shuttle launch services defined in Subpart 1214.1 and Subpart 1214.2.

§ 1214.1001 Definitions.

(a) **SSUS.** A generic acronym for a Spinning Solid Upper Stage developed commercially under NASA-SSUS supplier agreements to be used as a perigee stage for certain Shuttle payloads. This generic definition encompasses upper stages for Delta-class (SSUS-D) and Atlas-Centaur-class (SSUS-A) payloads.

(b) **SSUS Supplier.** A commercial organization providing SSUS hardware and related services.

(c) **NASA-SSUS Supplier Agreement.** An agreement between NASA and a SSUS supplier delineating technical and operational requirements and financial conditions regarding the commercial development and supplying of SSUS and related services to a user.

(d) **SSUS Launch Site Services.** Those launch site services provided by NASA to the SSUS supplier for the SSUS suppliers use in preparing a SSUS as a part of a Shuttle Payload for a user.

§ 1214.1002 Procurement policy.

(a) NASA has entered into agreement(s) with commercial source(s) for the commercial development and supply of Spinning Solid Upper Stages (SSUS) for both Delta-class and Atlas-Centaur-class payloads. SSUS services, therefore, are available to the STS user community at large and their availability is not contingent upon, nor does it require, a NASA involvement for their procurement. Accordingly, NASA's general policy is not to act as a procuring agent for the user community, but to encourage the user community to procure required SSUS and related services from the commercial source(s).

(b) Normally, users requiring a SSUS shall procure the SSUS hardware and related services from a SSUS supplier.

(c) Within its discretion and capability, NASA will undertake SSUS procurement in circumstances where:

(1) NASA is acting upon the request of a U.S. Government user under the terms of an interagency agreement in behalf of the Federal Government, or

(2) A non-U.S. Government user does not have and cannot reasonably obtain the expertise needed to manage a SSUS procurement and requests NASA to perform this function as a procurement agent for the user, or

(3) A non-U.S. Government user does have or can reasonably obtain the expertise needed to manage a SSUS procurement but still explicitly requests and NASA agrees to perform this function as a procurement agent for the user.

(d) Users utilizing NASA as their procurement agent for SSUS

procurement shall contract directly with NASA for such procurement services.

(e) All users shall enter into a Launch Service Agreement with NASA for SSUS launch site services.

(f) The United States shall not be liable for costs or damages directly or indirectly arising from a delayed mission, or an unsuccessful performance of the SSUS.

§ 1214.1003 Reimbursement procedure.

(a) Within the guidelines of the NASA-SSUS supplier agreements, a user procuring a SSUS from a SSUS supplier shall:

(1) Reimburse the SSUS supplier for the SSUS and related services.

(2) Reimburse NASA for all SSUS launch site services provided to the SSUS supplier.

(b) A user who has entered into a Launch Services Agreement with NASA which calls for NASA to act as a procurement agent for SSUS and related services shall reimburse NASA an amount which is the sum of:

(1) The contract price of the SSUS and related services.

(2) A fee for NASA activities associated with a SSUS procurement.

(3) The price for all NASA-provided SSUS launch site services.

August 20, 1979.

Robert A. Frosch,

Administrator.

[FR Doc 79-27011 Filed 8-29-79; 8:45 am]

BILLING CODE 7510-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 741 0026]

Hartz Mountain Corp.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Harrison, N.J. manufacturer of pet supplies to cease entering into any agreement or arrangement having the tendency to fix resale prices for pet products, or restrict interbrand and intrabrand competition in the pet supply industry. The firm would be specifically prohibited from entering into any exclusive or preferential dealing arrangement; and using price incentives, refusals to deal, and threats

of termination to induce and maintain such arrangements. The firm would be further prohibited from engaging in price discrimination; restricting sales territories and allocating customers; disparaging financial status of competitors or disfavored distributors; suggesting resale prices for pet supplies; and refusing to deal with recalcitrant distributors. Additionally, the firm would be required to publish the terms of the order in the *Supermarket News*, and maintain specified records for a designated period.

DATE: Comments must be received on or before October 29, 1979.

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

FOR FURTHER INFORMATION CONTACT: Paul W. Turley, Director, 3R Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353-4423.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6 (f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 741-0026]

Hartz Mountain Corporation

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of The Hartz Mountain Corporation (hereinafter Hartz Mountain), a corporation, and it now appearing that Hartz Mountain is willing to enter into an agreement not to engage in the acts and practices being investigated;

It is hereby agreed by and between Hartz Mountain, by its duly authorized officer and its counsel for the Federal Trade Commission that:

1. Hartz Mountain is a corporation organized, existing and doing business under and by virtue of the laws of the

State of New Jersey, with its office and principal place of business located at 700 South Fourth Street, Harrison, New Jersey.

2. Hartz Mountain admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Hartz Mountain waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate the Order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to Hartz Mountain, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the Order shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or agreement may be used to vary or contradict the terms of the Order.

7. Hartz Mountain has read the proposed complaint and Order contemplated hereby, and understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has

fully complied with the Order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the Order after it becomes final.

8. Hartz Mountain agrees that mailing of the complaint and decision containing the agreed-to Order to its address stated in this agreement constitutes service and Hartz Mountain waives any right it may have to any other manner of service.

Order

For the purposes of this Order the following definitions shall apply:

A. "Pet supply" means a product that it utilized in the everyday maintenance, care and enjoyment of common household pets and includes, but is not limited to, such items as pesticidal collars, shampoos, medicinals, rawhide and rubber chewing toys, leashes, feeding dishes, books, bird and small animal cages, cat litter, aquariums, aquarium pumps, heaters, filters and ornaments, dog and cat treats and biscuits, small animal treats, pet and wild bird seed, fish foods and aquarium remedies.

B. "Manufacturer" means any person engaged in production, assembly or packaging of pet supplies or which causes production, assembly or packaging of pet supplies to be done for it. Manufacturer shall not include any person engaged primarily as a retailer, which uses its own trademark in connection with pet supplies.

C. "Distributor" means any person which sells pet supplies for its own account to retailers.

D. "Service distributor" means a distributor which provides a retailer with service ancillary to the sale of pet supplies.

E. "Service" means setting up displays and fixtures, marking individual products with prices designated by a retailer, delivering to individual retail outlets, stocking the displays or fixtures with less than case lots, setting up promotions and floor displays, cleaning and otherwise maintaining displays and fixtures, and removing damaged, shopworn and slow moving pet supplies.

F. "Retailer" means any person which sells pet supplies primarily for its own account to consumers.

Go "Consumer" means any person who uses pet supplies on a noncommercial basis.

H. "Person" means any individual, partnership, firm, association, corporation or other legal or business entity (other than a corporation in which The Hartz Mountain Corporation owns or controls 50% or more of the outstanding shares of stock representing

the right to vote for the election of directors).

I. "United States" means the states of the United States of America, its territories or possessions, the District of Columbia and the Commonwealth of Puerto Rico.

J. "General marketing area" means the most recent available Nielsen Station Index Designated Market Area.

I

It is ordered, That The Hartz Mountain Corporation (hereinafter referred to as Hartz Mountain), its successors and assigns, and its officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division, or other device, in connection with the offering for sale or sale of any pet supply in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into or enforcing any condition, agreement or understanding with any distributor or retailer that such distributor or retailer must refrain from the purchase of any pet supply of any manufacturer other than Hartz Mountain.

2. Charging or offering to charge a price to a distributor or retailer, granting or offering to grant to a distributor or retailer any discount from or rebate upon such price, or paying or offering to pay anything of value to or for the benefit of a distributor or retailer, on the condition, agreement or understanding with such distributor or retailer that such distributor or retailer must refrain from the purchase of any pet supply of any manufacturer other than Hartz Mountain.

3. Refusing to sell any pet supply to any distributor or retailer because such distributor or retailer has refused to enter into any contract, agreement or understanding that such distributor or retailer must refrain from the purchase of any pet supply of any manufacturer other than Hartz Mountain.

4. Purchasing from any retailer all or part of such retailer's existing inventories of any competitive brand of any pet supply, unless (1) the retailer so requests in writing, (2) a competitor of Hartz Mountain is then making a comparable offer to purchase all or part of such existing pet supply inventories from such retailer, and (3) Hartz Mountain pays no more than such retailer's cost when so purchasing any competitive brand of pet supply, or unless, commencing one year from the date of service of this Order, the competitor whose pet supply is to be purchased by Hartz Mountain is then

making a comparable offer to purchase all or part of any Hartz Mountain pet supply in the general marketing area and such competitor is not subject to an effective order of the Federal Trade Commission with a provision similar to paragraph I.4 of this Order.

5. Entering into or enforcing any contract, agreement or understanding with any distributor that such distributor must resell any Hartz Mountain pet supply only from a designated warehouse location or must refrain from expanding its facilities or adding new facilities in existing or new locations: *Provided however,* That nothing in this Order shall require Hartz Mountain to ship for the account of a distributor to a location other than a warehouse of such distributor.

6. Falsely disparaging in any manner the financial status of any distributor or manufacturer of any pet supply.

It is further ordered, That Hartz Mountain shall:

7. For a period of five (5) years, commencing with the date of service of this Order, offer to sell in the ordinary course of business reasonable quantities of any part or all of its pet supplies at its usual prices, terms and conditions of sale to any person engaged primarily as a retailer located in the United States or to any service distributor located in the United States who is a service distributor for Hartz Mountain pet supplies pursuant to a continuing contract, agreement or understanding on the date of service of this Order (a) which requests in writing to purchase any pet supply from Hartz Mountain; (b) which is neither owned nor controlled by nor is an agent for a manufacturer of pet supplies; (c) which has not brought a pending suit nor is threatening in writing to bring suit against Hartz Mountain; and (d) which satisfies Hartz Mountain's reasonable credit, minimum quantity and delivery standards, which minimum quantity and delivery standards shall be made available on request in writing to any such retailer or service distributor: *Provided however,* That nothing in this Order shall be construed to prevent Hartz Mountain from terminating any distributor or retailer in a manner that does not violate this Order, and that nothing in this Order shall be construed to require Hartz Mountain to offer to sell in a period of scarcity any pet supply that is not available in reasonably sufficient quantities to meet the reasonable requirements of Hartz Mountain's existing customers.

8. For a period of five (5) years, commencing with the date of service of this Order, establish and maintain a file of all records referring or relating to Hartz Mountain's refusal to sell any pet

supply to any prospective distributor or retailer located in the United States whose request in writing is received at the principal office of Hartz Mountain, which file shall contain a record of a written communication to each such prospective distributor or retailer explaining the reason for Hartz Mountain's refusal to sell and which file shall be made available for Federal Trade Commission inspection on reasonable notice; and, annually, for a period of five (5) years, commencing with the date of service of this Order, submit a report to the Federal Trade Commission listing the names and addresses of all such prospective distributors or retailers to whom Hartz Mountain has refused to sell during the preceding year, a description of the reason for each such refusal, and the date of each such refusal.

II

It is further ordered, That Hartz Mountain, its successors and assigns, and its officers, agents, representatives and employees, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with the offering for sale or sale of any pet supply in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into or enforcing any contract, agreement or understanding with any distributor requiring that such distributor provide service in connection with any pet supply sold by it to retailers that have not requested such service: *Provided however,* That nothing in this Order shall be construed to prevent Hartz Mountain from (a) requiring any distributor to sell to any retailer or to service and display Hartz Mountain pet supplies in the manner and quantity designated by such retailer, unless otherwise advised by such retailer, (b) requiring any distributor to maintain reasonable facilities, including warehouse facilities, trucks and service personnel so that service ancillary to the sale of pet supplies can be performed if requested by a retailer, or (c) refusing to sell pet supplies to any distributor which does not sell to, service and display Hartz Mountain pet supplies in the manner and quantity so designated by a retailer, unless otherwise advised by such retailer.

2. Entering into or enforcing any contract, agreement or understanding with any distributor that such distributor must not resell or offer to resell any pet supply purchased from Hartz Mountain to one or more

designated persons or outside one or more geographic areas.

3. Refusing to sell any pet supply to any distributor because such distributor will not agree that it must not resell or offer to resell any pet supply purchased from Hartz Mountain to one or more designated persons or outside one or more geographic areas.

III

It is further ordered, That Hartz Mountain, its successors and assigns, and its officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the offering for sale or sale of any pet supply in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall cease and desist from:

1. Requiring any distributor to sell, offer to sell or promote any pet supply at a price fixed, established, maintained or suggested by Hartz Mountain.

2. Refusing to sell any pet supply to any distributor because such distributor will not sell, offer to sell or promote any pet supply at a price fixed, established, maintained or suggested by Hartz Mountain.

3. Suggesting in writing to any distributor or retailer any price at which any distributor may or will sell, offer to sell or promote any pet supply: *Provided however, That if subsequent to three (3) years after the date of service of this Order Hartz Mountain makes any such price suggestion, each such suggestion must include a clear and conspicuous statement that such price is suggested only.*

4. For a period of three (3) years, commencing with the date of service of this Order, suggesting orally to any retailer the price at which any distributor may sell or resell, offer to sell or promote any pet supply unless any such suggestion directed to a retailer is accompanied by a clear statement that such price is suggested only for informational purposes and that the distributor is free to sell at whatever price it may choose, and is accompanied by a list of all of Hartz Mountain's service distributors with warehouse facilities in the general marketing area of the retailer.

5. For a period of three (3) years, commencing with the date of service of this Order, suggesting orally to any distributor who buys directly from Hartz Mountain the price at which such distributor may sell or resell, offer to sell or promote any pet supply to a retailer: *Provided however, That any price suggestion made to a retailer in conformance with the preceding*

paragraph may be orally reported to a distributor if all distributors whose names appear on the submitted list are so informed: *And provided further, That any oral price suggestion is accompanied by a clear statement that prices are provided only for informational purposes and that the distributor is free to resell at whatever price it may choose.*

IV

It is further ordered, That Hartz Mountain, its successors and assigns, and its officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the sale of any pet supply in commerce, as "commerce" is defined in the Clayton Act, as amended, shall forthwith cease and desist from:

For a period of ten (10) years, commencing with the date of service of this Order, discriminating, directly or indirectly, in the price of Hartz Mountain's pet supplies of like grade and quality by selling any such pet supply to any purchaser (who is not a manufacturer) at a net price lower than the net price charged to any other purchaser competing with the former purchaser in the resale of any such pet supply, unless Hartz Mountain has, in fact, made such lower net price functionally available to all such competing purchasers.

*It is further ordered, That nothing in this Order shall be construed to prevent any of the following which Hartz Mountain may raise as defenses to be proved by it in any enforcement action brought to enforce Part IV of this Order: Price discrimination which makes only due allowance for differences in the cost of manufacture, sale or delivery resulting from differing methods or quantities in which such pet supplies are sold or delivered to such purchasers, or which is made in good faith to meet an equally low price of a competitor, or where the purchaser is an agency of the United States of America; nor shall anything in this Order be construed to prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the pet supply concerned, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process or sales in good faith in discontinuance of business in the pet supply concerned: *And provided further, That nothing in this Order shall be construed to prevent Hartz Mountain from asserting any other defenses available to it under the law to a charge**

of price discrimination; And provided further, That for a period of ten (10) years, commencing with the date of service of this Order, Hartz Mountain shall maintain a separate file at its principal office containing accurate documentation of: (a) each published price of Hartz Mountain for the sale by it of a pet supply showing the period during which such published price was in effect; and (b) each variation in price in which Hartz Mountain sells any pet supply at a net price other than that prescribed in the applicable published price, showing the net price charged to such purchaser and the justification for such variation from the published price. Such file shall be made available for Federal Trade Commission inspection on reasonable notice.

V

It is further ordered, That:

1. This Order shall not apply to activities outside the United States which do not directly affect the foreign or domestic commerce of the United States.

2. Nothing in this Order shall be construed to prevent Hartz Mountain itself from selling pet supplies as a service distributor or otherwise to any retailer.

VI

It is further ordered, That Hartz Mountain shall:

1. Provide a copy of this Order to its officers, directors, sales representatives and all distributors and retailers located in the United States who buy Hartz Mountain brand or Delta brand pet supplies directly from Hartz Mountain. Within sixty (60) days of the date of service of this Order, Hartz Mountain shall cause to be published in *Supermarket News* the provisions of this Order or shall provide a copy of this Order to current subscribers of *Supermarket News*. For a period of five (5) years, commencing with the date of service of this Order, all new distributors and retailers located in the United States who buy pet supplies directly from Hartz Mountain are to be furnished a copy of this Order.

2. Notify the Commission at least thirty (30) days prior to any proposed change in Hartz Mountain which may affect compliance obligations arising out of the Order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other such change.

3. File with the Federal Trade Commission, within sixty (60) days of the date of service of this Order, a report, in writing, setting forth in detail

the manner and form in which it has complied with this Order.

Analysis to Facilitate Public Comment on Proposed Consent Order

The Federal Trade Commission has accepted an agreement containing a consent order that prohibits The Hartz Mountain Corporation from engaging in several anticompetitive practices involving the pet supply industry. The agreement culminates an investigation conducted under File No. 741 0026 by the Commission's Chicago Regional Office.

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

The respondent, The Hartz Mountain Corporation, is a New Jersey Corporation headquartered in Harrison, New Jersey. It is the largest producer of pet supplies in the United States. It sells its lines of pet supplies under the Hartz, Hartz Mountain, Delta and Longlife brands.

The complaint alleges that the respondent engaged in illegal conduct in four broad areas that form the counts of the complaint. Count I alleges that the respondent engaged in various practices that excluded competition in the sale and distribution of pet supplies. Count II alleges that the respondent imposed various restrictions upon its licensed distributors that prevented intrabrand competition. Count III alleges that the respondent fixed the resale prices of its brands of pet supplies. Count IV alleges that the respondent engaged in price discrimination.

The proposed consent order is designed to enhance competitive opportunity in the production, distribution and sale of pet supplies by addressing particular practices that have restricted or prevented interbrand and intrabrand competition in the industry. Part I of the proposed consent order prohibits the use of various practices which have the effect of preventing respondent's competitors from gaining effective distribution for their products. Such practices include:

1. Exclusive or preferential dealing arrangements;
2. Inducing exclusive or preferential dealing arrangements through granting price concessions, discounts, rebates or allowances or by paying anything of value to any distributor or retailer—

sometimes referred to as "buying the business";

3. Using terminations or refusals to deal to coerce exclusive or preferential dealing arrangements;

4. Locational and similar requirements which hinder or prevent a distributor from expanding his business and taking on competitive lines or new lines; and

5. Impugning the financial integrity of a competitor or disfavored distributor.

Part I of the proposed consent order also imposes a limited duty to deal. This was included to insure that respondent's distribution network is free to handle competitive merchandise if its constituent distributors or retailers elect to do so. Various record keeping provisions are also included to aid in implementing compliance with the limited duty to deal.

Part II of the proposed consent order prohibits the use of various practices which suppress intrabrand competition. These practices are:

1. Requiring licensed distributors to sell pet supplies only on a full service basis, instead of offering programs which reflect cost savings and innovative marketing;
2. Customer restrictions and territorial allocations; and
3. Refusals to deal with distributors who refuse to abide by or to agree to customer restrictions or territorial allocations.

Part III of the proposed consent order is addressed to practices that either fix or have a tendency to fix the resale prices of Hartz Mountain's pet supplies. Those practices which would fix Hartz Mountain's resale prices include the dictating or establishing the prices a distributor will charge a retailer, either unilaterally or after negotiations with a retailer, and refusing or threatening to refuse to deal with distributors who will not agree to abide by such prices.

Practices which have a tendency to fix resale prices include the use of oral and written price suggestions. Written price suggestions are banned for a period of 3 years. Certain oral price suggestions are also banned for 3 years and the use of other oral price suggestions is limited or can only be made in conjunction with certain affirmative duties by Hartz Mountain.

Part IV of the proposed consent order prohibits the respondent from engaging in direct or indirect price discrimination in the sale of pet supplies. Although the prohibition follows the usual wording in orders of this nature, a somewhat unusual record keeping provision has been added to facilitate compliance with the general prohibition.

Part V of the proposed consent order delineates the jurisdictional reach of the

order and clarifies Hartz Mountain's rights under the order to integrate forward or change its method of distribution of its elects to do so.

Part VI of the proposed order sets out the notice requirements and compliance obligations under the order. Under the notice requirements, Hartz Mountain will be required to provide a copy of the order to its officers, directors, sales representatives, distributors, and direct and indirect buying retailers. In addition it is also required to provide a copy of the order to a class of prospective customers by either causing the provisions of the order to be published in *Supermarket News* or by mailing each subscriber of that publication a copy of the order.

This analysis is intended to encourage public comment. It does not constitute an official interpretation of the agreement and proposed order or a modification of their terms.

James A. Tobin,
Acting Secretary.

FR Doc. 79-27083 Filed 8-29-79; 8:45 am]
BILLING CODE 6750-01-M

[16 CFR Part 13]

[File No. 771 0049]

Roofing Contractors Association; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Seattle, Wash. roofing association to cease entering into agreements with others to establish and maintain terms of guarantees, prices, or other conditions of sale in connection with the sale of roofs and related services; suggesting or urging adherence to particular prices, guarantees, or other conditions of sale; or restricting by any means a member's right to give any guarantee, price or other condition of sale to its customers. The order would additionally bar the association from investigating and/or policing its members with regard to prices charged or guarantees imposed in the sale of their products and services. **DATE:** Comments must be received on or before October 29, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and

Pennsylvania Ave., NW, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Thomas Armitage, Director, IOR, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 442-4655.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 771 0049]

Roofing Contractors Association

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of the Roofing Contractors Association, a non-profit corporation, and it now appearing that the Roofing Contractors Association, a non-profit corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between the Roofing Contractors Association, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Roofing Contractors Association is a non-profit corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its office and principal place of business located at 1000 Aurora Avenue North, in the City of Seattle, State of Washington.
2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.
3. Proposed respondent waives:
 - (a) Any further procedural steps;
 - (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to the agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it

will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

A. Definitions established for the purpose of the following order provisions are:

1. "Other related services" includes but is not limited to, repairing of roofs, inspecting of roofs, waterproofing and dampproofing of roofs, and estimating costs of repair or installation of roofs.

2. "Others not party hereto" means any individual, individual proprietorship, partnership, firm, corporation, association or any other form of legal or business entity.

II

A. *It is ordered*, That respondent Roofing Contractors Association, a non-profit corporation, its successors and assigns, and its agents, representatives, and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale and installation of new or replacement roofs or other related services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Entering into any contract, agreement, course of conduct, or understanding between itself and others not party hereto to fix, establish, stabilize, or maintain, the length or other term of any guarantee;
2. Entering into any contract, agreement, course of conduct, or understanding between itself and others not party hereto to fix, establish, stabilize or maintain any price or other term or condition of sale in connection with the sale and installation of new or replacement roofs or for performing other related services.

III

A. *It is further ordered*, That respondent Roofing Contractors Association, a non-profit corporation, its successors and assigns, and its agents, representatives, and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale and installation of new or replacement roofs or other related services in or affecting commerce, as "commerce" is defined in the Federal

Trade Commission Act, as amended, do forthwith cease and desist from:

1. Urging, recommending, or suggesting that any of its members or any other person adopt or adhere to any particular guarantee or to any price or other term or condition of sale in connection with the sale and installation of new or replacement roofs or for performing other related services;

2. Adopting, adhering to, maintaining, enforcing or claiming any rights under any bylaw, rule, regulation, plan or program which limits in any way a member's right to give or offer, a guarantee or any price or other term or condition of sale to any customer or prospective customer in connection with the sale or installation of a new or replacement roof or for performing other related services;

3. Investigating and/or policing a price or guarantee term charged or imposed by any member of the association or any other person in connection with the installation of new or replacement roofs.

IV

A. *It is further ordered*, That respondent Roofing Contractors Association shall within sixty (60) days after the date of service of this Order, mail a copy to each of its existing members and to each person who was a member at any time from June 30, 1973 to date of service of this Order, and furnish a copy of this Order to each prospective member for a period of five (5) years after the date of service of this Order.

B. *It is further ordered*, That respondent notify the commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation or association, the creation or dissolution of subsidiaries or any other change in the association which may affect compliance obligations arising out of the Order.

C. *It is further ordered*, That the respondent herein shall within sixty (60) days after service on it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the Roofing Contractors Association of Seattle.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by

interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Roofing Contractors Association is a non-profit corporation organized and doing business under the laws of the state of Washington with its principal place of business at 1000 Aurora Avenue North, Seattle, Washington 98109.

In its complaint the Commission alleges that the Association fixed the length of guarantees for new and replacement roofs. The complaint also alleges that the Association agreed not to offer any guarantees for damage caused by certain wind conditions.

Pursuant to the consent order, the Association has agreed to cease fixing, stabilizing or maintaining terms of guarantees. It has also agreed not to fix, stabilize or maintain any price or other term or condition of sale for new and replacement roofs. Present and future members of the Association are to be bound by the terms of the order.

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

James A. Tobin,

Acting Secretary.

[FR Doc. 79-27064 Filed 8-29-79; 8:45 am]

BILLING CODE 6750-01-M

VETERANS ADMINISTRATION

[38 CFR Parts 14, 36]

VA Home Loans; Delegation of Authority

AGENCY: Veterans Administration.

ACTION: Proposed Rule.

SUMMARY: The Administrator is proposing to revoke the section which provides for the use of recorded powers of attorney in connection with the execution of documents conveying or affecting title to property acquired under the Veterans Administration (VA) home loan program. Other sections currently delegate to employees occupying the positions of field station Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer, the authority to exercise many of the powers of the Administrator under the home loan program including the power to convey or otherwise affect the title to property

acquired under such a program. The sections which contain the delegation of authority in connection with the VA guaranteed home loan program, guaranteed mobile home program, and direct home loan program would be amended to require that each field station maintain and keep current a list of all employees of that office who have occupied the positions of Director, Loan Guaranty Officer, Assistant Loan Guaranty Officer, and any other employees who have been redelegated authority to execute documents conveying or affecting title to property. The present policy of using powers of attorney has proven to be quite costly both in terms of personnel time needed to prepare and process the powers of attorney and subsequently process a revocation whenever there was a change of personnel, and also in terms of fees paid to county or other local recorders of deeds or similar officials to place the powers of attorney and revocations in the public records. It is the belief of the VA that the proposal will reduce Federal paperwork and produce a significant cost savings.

DATES: Comments must be received on or before November 28, 1979.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until December 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. James P. Kane, Assistant General Counsel (021), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, Telephone: (202) 389-2189.

SUPPLEMENTARY INFORMATION: Under the present § 14.620, Title 38, Code of Federal Regulations, the Administrator executes powers of attorney (VA Form 2-23) which are recorded in the land records of the various counties around the Nation where the Administrator purchases and sells real property in connection with the Veterans Administration home loan program (chapter 37 of title 38, United States Code). This procedure has proven to be costly both in terms of personnel processing time and recording fees. Powers of attorney were originally developed by the Veterans Administration to provide title companies and attorneys with evidence that an employee executing an instrument affecting an interest in real property on behalf of the Administrator possessed actual authority to take such action. Research by the Veterans

Administration has shown, however, that the Department of Housing and Urban Development has not found it necessary to use powers of attorney. The Veterans Administration is, therefore, proposing to cease using powers of attorney, but instead to rely upon the delegation of authority to field station Directors, Loan Guaranty Officers, and Assistant Loan Guaranty Officers contained in §§ 36.4221, 36.4342, and 36.4520. In order to provide notice as to the names of employees who occupy these positions, and any other employees who have been redelegated authority to execute instruments affecting title to property, Regional Offices will maintain a cumulative listing of such persons. This list will be available at the field station for public inspection and copying. It is the belief of the Veterans Administration that this proposal will reduce Federal paperwork and produce a significant cost savings, while still affording title companies, attorneys, and purchasers with sufficient assurance that employees executing documents conveying or affecting title on behalf of the Administrator possess actual authority for such action.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays), until December 10, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in Room 132. Such visitors to any Veterans Administration field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: August 23, 1979.

By direction of the Administrator:

John J. Leffler,

Associate Deputy Administrator.

PART 14—LEGAL SERVICES, GENERAL COUNSEL

§ 14.620 [Revoked].

1. Section 14.620 is revoked and the center title "Power of Attorney and Delegation of Authority in the Making

and the Guaranty and Insurance of Loans" is deleted.

PART 36—LOAN GUARANTY

2. In § 36.4221, paragraph (d) is added to read as follows:

§ 36.4221 Delegation of authority.

(d) Each Regional Office, VA Center, and Medical and Regional Office Center, shall maintain and keep current a cumulative list of all employees of that Office or Center who, since the effective date of this paragraph, have occupied the positions of Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer. In addition, the list will include all additional employees who, pursuant to paragraph (b) of this section, have been redelegated authority to execute and deliver, on behalf of the Administrator, deeds, satisfactions, releases, and other instruments in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental and other disposition of real and personal property, or any right, title or interest therein. This list will include each employee's name, title, date the employee assumed the position or was redelegated such authority, and the termination date, if applicable, of the employee's tenure in such position or holding of such authority. The list shall be available for public inspection and copying at the Regional Office, or Center, during normal business hours. (38 U.S.C. 210(c)(1), 1820(a)(5))

3. In § 36.4342, paragraph (d) is added to read as follows:

§ 36.4342 Delegation of authority.

(d) Each Regional Office, VA Center, and Medical and Regional Office Center, shall maintain and keep current a cumulative list of all employees of that Office or Center who, since the effective date of this paragraph, have occupied the positions of Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer. In addition, the list will include all additional employees who, pursuant to paragraph (b) of this section, have been redelegated authority to execute and deliver, on behalf of the Administrator, deeds, satisfactions, releases, and other instruments in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental and other disposition of real and personal property, or any right, title or interest therein. This list will include each employee's name, title, date the employee assumed the position or was redelegated such authority, and the

termination date, if applicable, of the employee's tenure in such position or holding of such authority. The list shall be available for public inspection and copying at the Regional Office, or Center, during normal business hours. (38 U.S.C. 210(c)(1), 1820(a)(5))

4. In § 36.4520, paragraph (d) is added to read as follows:

§ 36.4520 Delegation of authority.

(d) Each Regional Office, VA Center, and Medical and Regional Office Center, shall maintain and keep current a cumulative list of all employees of that Office or Center who, since the effective date of this paragraph, have occupied the positions of Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer. In addition, the list will include all additional employees who, pursuant to paragraph (b) of this section, have been redelegated authority to execute and deliver, on behalf of the Administrator, deeds, satisfactions, releases, and other instruments in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental and other disposition of real and personal property, or any right, title or interest therein. This list will include each employee's name, title, date the employee assumed the position or was redelegated such authority, and the termination date, if applicable, of the employee's tenure in such position or holding of such authority. The list shall be available for public inspection and copying at the Regional Office, or Center, during normal business hours.

(38 U.S.C. 210(c)(1), 1820(a)(5))

FR Doc. 79-27063 Filed 8-29-79; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-47]

Disposal of Property for Educational and Public Health Purposes; Withdrawal of Proposed Rule

AGENCY: General Services Administration.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: On January 2, 1979, at 44 FR 70, the General Services Administration published a proposed rule governing the disposal of surplus real property for educational and public health use to require that all of these conveyances and notices of no objections be subject to perpetual use restrictions. The

purpose of this notice is to withdraw the proposed rule.

EFFECTIVE DATE: August 30, 1979.

FOR FURTHER INFORMATION CONTACT:

James H. Pitts, Office of Real Property, Special Programs Division (202-566-0003).

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

Dated: August 23, 1979

William R. Campbell, Jr.,

Acting Commissioner, Federal Property Resources Service.

[FR Doc. 79-27078 Filed 8-29-79; 8:45 am]

BILLING CODE 6820-96-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[CC Docket No. 78-72; FCC 79-515]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Supplemental Notice of Proposed Rulemaking requests comments which: (1) Describe the existing economic characteristics of the MTS and WATS market; (2) define the rules, orders, practices, and/or policies which the Federal Communications Commission should adopt, if any, to institute and maintain the industry structure which the participant prefers; (3) describe the changes which would result in the economic characteristics of the MTS and WATS market if the Federal Communications Commission were to adopt the recommendation(s) which the participant advanced; (4) evaluate the changes in the economic characteristics of the MTS-WATS market which would result from the adoption of the recommendation against criteria which are derived from the Communications Act of 1934. After the principal comments have been filed, a limited opportunity for discovery is provided to participants to assist them in the formulation of reply comments. In addition, comments are requested on issues to be designated to a Joint Board in the areas of: Separations, settlements, division of revenues, and non-discriminatory access charges.

DATES: MTS and WATS market structure comments must be received on or before February 15, 1980. Reply comments to the market structure comments must be filed on or before the 90th day after the deadline for the filing of responses to information requests (see paragraphs 43 and 49, *infra*). Comments which address the issues

which are to be designated to a Joint Board must be filed on or before October 15, 1979, and reply comments to those issues must be filed on or before October 31, 1979.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Dr. Kent Nilsson, Common Carrier Bureau, (202) 632-9342.

SUPPLEMENTARY INFORMATION:

Adopted: August 14, 1979.

Released: August 30, 1979.

In the matter of MTS and WATS Market Structure CC Docket No. 78-72.

Overview

1. This proceeding was instituted to determine the MTS-WATS market structure which will best serve the public interest. Our initial Notice of Inquiry and Proposed Rulemaking invited interested persons to define specific issues for investigation during the course of this proceeding. Numerous comments have been received in response to that Notice. Many of the comments recommend that this Commission describe the objectives which will serve as criteria in evaluating the relative merits of alternative market structures before designating particular issues for comment. In this regard, we agree with those participants who have observed that the goals expressed in Section 1 of the Communications Act should serve as the primary criteria in determining whether a particular market structure is in the public interest. Those goals include improving the cost and quality of service for users of communications services, making such services available to all users, satisfying national defense needs, and promoting the safety of life and property. Other goals may be implicit in Section 1 and other provisions of the Act.

2. At this time we will not designate any questions for trial type hearings. We are inviting interested persons to submit comments and reply comments. We will determine whether any additional steps will be required in this proceeding after we have evaluated the comments, reply comments, and other data which the Chief of the Common Carrier Bureau will direct certain carriers to provide.

3. Instead of inviting participants to comment upon a detailed list of specific questions, we will establish a format for the principal comments which we expect will develop an adequate record for deciding the issues which are involved in this proceeding. We are concerned that responses to specific questions may obscure the important interdependencies which exist among

the issues raised in this proceeding. Specific questions would also tend to inhibit participants from evaluating broad regulatory options and from advancing economic, technical, and legal arguments to support the adoption of particular regulatory policies. We note that the initial comments in this proceeding have presented conflicting views of the existing telecommunications market and of the decisions which should be made in determining which market structure would best serve the public interest. Those differences in perception and the policy implications which flow from those perceptions require that we adopt a different approach in this proceeding. Accordingly, we request that participants describe and document their perceptions of the present and future characteristics of the MTS/WATS market. We then ask each participant to specify those rules, orders, practices, and policies which this Commission should adopt to effect and maintain the market structure which each participant believes will best serve the public interest. After having defined the actions which this Commission should take, we request that each participant describe and document the changes which would result in the MTS-WATS market if we were to adopt the proposed course of action. Finally, we ask each participant to evaluate each of those changes against criteria which are derived from the Communications Act. Part IV of this Supplemental Notice describes the format which we have adopted in more detail.

4. While the United States Court of Appeals for the District of Columbia in its *Execunet* decisions¹ made it quite clear that the Commission was not to establish a presumption favoring competition or sole source supply pending the outcome of this proceeding, we have read those decisions to require routine processing of 214 applications for facilities used in the provision of MTS/WATS or like service offerings. See generally, *I.T.T. Corporate Communication Services, Inc.*, 70 F.C.C. 2d, Pamphlet No. 4, p. 1129 (1979). We recognize that such an approach, pending the outcome of this proceeding, may require changes in separations, settlements, divisions of revenues, and the determination of non-discriminatory access charges. Accordingly, we are

¹ *Execunet*, 60 F.C.C. 2d 25 (1976), *rev'd in part sub. nom.*, *MCI Telecommunications Corp. v. F.C.C.*, 561 F.2d 265 (D.C. Cir., 1977), *cert. denied*, 434 U.S. 1040 (1978), 580 F.2d 590 (D.C. Cir., 1978), *cert. denied*. — U.S. —, 47 U.S.L.W. 3368 (1978). See also, *MCI Telecommunications Corp.*, No. 75-1835 (D.C. Cir. filed May 11, 1978) denying a motion for further Stay.

also requesting comments on suggested issues which we may designate to a Joint Board pursuant to Section 410 of the Communications Act of 1934 as amended. Also, see generally *Network Facilities* (ENFIA), 71 F.C.C. 2d, Pamphlet No. 5 (CC Docket 78-371, released April 16, 1979).

I. Nature of the Inquiry

5. The initial Notice of Inquiry and Proposed Rulemaking in this proceeding stated that "the purpose of this proceeding is to determine whether the public interest requires that * * * MTS and/or WATS, or their functional equivalents, should be provided on a sole source basis (i.e., free from direct competition)." 67 FCC 2d 757 (1978). The Notice also stated that we are seeking to determine "whether the public interest would be better served by conferring single source status upon MTS and WATS, in whole or in part, or by authorizing some other kind of industry structure * * *." *Id.* at 758.

6. Sole source service and totally unrestricted entry are the opposite poles in a continuum of entry conditions and associated market structures which may ultimately result from this proceeding.² We seek to identify the structure which is most likely to produce industry performance which furthers the goals of the Communications Act. The identification of the desired market structure is a necessary first step in the formulation of policies and procedures which will govern the exercise of our statutory powers and responsibilities. The actions which this Commission takes in exercising its facility authorization powers under Section 214 of the Act and its radio licensing powers under Title III of the Act necessarily affect the structure of telecommunication service markets and submarkets. Section 214(a) prohibits carriers from constructing, operating, or acquiring additional or extended lines without a certificate from this Commission and Section 214(c) authorizes this Commission to attach conditions to a Section 214(a) certificate. Title III prohibits persons, including common carriers, from using radio

frequencies without a license from this Commission and requires that radio licenses be periodically renewed. See Sections 307-309. Section 303(b) empowers this Commission to prescribe the services to be rendered by each station and each class of station, and Section 314 prohibits certain activities where the effect of those activities may be to substantially lessen competition or restrain commerce.³ In each determination the standard the Commission is bound to follow is that of the public convenience, interest, or necessity. The public interest determinations required by these provisions must necessarily be based in part upon consideration of the structure of particular markets or submarkets. Thus, the Communications Act not only grants this Commission ample power to influence market structure, but it also imposes a duty to exercise such power in a manner which is most likely to result in a market structure which furthers the goals of the Act.

7. We have previously conducted rulemaking proceedings for the purpose of making such market structure determinations with respect to various types of telecommunications services and particular types of telecommunications facilities. See, e.g., *Specialized Common Carrier Services*, 29 FCC 2d 870 (1971), *affirmed sub nom. Washington Utilities and Transportation Comm'n v. FCC*, 513 F.2d 1142 (9th Cir.), *cert. denied*, 423 U.S. 836 (1975); *Establishment of Domestic Communications—Satellite Facilities by Non-Governmental Entities* ("Domsat II"), 35 FCC 2d 844 (1972); *Domestic Public Message Services*, FCC 79-42 (released March 28, 1979). However, we have never performed any systematic assessment of the effects of competition on the provision of MTS-WATS type services. The court decision in *M.C.I. Telecommunications Corp. v. F.C.C.*, 561 F.2d 365 (D.C. Circuit, 1977), *cert. denied* 434 U.S. 1040 (1978) has made it necessary to undertake such a systematic assessment in order to determine whether sole source or multiple source provision of services such as MTS and WATS will best serve the public interest.

8. We have used the term "MTS-WATS market" to describe the cluster of interstate services which will be governed by the policy we establish in this proceeding. As a starting point, we shall use the term to encompass the present interstate offerings of AT&T and the independent telephone companies

which offerings are known as MTS and WATS, and existing or future offerings of any carrier which are or which will be the functional equivalent of MTS or WATS.⁴ Although any entry policy we adopt in this proceeding will be confined to the MTS-WATS market, we will necessarily consider any effects which an entry policy for the MTS-WATS market may have on the provision of other services, including both interstate and intrastate services, in determining an entry policy for the MTS-WATS market. The initial Notice also stated that the MTS-WATS market may not be a monolithic whole and that different entry policies may be appropriate with respect to "basic MTS service" and "fringe MTS services."

9. We stated in the first Notice that in addition to examining the effects of market structure upon rates, technical and operational efficiency, network planning, network management, and innovation, it will be necessary to examine the possible effects of competition upon the interstate MTS rate structure and local exchange service rates, and to determine appropriate access arrangements for all carriers who utilize local exchange facilities to provide interstate services. The Notice expressed a tentative conclusion that questions with respect to access arrangements and the subsidy which interstate MTS allegedly provides to local exchange service can be independently resolved in a proceeding pursuant to Section 201(a) of the Communications Act. We concluded that it will probably be necessary to examine the effects of competition upon the interstate MTS rate structure and upon local exchange rates because telephone companies have asserted in prior proceedings that MTS competition will lead to higher rates for local exchange services and some interstate MTS services. See *Specialized Common Carrier Services*, *supra*, 29 FCC 2d at 910, 914 n. 37. See also *First Report and Order in Docket No. 2003*, 61 FCC 2d 766

⁴The criteria for distinguishing the functional equivalents of MTS or WATS from private line services are discussed in a series of prior Commission decisions. See, *MCI Telecommunications Corp.*, 60 FCC 2d 25 (1976), *reserved on other grounds*, 561 F.2d 285 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978); *Southern Pacific Communications Corp.* ("SPRINT II"), 63 FCC 2d 309 (1977); *MCI Telecommunications Corporation* ("SPLS II"), 63 FCC 2d 237 (1977). The *SPRINT II* and *SPLS II* decisions were vacated and remanded for reconsideration on February 3, 1978. D.C. Cir. No. 78-2071. Those criteria may require further refinements and we encourage interested persons to address that definitional question in this proceeding. Also see the *Final Decision and Order in Docket No. 21402*, FCC 78-812 (released December 13, 1978).

²The term "sole source", which appears in both notices, means a market structure in which a service is provided exclusively by an entity or co-operating entities between particular points. We have not used the term "monopoly" to describe such a provision of service because that word is frequently used to describe a dominant seller in a particular market who may not be the sole source of a product or service in that market. A "sole source" market structure does not inevitably mean that the same sole source provides service in all areas. Some non-AT&T entities such as RCA Alascom have participated in the provision of interstate MTS and WATS services on a sole source basis.

³Also see Section 602(d) of the Communications Act of 1934 as amended, now codified at 15 U.S.C. 21(a).

(1976). We have yet to determine whether such assertions are valid.

10. After the initial Notice was released, the American Telephone and Telegraph Company ("AT&T") filed a new tariff with this Commission which is commonly known as the ENFIA tariff. The ENFIA tariff specified the compensation specialized carriers would pay to AT&T subsidiaries for the use of local exchange facilities in the provision of Execunet and similar services. Those specialized carriers were being charged for such access service in accordance with local exchange service tariffs which were instituted under different conditions. The effective date of the ENFIA tariff has been deferred from time to time to enable AT&T, the affected specialized carriers, and others to negotiate an agreement with respect to such access charges. On December 13, 1978, AT&T, GTE, certain specialized carriers and others entered into an interim agreement, pending the outcome of this proceeding, which proposed to this Commission a method for compensating the telephone companies for the provision of local exchange service to specialized carriers providing Execunet type services. The parties to the December 13 agreement apparently expect that such an agreement will serve as an interim determination of interconnection charges, and that the interim agreement may be superseded by other arrangements established by this Commission in this, or in other, proceedings. The arrangement described in the December 13 agreement included substitution of a different ENFIA tariff for access services provided by AT&T subsidiaries. In the Memorandum Opinion and Order in *Network Facilities*, 71 F.C.C. 2d, Pamphlet No. 5 (CC Docket 78-371, released April 16, 1979), we determined that the December 13, 1978, agreement is in the public interest.

II. Summary of Comments

11. Formal comments, or statements of intention to participate, have been filed by numerous entities including carriers, government agencies, and a variety of carrier, consumer, and other organizations.⁵ In general the comments tend to confirm our tentative conclusions with respect to the general topics which should be examined in establishing entry policies for the MTS-WATS market. Many comments included detailed lists of questions which cover such general topics as the effect of sole source vs. competitive

supply on the cost and quality of service, the effect of competition upon the interstate MTS rate structure, and the effect of competition in the MTS-WATS market upon local exchange service rates and arrangements to compensate local exchanges for the use of local exchange facilities in the provision of interstate services.

12. Our initial Notice indicated that we would examine such economic efficiency questions as the effects of market structure upon the pace of innovation, operational efficiency, and network planning. The comments have suggested that we also determine if economies of scale exist and whether such economies might not be realized in a competitive environment, and that we examine the effects of market structure upon the development of communications facilities.⁶ Although some opponents of competitive entry assert that competition may lead to wasteful duplication, many of the opponents of competitive entry in the MTS-WATS market assert that a competitive market structure may not produce sufficient facilities redundancies to satisfy the nation's communications needs. Other suggested areas of inquiry which may not have been encompassed within the topics in the initial Notice include the effect of market structure upon: Depreciation practices, regulatory costs, spectrum allocation, the national defense, and the quality of the environment. Some comments have also suggested that this Commission consider prescribing changes in the corporate structure of AT&T.

13. Many participants apparently agree that we should examine telephone industry claims that the MTS rate structure is and should be based upon rate averaging which has been alleged to equalize rates for low cost and high cost routes. Proponents of a sole source market structure have asserted that new entrants will inevitably limit their services to low cost, high density, routes and that such "cream skimming" will compel the former sole source providers of MTS service to adopt a de-averaged rate structure which will result in increased rates for high cost, low density, routes. Some proponents of a multiple source market structure question whether deviations from cost of service pricing do or should exist.

14. Telephone industry claims that interstate revenues provide subsidies for local exchange users were also discussed in many of the comments. Telephone companies have asserted in

prior Commission proceedings and Congressional hearings that such subsidies are necessary to achieve universal service and to maintain service in more sparsely populated areas, that such subsidies are currently flowing, and that subsidies could not be maintained in a competitive environment. Some of the comments in this proceeding said that this Commission should attempt to determine whether such "subsidies" are actually being paid, and, if so, to whom the "subsidies" have been flowing and from whom the "subsidies" have been received. Proponents of a multiple source market structure also said that we should examine the possibility that subsidized local service may stimulate "excessive" demand, thereby creating a circular condition under which additional local investment is needed, which, in turn, requires additional subsidies. Such participants also suggested that we examine alternative mechanisms for providing any "subsidies" which may be deemed to be desirable.

15. Many of the comments also discussed the existing separations procedures for the allocation of costs and investments between interstate and intrastate jurisdictions. Some comments asserted that the introduction of competition in the MTS-WATS market is undesirable because it will inevitably lead to a change in the existing separations procedures while others asserted that such competition is desirable because it will lead to changes in those procedures. Many of these comments with respect to separations are related to the alleged subsidy for local exchange service. Most participants who discussed separations procedures apparently assumed that any such subsidy is effectuated through the separations process.

16. Several parties have suggested that this Commission should describe its policy goals in the Supplemental Notice and should direct each participant to demonstrate that the market structure which each participant advocates will further those goals. Some comments have suggested that terms such as "basic MTS", "fringe MTS", and "functional equivalent" should be defined in the Supplemental Notice. We have also received several comments that discuss the allocation of the burden of proof. Some contend that persons who believe that these services should not be provided on a sole source basis have the burden of demonstrating that competition will be beneficial. Others contend that persons who advocate restrictive entry policies must

⁵ A complete list of such persons is attached as an Appendix.

⁶ Specialized carriers note that there may be economies of specialization.

demonstrate that restrictions will be beneficial. MCI claims that AT&T and the other telephone companies have the burden of production with respect to most questions because they have the pertinent information.

17. Several participants have also discussed the procedures that should be followed in this proceeding. Some comments have noted that this Commission relied upon notice and comment procedures to resolve analogous entry policy questions in the *Specialized Carrier Services* and "Domsat" proceedings, and urge the Commission to follow the same procedures in this instance because notice and comment proceedings are far more expeditious than any alternative procedures. Others contend that some or all questions should or must be designated for an evidentiary hearing before an Administrative Law Judge. Others contend that some or all questions should or must be referred to a Joint Board. Several comments suggest that the Commission staff or outside consultants should prepare studies to supplement or evaluate the presentations of participants. Some comments state that all questions should be considered together because the questions are necessarily interrelated. Others suggest that the proceeding be divided into two to four phases in order to make it more manageable. Some suggest that all phases proceed simultaneously and others suggest that some questions should be resolved before others are considered.

18. USITA has noted that some materials submitted in Docket 20003 may be relevant in assessing the effects of competition in the MTS/WATS market.⁷ It concluded that these materials "may adequately support a tentative public interest decision on the question of MTS/WATS competition."

19. Several parties have expressed the view that it would be desirable to broaden participation and have suggested that this can be accomplished by funding a non-governmental consumer interest representative.

III. Discussion

20. We will not ask persons who file comments in this proceeding to respond to a list of specific questions. We believe that comments and evidence submitted in the format described in Part IV herein are best suited to

developing the record that we seek. The questions and general areas of inquiry suggested in the comments have, of course, been of great assistance to us in selecting and describing market structure, regulatory policy elements, and criteria for the evaluation of those elements. The comment format described in Part IV is intended to encompass the substantive issues discussed in paragraphs 11-15 of this Supplemental Notice and paragraphs 7-11 of the initial Notice.

21. We must agree with the participants who have observed that the formation of an entry policy must be guided by the purposes which Congress has articulated in Section 1 of the Communications Act. All provisions of the Act must be read in the light of that statement of purpose. This is particularly true of provisions which direct this Commission to determine whether the public interest or public convenience and necessity require or will be served by particular actions. Such determinations should be based upon the premise that actions which further the Congressional goals expressed in Section 1 are in the public interest.⁸ Of course, public interest determinations must not be based exclusively upon Section 1. Some basic policies of the Act may be inferred from other provisions, particularly Section 201-205, 214, 312-314, and 15 U.S.C. 21(a).

22. Section 1 states, in relevant part, that the Communications Act was enacted "[f]or the purpose of regulating interstate and foreign commerce so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication * * *". The reference to the rapidity and efficiency of service and the adequacy of facilities obviously means that Congress wanted to maintain and enhance the quality of communications services. The reference to reasonable charges demonstrates that Congress was also concerned with the level of rates and expected this Commission to follow policies which would minimize the cost of communications services to ultimate users. This concern with the cost and quality of service demonstrates that

economic efficiency is a goal of the Act. The comments we have received indicate that participants agree that economic efficiency is one of the goals of the Act. Most of the areas of inquiry which have been suggested by the comments and the initial Notice of Inquiry relate to the cost and quality of communications services. Any effects which the selection of a market structure may have upon technical and operational efficiency, network planning and management, technological innovation, depreciation practices, regulatory costs, or spectrum allocation will ultimately have an impact upon the cost and quality of communications services. A market structure alternative which has an adverse impact upon particular carriers may also have an indirect impact upon the cost and quality of services which such carriers provide.⁹

23. The Statement in Section 1 that the Act has been enacted for the purpose of making service available to all the people of the United States at reasonable charges presents a more difficult question of statutory interpretation which may be of crucial importance in this proceeding. That language presumably means that Congress wanted to create conditions in which all or most common carrier communication services are offered to all persons. Many persons who filed comments in this proceeding apparently infer that it also means that Congress wanted to create conditions in which such services, or some of them, are "affordable" to all. The contention that any regulatory action which results in an increase in the relative cost of local exchange service conflicts with the goals of the Act is presumably based upon that interpretation of Section 1. While this may be a credible interpretation of Section 1, it does not appear to be the only possible interpretation. We encourage interested persons to address that interpretation question in their comments.¹⁰

24. Some comments have suggested that we establish relative priorities in this Supplemental Notice which will be observed if some of the explicit or implicit goals of the Act conflict. It would be unwise to assign any priorities at this time. It seems unlikely that Congress intended to give priority to any

⁹The evaluative criteria described in paragraph 38, *infra*, are based upon these statutory goals. See also footnotes 24-28, *infra*, and decisions cited therein.

¹⁰In addition, the Act clearly indicates that Congress was concerned with enhancing the national defense and protecting the safety of life and property. Those goals must also be taken into account in reaching a public interest determination.

⁷Docket 20003 was initiated to examine the economic effects of competition in interstate private line service and the provision of customer premises (terminal) equipment. See *Notice of Inquiry*, 46 F.C.C. 2d 214 (1974); *First Supplemental Notice*, 50 F.C.C. 2d 574 (1974); *First Report*, 61 F.C.C. 2d 766 (1976).

⁸The public interest concept may also reflect national policies expressed in other statutes such as the National Environmental Policy Act, 42 U.S.C. 4321 et seq. We will consider the environmental impact, if any, of market structure alternatives in selecting the optimum market structure.

particular goal under all conceivable circumstances. A public interest determination is necessarily a balancing process which requires the exercise of judgment, and different goals may take precedence depending on the facts of each case. Therefore we shall wait until the facts have been developed in the record before we attempt to set priorities for goals in this case.

25. Several parties have requested that we assign burdens of proof. It is inappropriate to speak of allocating a burden of proof in a rulemaking proceeding which this Commission initiated. We must, of course, establish an adequate factual predicate for the adoption of any rules. Persons who might benefit from the adoption of a particular rule have an incentive to develop and present information which supports the adoption of such a rule. Each participant should assume that any gaps in the record which might preclude this Commission from reaching a conclusive determination with respect to the effects of any regulatory policy will not inure to his benefit.

26. We shall not refer any question to an Administrative Law Judge at this time. We intend to follow a flexible approach in this proceeding in order to develop a record which will provide an adequate factual predicate for the adoption of a market structure policy in an assiduous manner. We have decided to invite interested persons to submit comments and reply comments and to allow sufficient time for the filing of the principal comments to enable the participants to document their contentions in a thorough manner. Our staff will also initiate a concurrent policy research effort in order to establish a perspective which will enhance its ability to evaluate the comments of the participants. The staff will attempt to gain quantitative insights into the effects of various policy alternatives subject to a range of assumed competitive and noncompetitive scenarios in the MTS/WATS market place.¹¹ As and when appropriate we will obtain the assistance of outside consultants or contractors to supplement these staff efforts. The Chief of the Common Carrier Bureau will direct certain

carriers to submit empirical data and other information in order that the staff may proceed expeditiously with its research. The responses to those information requests will be made available to participants in this proceeding to assist them in the preparation of their comments. We will take further steps to enable us to reach an informed decision if the comments of the participants and the research efforts of our staff do not provide a sufficient basis for resolving material questions of fact and law.

27. We have noted claims that evidentiary hearings will provide that most effective mechanism for accurate fact-finding. However, that type of multi-party proceeding could become almost interminable, given the complexity of the issues which we must resolve. We are endeavoring to establish an entry policy for the 1980's. A procedural option which would preclude us from reaching a final decision at or near the beginning of that decade would not be consistent with that goal. Accordingly, we have decided that we should not utilize evidentiary hearings to resolve all issues. Nevertheless, we may designate one or more discrete and limited questions of fact which may arise for evidentiary hearing at a later date.

28. We have also noted claims that some or all questions in this proceeding should be referred to a Joint Board composed of members of this Commission and representatives of state commissions pursuant to Section 410 of the Communications Act. Section 410(c) provides in relevant part: "(t)he Commission shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations, which it institutes pursuant to a notice of proposed rulemaking and, except as provided in Section 409 of this Act, may refer any other matter, relating to common carrier communications of joint Federal-State concern, to a Federal-State Joint Board." The primary purpose of this proceeding is to determine entry policies with respect to interstate services and any conclusion we reach will not preclude the states from pursuing their own entry policy with respect to intrastate services. Thus, this proceeding does not present the type of "joint Federal-State concern" which would warrant referring all questions to a Joint Board. Any decision we reach may, of course, have an indirect impact upon intrastate services and the states have a legitimate interest in expressing their views. See *Washington Utilities and*

Transportation Comm'n v. F.C.C., 513 F.2d at 1146-53. State commissions may express their views by filing comments in this proceeding and we encourage them to do so.

29. Some participants may have assumed that we are presently contemplating changes in the separations procedures because the initial Notice states (67 F.C.C. 2d at 759): "A principal question we intend to explore has to do with the industry's division of revenues and settlements." Some confusion apparently exists with respect to the meaning of the terms "separations", "settlements", and "divisions". We will use the term "separations" in this Supplemental Notice to describe the allocation of investments and expenses among interstate and intrastate services. Such costs and expenses must be allocated among jurisdictions because the power to regulate rates has been divided among jurisdictions. See *Minnesota Rate Cases*, 230 U.S. 352 (1913); *Smith v. Illinois Bell Telephone Co.*, 282 U.S. 133 (1930). Section 221(c) of the Communications Act empowers this Commission to determine the allocation of common property between interstate and intrastate jurisdictions. This Commission has exercised that power by adopting a *Separations Manual* as part of its rules which prescribes the procedures to be followed in allocating investments and expenses between interstate and intrastate services. Those procedures cannot be changed without a further order of this Commission. Revenues must also be allocated among participating entities whenever two or more entities participate in providing a particular service. Although Section 201(a) of the Act uses the term "divisions of charges" to describe such an allocation of revenues, the term "divisions" is normally used in the communications industry to describe the allocation of revenues among AT&T entities and the term "settlements" is used to describe revenue allocations among the Bell System Operating Companies and the independent telephone companies. Section 201(a) empowers this Commission to establish the division of charges for services regulated by this Commission.

30. Although Section 410(c) of the Communications Act requires that this Commission obtain and consider a Joint Board report before we adopt any change in the separations procedures, it does not require that we obtain such a report before exercising our Section 201(a) powers to allocate revenues among carriers who participate in

¹¹ The Commission is involved in a joint effort with the Experienced Technology Incentives Program (ETIP) of the National Bureau of Standards. ETIP is concerned with the effects of governmental policies on innovation. We are now cooperating with ETIP in monitoring the effects of our recent decision in *Domestic Public Message Services*. See F.C.C. 2, Pamphlet 5 Paragraph 151 (1979). Through this joint program, we are seeking better ways to gather pertinent, policy-related information, and we are now examining potential applications of our ETIP experience to MTS/WATS.

providing an interstate service.¹² The states are directly affected by any change in jurisdictional separations, but they are not as directly affected by changes in the allocation of interstate revenues. The existing separations and settlement-divisions procedures have been historically treated as being related. Under the settlements-divisions procedures which have been devised within the telephone industry, the interstate charges collected by each originating telephone company are merged to form the interstate revenue pool. Those pooled revenues are then distributed to the participating companies on the basis of the total expense and investment which each participant incurred in the provision of interstate services and the rate of return which each entity is to receive on its investment. Expense and investment allocations procedures are derived from the *Separations Manual* methods for the allocation of expenses and investments between interstate and intrastate services. The historical relationship between settlements and separations indicates that changes in existing settlements-divisions procedures could conceivably require a change in separations procedures. Accordingly, in the light of the ENFIA access arrangements (see para. 10, *supra*) and the presence of additional suppliers in the MTS-WATS market, we request comments on those issues which we should designate for consideration by a Joint Board pursuant to Section 410 of the Communications Act of 1934 as amended. *Inter alia*, those comments should include all issues which would be attendant to the determination of nondiscriminatory access charges, and the changes, if any, which should be made to the existing separations, settlements, and division of revenues procedures.¹³

¹² Section 410(c) does not refer to the allocation of revenues.

¹³ A thorough understanding of the likely effects of competition of MTS-WATS and local exchange rate payers is conditioned on an equally thorough understanding of access arrangements between established carriers and their competitors. Specifically, until non-discriminatory access arrangements are defined, operating conditions under which specialized carriers compete for intercity business will remain ambiguous. Accordingly, the degree of risk associated with investing in competitive service offerings may remain unreasonably high and new entry may be inhibited. Similarly, until just and reasonable access arrangements are established, it may not be possible to determine, with any degree of accuracy, whether competition will engender more efficient utilization of resources currently being devoted to the provision of telecommunications services, whether competitive services will be offered exclusively along high density inter-city routes, or the extent to which policies encouraging open entry would affect local as well as interexchange rate

31. The initial Notice in this proceeding stated that we might "spin off" one or more issues for separate resolution and noted that questions related to interstate carrier access to local exchange facilities appear to be prime candidates for independent resolution. Although we have decided to invite separate comments with respect to questions related to access charges and changes in separations, settlements, and divisions of revenues which may be referred to a Joint Board, and may resolve such questions before we make a final determination with respect to entry policy for the MTS-WATS market, we have also decided to invite interested persons to address such questions in their industry model comments. See especially regulatory policy elements three through five in paragraph 37, *infra*. We have concluded that we should obtain comments which focus upon all of the inter-related policy questions before we resolve any of them.

32. The materials submitted in Docket 20003 would not provide an adequate basis for a tentative determination that a particular MTS-WATS market structure is or is not in the public interest. Docket 20003 was initiated in order to examine the economic effects of competition in the interstate private line services market and the customer premises (terminal) equipment market. Participants were not asked to address the possible effects of competition in the MTS-WATS market and most did not do so. Studies which purported to address such effects were deficient for reasons which are discussed in the First Report in Docket 20003.¹⁴

33. Although we cannot make a tentative public interest determination upon the basis of the Docket 20003 proceedings, some of our findings in that proceeding are relevant to this inquiry. We recommend that persons who wish to file comments in this proceeding become familiar with the First Report in

structures. Indeed, the establishment of non-discriminatory access arrangements arguably represents a necessary prerequisite to the disposition of many of the policy issues to be addressed in this proceeding. We believe it would be advantageous, therefore, to expedite resolution of all questions surrounding access arrangements so as to reach related issues in a timely manner. To that end, we invite interested parties to identify those issues concerning access arrangements that merit referral to a Joint Board. In addition, within the context of a Joint Board, we encourage comments which would specify issues for the appropriate treatment of foreign exchange (FX), common controlled switching arrangements (CCSA), and other interstate services through the separations, settlements, and division of revenues procedures.

¹⁴ 61 F.C.C. 2d 766 (1976).

Docket 20003.¹⁵ We urge participants to examine our conclusions with respect to deficiencies in the methodologies which were used in economic studies submitted in Docket 20003.

34. Several participants in their comments urged that broad participation in this proceeding be encouraged. Consumers Union, the Consumer Federation of America, and the Office of Consumer Affairs suggested that the government fund the participation of consumer interests. On the first point, we emphasize our firm intention and sincere hope that this proceeding will attract comments from groups or parties that have not in the past participated, or have infrequently participated, in Commission proceedings. Every user of MTS-WATS services has a stake in the outcome of this proceeding, and accordingly we encourage the development of a broadly based record. To assist in the development of such a record, we will supplement our usual public notice procedures by directing the Consumer Assistance Office to distribute copies of this Notice to consumer groups. On the second point, Commission funding of consumer groups, it should be noted that a Notice of Inquiry which is directed to consumer funding was adopted by this Commission on June 30, 1978 (Docket No. 78-205; 43 Fed. Reg. 30832). We anticipate that staff conclusions with respect to that proceeding will be before us shortly. Accordingly, it would be inadvisable at this time for us to address that issue in this proceeding.

IV. Developing and Evaluating Alternative Industry Structures

35. The complex, interrelated issues which we confront in this proceeding require an approach which will permit participants to present fully the information which they feel this Commission should consider. However, the analysis of changes in economic effects, service quality, availability of services, technological innovation, diversity of service offerings, and rates for MTS-WATS services requires the adoption of a formal structure for the analysis of comments. Accordingly, we request that participants who will submit industry models¹⁶ present their

¹⁵ We expect to issue a Second Report in Docket 20003 which should also be of interest to participants in this proceeding.

¹⁶ In the interest of brevity, the term "industry model" will be used in this notice to describe the regulatory changes which a proponent advances under the Communications Act of 1934 as amended, and will also be used in a broader sense to encompass legislative changes which a proponent feels this Commission should recommend to Congress. We do not intend that our use of the term

Footnotes continued on next page

comments in the following manner. The first section should provide an executive summary of the participant's comments. The second section should specify the existing MTS-WATS market structure.¹⁷ The third section should define the rules, orders, practices, and/or policies which this Commission should adopt, if any, to institute and maintain the industry structure which the participant prefers.¹⁸ The fourth section should describe the changes which would result in the MTS-WATS market structure if this Commission were to adopt the recommendations made in the third section of the participant's comments. Changes resulting from the adoption of the participant's industry model should be contrasted with "base case" description of the MTS-WATS market structure which would be contained in the second section of a participant's comments.¹⁹ The fifth section should evaluate the changes delineated in the fourth section of the comments in terms of the criteria which we suggest in para. 38, *infra*. We also encourage participants to discuss the relative priorities which should be accorded to those criteria in the light of judicial interpretations and the legislative history of the Communications Act. The sixth section should include a detailed discussion of whether this Commission has the authority to implement the participant's preferred industry model under the Communications Act. Participant's who conclude that requisite authority is lacking should supplement their discussions with suggested legislative changes. The seventh section should document the descriptions contained in the second section, and the eighth section should document statements made in the fourth section. The ninth section should contain any additional information which participants deem to be relevant to this proceeding. In other words,

Footnotes continued from last page
"industry model" be equated with a formal economic or econometric model. Rather, the phrase "industry model" has been chosen, for the sole purpose of economy of expression in this notice, to describe the regulatory and/or legislative changes that would be proposed by participants.

¹⁷ The elements which would be included are listed in para. 36, *infra*. Documentation to support statements which are made in the second section should be included as Section VII. All documentation should be cross-referenced, by page, to the main text.

¹⁸ Specific areas which we would like participants to consider are contained in para. 37, *infra*.

¹⁹ Our decision to utilize a "status quo" base case as a tool of policy analysis should not be interpreted as establishing a legal presumption that the status quo is more consistent with the goals of the Communications Act than alternative industry structures. Participants are encouraged to compare the effects of different suggested industry models in their reply comments.

participants who choose to submit industry models should present their comments as follows:

Section I: an executive summary of comments;

Section II: a statement of the characteristics of the MTS-WATS market (see para. 36, *infra*);

Section III: proposed rules, orders, policies, and practices (see para. 37, *infra*);

Section IV: statements of changes which would occur in the characterizations contained in section II, *supra*, if the proposed rules, orders, policies, and practices were implemented;

Section V: evaluation of the changes stated in Section IV, *supra*, in terms of the criteria specified in para. 38, *infra*; discussion of the relative priorities which should be accorded to those criteria in the light of the legislative history and the judicial interpretations of the Communications Act;

Section VI: analysis of whether this Commission has the authority to implement the participant's preferred industry structure;

Section VII: documentation of the statements made in Section II;

Section VIII: documentation of statements made in Section IV;

Section IX: an appendix which incorporates any other information which this Commission should consider in this proceeding.

36. The elements of the MTS-WATS market structure which should be included in the second section of participants' comments are:

(1) *Definition of the MTS-WATS Market.* This would include service offering definition(s), geographic areas in which those service offerings occur, and the methods used for pricing those offerings.

(2) *Demand Relationships.* The characteristics and geographic locations of user demands for MTS-WATS services. This element would include the specification of existing and future demand functions for MTS-WATS services which are disaggregated by the types of service and classes of users as well as geographic areas.²⁰

(3) *Supply Relationships.* The specification of the supply functions of the existing and future providers of MTS-WATS services. *Inter alia*, this element should include: The geographic areas which would be served, the services which would be provided, and the number and size of firms which would be providing each service in each geographic market. This would also include, but would not be limited to, the limit to, the level of investment in telecommunications facilities, the efficacy of facility investment planning, the utilization and management of such

²⁰ Analyses of traffic data between Class 5 and Class 4 switching centers may be a useful starting point for some participants in developing their comments on this element.

facilities, and the administrative and regulatory costs to common carriers, this Commission, and other entities.

(4) *Economies of Scale.* The absence or presence, magnitude, and location of: Economies of scale, economies of specialization and diseconomies of scale.

(5) *Sources and Cost of Capital.* Constraints upon the acquisition of capital could be a factor in determining the extent to which the MTS-WATS market place would be divided among MTS-WATS providers in a competitive environment. This element would describe any capital constraints which may function as a barrier to entry into the MTS-WATS market.

(6) *Rate Averaging.* At the present time some interstate MTS-WATS rates are uniform (in terms of factors such as: class, distance, time, and time of day) throughout the contiguous 48 states. A consequence of this policy is that parties serviced over high cost routes may obtain service at the same rates as those serviced by low cost routes. The magnitudes and locations of these cost disparities, by types of service, have not been defined in the initial comments. We encourage participants to submit detailed descriptions and analyses of those disparities.²¹

(7) *Existence and Extent of Subsidies.* Several comments have suggested that existing MTS-WATS rate levels and structures may provide subsidies to local exchange and intrastate toll services through the mechanism of the jurisdictional separations process embodied in the 1971 NARUC-FCC *Separations Manual*. In addition, comments have suggested that the rate averaging mechanism may provide subsidies to subscribers serviced by high cost facilities. It has been further suggested that, due to the existing rate structure, some short haul users subsidize long haul users. Parties to this proceeding are urged to define the "subsidies" which they perceive, and specify the amounts of the "subsidies", the recipients of the "subsidies", and the providers of the "subsidies".

(8) *Other Characteristics.* This classification includes other factors which describe the MTS-WATS market

²¹ A Federal State Joint Board Proceedings is currently addressing the issue of which jurisdictional cost separations methodology is appropriate for Hawaii and Alaska (Docket 21263; 42 FR 30221) when those off-shore points become integrated into the mainland MTS-WATS rate schedule. Currently, these points receive MTS-WATS service at rates higher than the rates that would be charged for equivalent interstate calls on the mainland. With full rate integration these points will also participate in rates which are more fully aligned with the 48 contiguous states.

which participants feel that we should consider in this proceeding.

37. The industry model, which would be contained in Section III of participants' comments, should include those rules, orders, practices, and policies which this Commission should adopt to institute and maintain the industry structure which each participant would prefer. Important areas which participants are invited to address include:

(1) *Entry Policy For The MTS-WATS Market.* This element should include those rules or orders, if any, which this Commission should adopt subsequent to a determination of whether the public interest requires more than one supplier of MTS-WATS services. Participants who advocate more than one source of supply should specify the terms and conditions under which entrants would be allowed to provide services. Examples of such terms and conditions might be unlimited industry resale of all common carrier services and/or deregulation of non-monopoly services. Participants who advocate a sole source of supply should indicate how the determination of the sole source of supply entity should be made. Consideration should also be given to any interdependencies which may require a vehicle for network planning.²²

(2) *Accounting Practices.* This includes the treatment of recorded costs in the determination of revenue requirements, the allocation of costs and expenses between customers and shareholders, and the allocation of costs and expenses among interstate services. Any changes in treatment of depreciation expenses by the telephone companies should also be included. In addition, this element should encompass a description of the extent to which any new entrants would assume responsibility for the recorded costs of the existing telephone companies.

(3) *Allocation Of Investments And Expenses Among Jurisdictions.* This would include the method(s) by which operating expenses and the costs of embedded plant would be allocated among local exchange, intrastate, and interstate services. Here again, those parties who advocate unrestricted entry into the MTS-WATS telecommunications market are invited to comment on changes in existing separations and changes in settlements

arrangements that would be necessary to foster higher levels of competition.

(4) *Contractual Arrangements Among Carriers For The Distribution Of Interstate Revenues.* In addition to arrangements among independent entities, this element would include contractual arrangements among commonly controlled corporations.

(5) *Charges to Carriers For The Use Of Facilities Of Other Carriers.* This element should include rules which would specify the methods for calculating the compensation to be paid to interconnecting carriers and to local telephone companies for interstate interconnections. The mechanism(s) by which those charges would be collected and distributed should also be defined.

(6) *Other Forms Of Tariff Regulation.* This element subsumes Commission rules, practices, and policies relating to the determination of rate structures, rate levels, allowable rates of return, and terms and conditions of services.

38. After a participant has described an industry model, the participant should evaluate that model and its anticipated effects against the following criteria:²³

(1) *Economic Efficiency and Resource Allocation.* This term is used to describe the least cost combination of resources which is necessary to provide a level, or levels, of MTS-WATS service which would be consistent with the legislative intent embodied in the Communications Act of 1934 as amended.²⁴

(2) *Rates For Common Carrier Telecommunications Services.* This criterion includes any changes in the level or structure of rates for: Interstate MTS-WATS, equivalent services within the MTS-WATS market, interstate private line services, local exchange services, and any other intrastate or interstate common carrier telecommunications services. The impact of such rate changes upon

different customer groups such as business users, rural or small town subscribers, low income residential customers, and other user classifications should also be discussed.²⁵

(3) *Technological Innovation.* "Technological innovation" describes the process by which new methods for the provision of MTS-WATS type services are developed and implemented.²⁶

(4) *Diversity of Service Offerings.* This term is used to describe service offerings which differ by type, kind, and/or price from existing MTS-WATS services.²⁷

(5) *Service Quality and Reliability.* This criterion encompasses the existing qualities of MTS-WATS services in the United States and whatever facilities redundancies may be necessary to fulfill the legislative objectives which are stated in the Communications Act.²⁸

(6) *Other Relevant Effects.* This classification includes any other criterion which a participant believes to be relevant to this inquiry.

39. We have not included effects upon national defense, the safety of life and property, environmental quality, or the viability of particular classes of carriers in the list of criteria because it seems likely that many participants will not have the desire or the ability to provide information about such effects. However, we do encourage participants to consider those factors in formulating industry models. Participants who wish to discuss additional evaluative criteria should explain their reasons for

²² See Sections 201-205 of the Communications Act of 1934 as amended, and 15 U.S.C. 21(a). Also, generally, see: *AT&T* (Docket 19129), 64 FCC 2d 1 (1977); *recon.*, FCC 78-103, released February 24, 1978; 538 (1977); *AT&T Long Lines Department*, 66 FCC 2d 9 (1977); *recon.*, FCC 78-806, released November 30, 1978.

²³ See Section 1 and Section 218 of the Communications Act of 1934, as amended. Also, generally, *Specialized Common Carrier Services* (Docket No. 18920), 29 FCC 2d 870 (1971), *affirmed sub. nom. Washington Utilities & Transportation Commission v. F.C.C.*, 513 F. 2d 1142 (1975), *cert. den.* 423 U.S. 836; *Domestic Communications Satellite Facilities* (Docket No. 18495), 35 FCC 2d 844 (1972); *Customer Interconnection* (Docket No. 20003), 61 FCC 2d 766 (1976).

²⁴ See, generally, *AT&T Company, Long Lines Department* (Docket No. 21402), 66 FCC 2d 224 (1977); 67 FCC 2d 246 (1977), FCC 78-812, released December 13, 1978; *Specialized Common Carrier Services* (Docket No. 18920), 29 FCC 2d 870 (1971), *affirmed sub. nom. Washington Utilities and Transportation Commission v. F.C.C.*, 513 F. 2d 1142 (1975), *cert. den.* 423 U.S. 836; *Domestic Communications-Satellite Facilities* (Docket No. 18495), 35 FCC 2d 844.

²⁵ See generally: *WATS* (Docket 19989), 59 FCC 2d 671 (1976); *recon.*, 64 FCC 2d 538 (1977); *WATS Rejection*, 66 FCC 2d 9 (1977); *recon.*, FCC 78-806 (released November 30, 1978); *AT&T*, (Docket 19129), 64 FCC 2d 1 (1977); *recon.*, FCC 78-103 (released February 24, 1978).

²² If participants propose different entry policies for submarkets within the MTS-WATS market, those participants should define each submarket and describe any elements which are unique to that submarket. Submarkets might encompass different classes or types of service as well as different geographic markets.

²³ We do not intend to foreclose any participant from discussing possible legislative changes which might produce results which are more consistent with the goals of the Act or goals which a participant believes Congress should adopt. This Commission may recommend the enactment of legislation if such a course appears to be desirable. However, any discussion of changes which cannot be effected within the present statutory framework should supplement the description of the optimal industry structure alternative which can be achieved within the present statutory framework.

²⁴ The intent of Congress with respect to the efficient utilization of resources has been clearly stated in the Act. See Section 1 and Section 214. Our continuing concern with the methods by which resources are allocated to particular services has been expressed recently in *AT&T* (Docket 18128), 61 FCC 2d 587 (1976); *recon.*, 64 FCC 2d 971 (1977); and *further recon.*, FCC 78-104, released February 24, 1978. Also, see generally *AT&T* (Docket 19129), 64 FCC 2d 1 (1977); *recon.*, FCC 78-103 (released February 24, 1978).

believing that such factors are relevant to the statutory goals. A participant who contends that the beneficial effects of a proposed industry model outweigh the detrimental effects should explain his reasons for believing that such a balance of public interest factors is consistent with the relative priorities which are implicitly expressed in the Act.

40. We recognize, of course, that the analytical framework established herein is complex and may prove burdensome or infeasible for parties with limited resources. In that regard, we wish to those reiterate our position that parties need not address all structured elements, regulatory policies, or evaluative criteria outlined above, but rather may focus on selected facets of the analytical framework that are of particular interest or that merit special attention. Given the scope and complexity of this proceeding, however, we recommend that established dominant carriers which have the necessary resources and information follow the guidelines specified herein. We also recognize that some parties may be precluded from providing extensive analysis of issues addressed in the analytical framework due to lack of requisite data. Because some carriers, principally A.T.&T., dominate MTS/WATS and like service markets, those carriers enjoy virtually complete control over the historical data which is needed to analyze the effects of alternative entry policies. Consequently, A.T.&T. and other established carriers may have a significant advantage over competing carriers in preparing their cases for preferred market entry policies. Given this situation, competing carriers, at their own discretion, may wish to focus their resources on replies to comments filed by A.T.&T. and other dominant carriers, or may wish to concentrate their efforts, at least initially, on non-empirical analyses. Those who limit their participation to reply comments, however, are requested to explain their reasons for not addressing empirically the issues which were outlined in the analytical framework. In this regard, we are especially interested in receiving comments concerning not only the availability of requisite data, but also their validity or usefulness in generally analyzing the issues which have been raised in this proceeding. As noted previously, prior to the *Execunet* decisions, MTS/WATS and like services were available only on a sole source basis. While that situation has been altered substantially by the courts and subsequent Commission actions, our experience with competition in this area

is limited and may not yet afford the type of information which is needed to assess fully the effects of an unrestricted entry policy on MTS/WATS subscribers. If that is true, resolution of issues raised in this proceeding may have to await the development of more reliable information gleaned from actual experience with competitive entry conditions as opposed to historical data stemming from markets characterized by sole source suppliers. We invite comments on this point and request that parties document their respective positions to the greatest extent possible.

V. Documentation of Statements and Information Requests

41. Participants should endeavor to relate particular effects to particular changes which would result from each industry model element to the extent that it is possible to do so. Through reply comments participants may provide factual information which rebuts assertions made in comments by participants. With respect to comments and reply comments, we note that a showing of potential effects from a particular entry policy is not by itself sufficient to describe the resultant effects of that policy. Specifically, we are addressing two points. First, we are generally less concerned with possible effects than with probable effects. Possible effects of a given entry policy will be examined not only in terms of their projected magnitudes, but also in terms of their likelihood or probability. Simply put, possible large effects with remote chances of occurrence will be weighed accordingly. Second, we note that adverse effects from changing a particular policy can often be mitigated or offset by changes in other policies, regulatory practices, or institutional arrangements. Consequently, we also urge participants who assert adverse effects of particular policies to suggest regulatory changes which would partially or wholly offset those adverse effects. We are asking all participants to describe anticipated effects upon rate levels because the Act indicates that minimizing the cost of telecommunications services to ultimate users is a major goal of the Act. Although we have not reached a conclusion with respect to the relationship between shifts in relative rates charged to particular classes of users and the goals of the Act, we are asking participants to describe the direct impact of changes in rate structure upon different classes of users because we need to obtain such information to complete this proceeding in an assiduous manner. As previously noted, improving the quality of service also

appears to be a goal of the Act and we are accordingly asking all participants to describe effects upon service quality.

42. Participants who have the most to gain or lose from the adoption or retention of particular regulatory policies also have the strongest incentive to develop and document their positions with respect to the probable effects of those policies. In this regard, a participant who chooses to utilize quantitative data shall, in separate appendices which are filed with the comments: (a) Make all relevant data (both pro and con) available to all participants to this proceeding; (b) specify in detail the exact data which have been employed; (c) clearly explain all assumptions which have been made in the development and utilization of that data; and (d) fully explicate all methodologies which have been utilized with detailed descriptions of the exact mathematical calculations which have been made. The nature of the disclosure contemplated in this paragraph is such that any participant to this proceeding should be able to replicate any quantitative result which is advanced by any participant.²⁹

43. We must emphasize that we are seeking, to the greatest extent possible, the incorporation of factual data in assessments of industry models. We recognize that some participants may not possess all the information they need to evaluate industry models and may not be able to obtain such information from public sources including the responses to the information requests which the Chief of the Common Carrier Bureau will be issuing to facilitate staff analysis. We have decided that the Chief of the Common Carrier Bureau should exercise our powers under Sections 213, 218, 219, 220, 403, and 409(e)-(h) of the Communications Act of 1934 as amended, to obtain such information from carriers who are subject to those provisions. We are accordingly inviting persons who plan to submit reply comments to submit such requests for information to the Chief of the Common Carrier Bureau on or before the 60th day following the final date for the filing of comments. Such requests shall identify the carriers who are likely to have the requested information. The Chief of the Common Carrier Bureau will then direct appropriate carriers to submit information to him which is responsive to information requests which he finds to be reasonable and relevant to this inquiry. He will establish a deadline for

²⁹ The material which we contemplate in paragraph 42 should follow, at a minimum, § 1.363 (35 FR 16247) of this Commission's rules.

submitting such responses and may extend that deadline upon a showing of good cause. The Chief of the Common Carrier Bureau will arrange the transmittal of information to requesting participants.³⁰ Information requests filed with and issued by the Chief of the Common Carrier Bureau and the responses to the information requests which he issues will be made available for public inspection in the Docket Reference Room in the Commission's offices in Washington, D.C.

44. Comments in prior notice and comment rulemaking proceedings before this Commission have, on occasion, contained assertions of fact which have not been fully and completely supported. Conclusory statements of consequences and effects which would flow from the adoption of particular policies have also been made without detailed documentation of the bases for those claims. We seek to avoid those difficulties in this Inquiry, and in the furtherance of that objective, re-emphasize that every statement which is made in Sections II and IV of each participant's comments, as outlined in paragraph 36, *supra*, should be as fully documented and supported in Sections VII and VIII, respectively, of each participant's comments as the resources of each participant will permit.

45. We recognize that many persons who will wish to express views or provide information in this proceeding will not have sufficient resources or a sufficient stake in the outcome to perform the type of analysis which other participants should be expected to perform. The guidelines we are establishing for comments are not intended to foreclose or discourage participation by persons who are unable or unwilling to perform a complete analysis.³¹ We need and want the benefit of their views. However, we do encourage such participants to follow the general format described in Parts IV and V of this Supplemental Notice in order to enable us and other participants to identify the elements, criteria, or legal issues such participants have chosen to address. We are not prescribing a format for reply comments. However, reply comments which follow the general format of the comments will facilitate comparison and analysis and we encourage participants to structure

their reply comments in that manner. We request that reply comments include a brief executive summary of the substance and organization of the reply comments. A table of contents and an index should also be provided for lengthy submissions.

VI. Comment Filings and Ordering Clauses.

46. Accordingly, it is hereby ordered. Pursuant to Section 1, 4(i)-(j), 213, 218, 220, 403, and 409(e)-(h) of the Communications Act of 1934 as amended, 47 U.S.C. 151, 154(i)-(j), 213, 218, 220, 403, and 409(e)-(h). That this inquiry shall proceed as described herein, and that common carriers subject to the jurisdiction of this Commission shall provide information requested by the Chief of the Common Carrier Bureau pursuant to authority which we are delegating to him in paragraph 43 of this Notice, and which is delegated in our rules.

47. It is further ordered, Pursuant to Sections 1, 4(i), and 4(j) of the Communications Act of 1934 as amended, 47 U.S.C. 151, 154(i)-(j). That interested parties may file suggestions on the issues to be considered by a Joint Board as specified in paragraph 30, *supra*, on or before October 15, 1979. Reply comments to issues suggested by participants may be filed on or before October 31, 1979. Pursuant to the procedures set forth in § 1.51(c)(1) of the Commission's rules (47 CFR 1.51(c)(1)). an original and nine (9) copies of all filings shall be furnished to the Commission. All comments received in response to this Notice will be made available for public inspection in the Commission's Offices in Washington, D.C.

48. It is further ordered, Pursuant to Section 4(i) and 4(j) of the Communications Act of 1934 as Amended, 47 U.S.C. 154(i)-(j), and 5 U.S.C. 553, That our Notice of Proposed Rulemaking in this proceeding, 67 F.C.C. 2d 757 (1978), is unmodified except to the extent indicated herein.

49. It is further ordered That interested parties may file comments describing and evaluating an industry model on or before February 15, 1980. Reply comments may be filed on or before the 90th day after the deadline for filing the responses to the information requests described in paragraph 43, *supra*. Pursuant to the procedures set forth in § 1.51(c)(1) of the Commission's rules (47 CFR 1.51(c)(1)). an original and nine (9) copies of all filings shall be furnished to the Commission. All comments received in response to this Notice will be made available for public inspection in the

Docket Reference Room in the Commission's Offices in Washington, D.C. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

50. It is further ordered That the Secretary shall cause this Supplemental Notice to be published in the **Federal Register**, and that this proceeding remains subject to further order by the Commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Participants in CC Docket No. 78-72

Advanced Decision Handling, Inc.
Aeronautical Radio, Inc.
American Satellite Corporation
American Telephone & Telegraph Co. and the Bell System Associated Companies
Assn. of Data Processing Service Organizations, Inc.
California Public Utilities Commission and the
People of the State of California
Committee of Corporate Telephone Users
Central Telephone & Utilities Corporation
Computer & Communications Industry Assn.
Consumers Education and Protective Assn.
International, Inc.
Consumer Federation of America
Consumers Union of United States, Inc.
Continental Telephone Corporation
Farmers Telephone Company
General Services Administration
GTE Service Corporation
Hitch, Robert D.
Humphries, George E.
International Business Machines, Inc.
Independent Data Communications Manufacturers Assn., Inc.
International Telephone & Telegraph Corporation
MCI Telecommunications Corporation
Mullan, Marquita P.
National Assn. of Regulatory Utility Commissioners
National Data Corporation
National Retail Merchants Association
National Telephone Cooperative Assn.
North Dakota Public Service Commission
Ohio Telephone Association
Oregon Public Utility Commission
Organization for the Protection & Advancement of Small Telephone Companies
Puerto Rico Telephone Company
RCA Alaska Communications, Inc.
RCA Global Communications, Inc.
Redding, Paul B.
Rochester Telephone Corporation
Rural Electrification Administration
Satellite Business Systems

³⁰ He may direct responding carriers to serve copies of such responses upon participants if it is deemed necessary to facilitate an expeditious resolution of this proceeding.

³¹ We do expect, however, that such parties will evaluate any changes which they propose, or evaluate the status quo if they prefer no change, against all of the criteria which are specified in paragraph 38, *supra*.

Securities Industry Automation Corp.
 Southern Pacific Communications Company
 State of Vermont Public Service Board
 Telenet Communications Corporation
 Telephone and Data Systems, Inc. and Its
 Operating Companies
 TRI-EX Tower Corporation
 United Church of Christ Office for
 Church in Society
 United Telecom Service, Inc.
 U.S. Department of Commerce
 (National Telecommunications and
 Information Administration)
 U.S. Department of Defense
 (Defense Communications Agency)
 U.S. Department of Health, Education &
 Welfare
 (Office of Consumer Affairs)
 U.S. Department of Justice
 (Antitrust Division)
 U.S. Independent Telephone Assn.
 Utah Department of Business Regulation
 Weiser, Alan L.
 [FR Doc. 79-27136 Filed 8-29-79; 8:45 am]
 BILLING CODE 6712-01-M

[47 CFR Part 90]

[PR Docket No. 79-191; RM-3380; FCC 79-476]

Designating Frequencies in the 806-821 and 851-866 MHz Bands for Slow Growth, Land Mobile Radio Systems of Utilities and Public Safety Agencies

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The FCC proposes amending Subpart M of Part 90 of its Rules and Regulations to designate specific frequencies in the 806-821 and 851-866 MHz frequency bands for use by slow growth public safety and utilities land mobile radio systems. It is proposed that 50 channels be set aside for conventional and trunked radio systems for applicants in the Police, Fire, Local Government, Telephone Maintenance, and Power Radio Services who meet certain specific criteria.

DATES: Comments must be received on or before November 1, 1979 and Reply Comments must be received on or before December 3, 1979.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

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

In the matter of amendment of Part 90 of the Commission's Rules to designate frequencies in the 806-821 and 851-866 MHz bands for slow growth, land mobile radio systems of utilities and public safety agencies; notice of proposed rule making.

Adopted: August 1, 1979.

Released: August 30, 1979.

By the Commission: Commissioner Lee absent.

1. Notice of proposed rule making is given in the above-captioned matter.

Background

2. In Docket 18262, the Commission allocated 30 MHz of radio spectrum in the 806-821 and 851-866 MHz bands for private land mobile communications systems. This spectrum provided six hundred, 25 kHz frequency pairs. Of the 600 channels, 100 were earmarked for conventional radio systems, 200 for trunked systems, and the remaining 300 channels were held in reserve. These frequencies were made available for licensing in 1976. Since then, growth has been rapid for conventional systems in the major urban areas. By mid 1978, the 100 conventional channels were all assigned in Chicago, New York, and Los Angeles. Shortly thereafter, the Commission released 50 additional channels for conventional systems from the reserved group. These additional 50 channels have also been assigned, so that all of the 150 conventional channels are assigned in the Chicago, Los Angeles, and New York metropolitan areas.

3. The primary users of these frequencies are licensed in the Business Radio Service. For example, 62% of the 150 conventional channels in Chicago, 87% in Los Angeles, 80% in New York City, 71% in San Francisco, and 83% in Houston, have been authorized to licensees in the Business Radio Service. The next largest group has been licensed in the Special Industrial Radio Service. Both of these services have broad eligibility criteria. Licensing of trunked systems began within the past year but the pattern of usage is similar there also. Most of the trunked systems we have authorized have been specialized mobile radio (SMR) systems.

4. The rapid usage of the 800 MHz channels in the large urban areas over the last few years has caused concern to planners of large land mobile systems which are normally implemented over a number of years. They are concerned that before they will be able to complete their plans for their systems, there may not be frequencies in the 800-MHz bands for them to use. This concern has been expressed by representatives of public safety services and others. For example, the Associated Public Safety Communications Officers, Inc. (APCO), in its Project 16 Report,¹ stated:

¹ APCO Project 16 Report, *The Application of the 900 MHz Band to Law Enforcement Communications*, Feb. 1978, p. 4.7.

The Commission's Rules currently make little provision for the implementation for planned systems. Consequently, they inhibit long-range communications systems planning. Large scale, sophisticated systems that are configured to optimize utilization of spectrum while concurrently satisfying the users' operational needs are time consuming to prepare, approve, fund, and implement. They must be developed based upon the availability of specific frequencies, and such frequencies must be reserved so that they are available when the plan is implemented.

5. Also, on May 17, 1979, the Utilities Telecommunications Council (UTC) petitioned the Commission to amend Part 90 of our Rules or take other appropriate regulatory action to provide for the availability of spectrum for conventional and trunked 800-MHz band land mobile systems involving slow-growth and long-term planning, such as, large systems operated in public services and by utilities.²

6. In support of its petition, UTC argues that energy utilities have started the necessary engineering, planning, and budgetary procedures to convert or expand their land mobile communications systems from existing low, high, and UHF band frequencies to the 800-MHz frequencies, and that applications will be filed in the near future for large, state-wide utility land mobile systems that will involve both multiple frequency (5 channel) conventional systems, and high capacity (20 channel) trunked systems. UTC also states that utilities now find that in New York, Chicago, and Los Angeles, there are no 800-MHz conventional frequencies available for assignment to meet their present needs other than those in the spectrum being held in reserve. It claims that the steps being taken in PR Docket 79-106³ will not remedy this situation because of the number of conventional channels needed in these large urban systems, the need for exclusive channel assignments to accommodate the large number of

² UTC's petition specifically proposes: Immediately release 50 additional conventional 800 MHz band channel pairs in New York City, Chicago, and Los Angeles for use by slow-growth, long-term planning public service and utility users; in other areas of the country, earmark a "reasonable" number for use by such slow-growth, long-term planning, public service users; earmark a "reasonable" number of 800 MHz channels for trunked system in New York City, Chicago, and Los Angeles for use by such slow-growth, long-term planning public service and utility users; modify the Commission's policy concerning licensing of high capacity (20 channel) trunked systems to permit licensing of such systems on specific channels for long-term implementation; and require prospective applicants for such systems to submit plans for the use of the channels assigned to them.

³ This Docket proposes to change the co-channel mileage separation standards in some cases, and the frequency loading standards for conventional 800-MHz systems.

mobiles, and because of the extensive geographic areas which must be covered. It is argued that these large systems will require a number of years to implement and that the utilities must be able to rely on availability of compatible frequencies in the next few years for these systems.

7. Finally, UTC recites several factors which, in its view, will accelerate the use of frequencies by the utilities. UTC believes for example that, with the present energy shortage, the utilities will be taking additional steps to increase reliability of service and improve service restoration efforts; there will be an increase in the need for additional data communication; and the need for additional communications for plant control and operation; and that the introduction of portable radio units into the market will remove one of the most serious obstacles for the development of large mobile communication systems in the public safety, utility, and similar other services.

Proposal

8. This matter has been under consideration for some time. Setting aside frequencies for particular radio services or users is not consistent with the Commission's decision in Docket 18262. However, experience so far with the development of radio systems in the 800 MHz private land mobile bands indicates that it is necessary to take another look. Our 800 MHz plan for the private land mobile radio services has been successful in that we are accommodating the mobile radio communication requirements of a large group of licensees in the major urban centers as well as in other parts of the country. The growth of 800 MHz systems is expected to continue at an even faster rate. Yet, the very success of our plan poses the problems addressed by petitioner UTC and by APCO in its Project 16 Report. The problem, of course, is that unless we take some action, frequencies may not be available in the near future to accommodate highly important radio systems which are essential to such vital services as the police, the public utilities, and others. One of the major objectives of our 800-MHz allocation was to provide frequency resources for the communication needs of the safety services and it seems to us that if the plan we adopted somehow is not meeting that objective, corrective action becomes necessary. Accordingly, we think it would be in the public interest to set aside a relatively small portion of the radio spectrum we have allocated to the private land mobile radio service for the kind of larger, slow growth system

which APCO and UTC have described. Therefore, we are proposing to designate 50 frequency pairs out of these now held in reserve—approximately 8% of the total—for those systems. This is the number of channels requested by UTC and corresponds to our understanding of the need for frequencies for the type of systems we have in mind. Also, assigning 50 channels from the present 250 channel reserve leaves a remaining block of 200 reserve channels, which lends itself to convenient further sub-division.

9. The frequencies would be made available in the manner and under the conditions described below. First, we propose to make these channels available for only the larger systems, those actually having at least 200 vehicles in which it is planned to install the equipment applied for. We propose to limit the availability of these frequencies to large systems because the problems we are trying to deal with (e.g. difficulties and delays in system planning, approval, funding and implementation) are usually associated with larger systems. The smaller systems can and should be accommodated within the existing frequency allocations and existing authorized facilities. We also propose to limit eligibility for these frequencies to those eligible in the Local Government, Police, Fire, Telephone Maintenance, and Power Radio Services in that the kind of radio systems contemplated here are most usually authorized in these services, certainly in the larger urban areas where the need to reserve frequencies exists. Nevertheless, comments are invited on the foregoing limitations on eligibility and the size of the system.

10. Further, an applicant for those frequencies will be required to submit an implementation plan which has been adopted by the appropriate final authorities of the applicant. This plan shall include system details, showing funding, and the planned implementation schedule. Once authorized, the licensee will be required to submit progress reports that will outline the system implementation to date, and the projected plans for system completion. Since our aim is to reserve frequencies for the large, long-term planning, multi-year implemented systems, we solicit comments on the necessity for, and the extent of the planning and implementation time frame that would be specified in the eligibility requirements for these systems.

11. Moreover, the frequencies will be primarily for trunked systems since the large systems contemplated lend

themselves to trunked operation. However, we realize that there may be other large 800 MHz systems for which trunking may not be suitable. We are therefore designating 10 of the 50 channels for possible conventional system use. But they will be assigned for conventional systems only upon a showing that trunking is not technically feasible for the operation. For example, cost, area of coverage, or need of licensee to have complete control over his own system will not be considered sufficient justification for conventional channel assignment. On the other hand, certain non-voice systems might be good candidates for conventional assignments because trunking in such systems might not be technically feasible. We have decided to designate 40 of the fifty channels for trunked systems because this would yield two, 20 channel trunked groups and would be consistent with our present trunking channel assignment plan, and because, as we have indicated, we expect the large systems we want to accommodate to use trunking technology.

12. The 40 trunked channels will be divided into two, 20-channel blocks whose channel spacings will be the same as the trunked system assignment plan adopted in SS Docket 78-394. The specific channel numbers are:

Trunked.....	201-241-281-321-361
20-channel.....	221-261-301-341-381
Block 11.....	211-251-291-331-371
Slow growth.....	231-271-311-351-391
Trunked.....	202-242-282-322-362
20-channel.....	222-262-302-342-382
Block 12.....	212-252-292-332-372
Slow growth.....	232-272-312-352-392
Conventional.....	151 through 160

13. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before November 1, 1979, and reply comments on or before December 3, 1979. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

14. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal

participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

15. For further information concerning this document, contact Eugene Thomson (202) 632-6497.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Subpart M of Part 90 of the Commission's Rules is amended as follows.

1. Section 90.399 is added and reads as follows:

§ 90.399 Special conditions governing applications and authorizations for certain qualified Public Safety, Telephone Maintenance, and Power Radio Service systems.

(a) The following channels will be assigned only to qualified applicants meeting the criteria given in § 90.399(b). These channels will be authorized for conventional and trunked systems in accordance with the following assignment plan:

Channel Number

Trunked.....	201-241-281-321-361
20-channel.....	221-261-301-341-381
Block 11.....	211-251-291-331-371
Slow growth.....	231-271-311-351-391
Trunked.....	202-242-282-322-362
20-channel.....	222-262-302-342-382
Block 12.....	212-252-292-332-372
Slow growth.....	232-272-312-352-392
Conventional.....	151 through 160

(b) Applicants in the Police, Fire, Local Government, Telephone Maintenance, and Power Radio Services meeting the following criteria shall be eligible for the channels listed in subparagraph (a) of this Section.

(1) Since these channels are reserved for large, long term planning, slow growth, multi-year implemented systems, the applicant shall submit a system implementation plan that has been approved and adopted by the appropriate final authorities of the applicant. This plan shall include system technical details and the proposed implementation schedule.

(2) These channels will be assigned for use in systems actually having at

least 200 vehicles in which it is planned to install the equipment applied for.

(3) The applicant will supply with the request for authorization proof of existing or planned financial arrangements to be used in implementing the radio system.

(4) Licensees authorized to use the slow growth channels shall submit semi-annual progress reports to the Commission that will indicate the extent of system implementation to date, and give projected plans for system completion. The Commission may withdraw frequency authorizations if proposed implementation schedules are not followed.

(5) All other rule provisions of the Section will apply to the channels assigned to slow growth systems.

[FR Doc. 79-26634 Filed 8-29-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 2-6; Notice 9]

Evaluation Report on Federal Motor Vehicle Safety Standard No. 214; Side Door Strength

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Public notice.

SUMMARY: This notice announces the publication by the NHTSA of an Evaluation Report concerning Safety Standard No. 214, *Side Door Strength*. This staff report evaluates the effectiveness and costs of the Federal standard that sets crush resistance requirements for the side doors of passenger cars. The report was developed in response to Executive Order 12044, "Improving Government Regulations," which provides for a government-wide review of existing, major Federal regulations. The NHTSA welcomes public review and comment on this evaluation.

DATE: Deadline for filing applications for financial assistance is September 24, 1979.

ADDRESS: Interested persons may obtain a copy of the report free of charge by contacting Ms. Kitts, Office of Management Services, National Highway Traffic Safety Administration, Room 4423, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0874). All comments should refer to the docket number and notice number and be

submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Applications for financial assistance should be submitted in writing to: Ms. Anne Mitchell, Public Affairs and Consumer Participation, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0670).

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim, Director Office of Program Evaluation, Plans and Programs, National Highway Traffic Safety Administration, Room 5212, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1574).

SUPPLEMENTARY INFORMATION: Safety Standard No. 214 (49 CFR 571.214) specifies crush resistance requirements for the side doors of passenger cars to reduce the likelihood of death and injury resulting from intrusion of the occupant compartment during side impacts. The standard became effective in January 1973.

Pursuant to Executive Order 12044, "Improving Government Regulations," The NHTSA recently conducted an evaluation of Safety Standard No. 214 to determine its effectiveness in terms of saving lives and preventing injuries and to determine its costs to consumers. Under the executive order, agencies are to review existing regulations to determine whether the regulations are achieving the order's policy goals, i.e., achieving legislative goals effectively and efficiently and without imposing any unnecessary burdens on those affected. The Evaluation Report of Safety Standard No. 214 has been completed and is now available to the public.

The 214 Evaluation Report is the first of a series of NHTSA studies reviewing existing Federal motor vehicle safety standards, and is based on real-life accident experience of vehicles complying with the standard and on cost and engineering analysis of these vehicles. The principal findings of the report are as follows:

- Standard No. 214 reduces the likelihood of intrusion in side door impact crashes.
- Standard No. 214 prevents a substantial proportion of the deaths and severe injuries in single vehicle side door impact crashes (such as when a car skids sideways into a tree).
- Standard No. 214 is significantly less effective in multivehicle crashes (such as intersection collisions) than in single vehicle crashes.
- Standard No. 214 adds \$56 to the cost of purchasing and operating an automobile over its lifetime.

The preliminary conclusion of the report is that Safety Standard No. 214 is effective in preventing many deaths and injuries in single-vehicle side door impact crashes and that the standard is not inflationary. Follow-up reports on this standard will be issued as additional accident and cost data become available. This report was developed from statistical analyses of the National Crash Severity Study accident data currently available and on detailed cost analyses of post-standard side door components.

The Evaluation Report also concludes that a substantial number of fatalities and injuries are still resulting from side impact crashes, in spite of the benefits of Standard No. 214. The report shows, therefore, the further upgrading of side impact protection in new passenger cars should remain a high priority of the NHTSA. The findings of this study are expected to be one basis for the preparation of an upgraded side impact standard.

The NHTSA welcomes public review of the Standard No. 214 Evaluation Report and invites all public comments.

Applications for Financial Assistance

The NHTSA invites all qualified individuals and organizations financially unable to participate in this proceeding to apply for financial assistance. All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board, composed of NHTSA and other Department of Transportation officials, to determine whether each applicant is eligible to receive funding. Consideration of late applications is at the discretion of the evaluation board.

In general, an applicant is eligible if its participation would contribute substantially to a full and fair determination of the issues involved in the proceeding, taking into consideration the novelty, complexity, and significance of the ideas advanced and the ability of the applicant to represent the interests it espouses competently. Additionally, it must be demonstrated that the applicant does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this program.

If more than one applicant representing the same or similar interest is deemed eligible, the board will either select the applicant which can make the strongest presentation or select more than one applicant if justified. Compensation is to the extent the agency's budget for this purpose will permit. Payment is made as soon as

possible after the selected applicant has completed its work and submitted a claim, but not later than 60 days after a completed claim is submitted.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address if its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by section 5.49 of the recently revised DOT regulations governing this financial assistance program (44 FR 4675; January 23, 1979). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50.)

Issued on August 28, 1979.

Frank Berndt,
Acting Administrator.

[FR Doc. 79-27353 Filed 8-29-79; 10:01 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

Proposed Amendment to the Preliminary Fishery Management Plan for Squid Fisheries of the Northwestern Atlantic

AGENCY: National Oceanic and Atmospheric Administration, (NOAA)/Commerce.

ACTION: Approval of preliminary fishery management plan amendment; proposed rulemaking.

SUMMARY: The Preliminary Fishery Management Plan for Squid Fisheries of the Northwestern Atlantic (PMP) was published on February 16, 1977, and subsequently amended for 1978 and 1979. An amendment providing for an in-season reduction in the estimated U.S. harvesting capacity for short-finned squid of 4,000 metric tons (mt) and an in-season increase in the amount of short-finned squid available to the foreign fishery of 4,000 mt was approved by the Assistant Administrator for Fisheries, NOAA, on August 10, 1979. Regulations to implement this amendment are herein proposed for public review and comment.

DATE: Comments are invited in writing on or before September 26, 1979.

ADDRESS: Send comments to the Assistant Administrator for Fisheries, NOAA, Washington, D.C. 20235. Please

mark "Comments on Squid PMP, Attn. F36," on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: The PMP, as amended on November 2, 1978 (43 FR 51053), established the optimum yield (OY) for short-finned squid (*Illex*) at 30,000 mt, the estimated U.S. harvesting capacity for *Illex* at 10,000 mt, and the resulting total allowable level of foreign fishing (TALFF) at 20,000 mt. Section 611.20(b) of the 1979 foreign fishing Regulations, published on December 19, 1978 (43 FR 59292), states that each assessment of OY and anticipated U.S. harvest will be reviewed during the fishing season.

The total domestic harvest of *Illex* in the Northwestern Atlantic as of July 15, 1979, is lower than was originally estimated. Therefore, the initial estimate of U.S. domestic harvest for *Illex* in the 1979 PMP of 10,000 mt is hereby reduced to 6,000 mt. The surplus of 4,000 mt obtained by revising the U.S. harvest estimate downward would be made available for foreign harvest in 1979, increasing the TALFF from 20,000 to 24,000 mt. This would allow for reasonably full utilization of the *Illex* resource.

This action involves no change in the OY, estimate of U.S. capacity, or TALFF for long-finned squid (*Loligo*), as established by the PMP on November 2, 1978.

The Mid-Atlantic Fishery Management Council (Council) prepared a fishery management plan for the Atlantic squid fishery that was approved by the Assistant Administrator for Fisheries (Assistant Administrator) and was published on June 26, 1979 (44 FR 37252). This plan contains a procedure for reallocation of Atlantic squids during the fishing year (April 1 to March 31) as in-season adjustments. Under the Council's plan, a review of domestic harvest of *Illex* should occur on August 31, with the reallocation from U.S. capacity to TALFF, if appropriate, occurring on December 1. The Council's plan will not be implemented by promulgation of final regulations until after August 31. Therefore, the Assistant Administrator has determined, after consultation with the Council, that a reallocation under the PMP prior to the implementation of the plan is appropriate in view of the performance of the domestic fishery, the desire of foreign nations for additional *Illex*, the seasonal nature of the *Illex*

fishery, and the desire to minimize disruption of the foreign fishery during implementation of the Council's plan.

The Assistant Administrator has determined that these changes will have no adverse impact on the U.S. squid fishery or on future supplies of squid.

The Assistant Administrator, under a delegation of authority from the Secretary of Commerce, has determined that an amendment to the PMP reducing the 1979 estimate of U.S. harvest for short-finned *Illex* squid by 4,000 mt and allocating 4,000 mt additional surplus to foreign nations is necessary and appropriate for full utilization of *Illex* squid and for proper management of the Northwestern Atlantic squid fishery during the 1979 fishing season.

The revision to the PMP is as follows:

1. In Section IV, strike the first paragraphs of subsections c. and d. and substitute the following:

"Estimated Domestic Production Potential and Allowable Foreign Surplus. The capacity of the United States to harvest squid in 1979 was estimated by NOAA as 30,000 mt of long-finned squid *Loligo* and 6,000 mt of short-finned squid *Illex*. This resulted in a surplus of 54,000 mt of both species available for foreign fishing. Specific figures by species are given in Table 26."

2. Strike Table 26 and substitute the following:

"Table 26.—Squid Optimum Yield and Allocations

(In metric tons)

Species	Maximum sustainable yield	Optimum yield	U.S. capacity	Foreign surplus
<i>Illex</i>	40,000	30,000	6,000	24,000
<i>Loligo</i>	44,000	44,000	14,000	30,000

Note.—The Assistant Administrator has determined that this action does not require preparation of a regulatory analysis, nor does it meet the criteria of significance established by Executive Order 12044. An Environmental Impact Statement on the squid fishery PMP has been prepared and is on file with the Environmental Protection Agency.

Signed in Washington, D.C., the 24th day of August 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

50 CFR Part 611 is proposed to be amended as follows:

1. In Table I, under the column "TALFF," strike the amount "20,000" for squid, short-finned and substitute "24,000."

[FR Doc. 79-27177 Filed 8-29-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 44, No. 170

Thursday, August 30, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Big Slough Watershed, Fla.; Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Big Slough Watershed project, Sarasota, Manatee, Desoto, and Charlotte Counties, Florida, effective on August 14, 1979.

Dated: August 23, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008.)

Joseph W. Haas,

*Assistant Administrator for Water Resources,
Soil Conservation Service.*

[FR Doc. 79-27013 Filed 8-29-79; 8:45 am]

BILLING CODE 3410-16-M

California Lake Watershed, Fla.; Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the California Lake Watershed project, Dixie County, Florida, effective on August 14, 1979.

Dated: August 23, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008.)

Joseph W. Haas,

*Assistant Administrator for Water Resources,
Soil Conservation Service.*

[FR Doc. 79-27012 Filed 8-29-79; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 79-8-140; Docket 35474]

Davis Agency, Inc.; Order Granting Exemption

Application of Davis Agency, Inc. For an exemption under section 416(b) of the Act.

By application filed May 4, 1979, as amended June 8, Davis Agency, Inc., An overseas military personnel charter (OMPC) operator, requests an exemption from section 403 of the Federal Aviation Act to eliminate the filing of rate tariffs for its OMPC flights under Part 372 of the Board's Special Regulations.¹ Davis seeks a temporary exemption until the Board acts on its separate request for rulemaking to eliminate such tariffs.²

In support of its request, Davis states that the tariff filing requirement produces no consumer benefits; and that, in fact, tariffs are costly to its operations and these costs must ultimately be passed on to the consumer. Davis further states that when Part 372 was adopted in 1972 the filing of tariffs was required because OMPC operators were the only indirect air carriers authorized to provide air-only charters. This fact is not true today, Davis argues, because Public Charters may be operated on an air-only basis.

In addition, Davis states that, even though tariff filings permits the Board to monitor its pricing activity, in the seven years of its OMPC operation, no problems affecting pricing or any other tariff matter have arisen; no OMPC rate has ever been suspended; and no claims for unjust discrimination or undue preference or prejudice have been

¹ Section 372.25 states that an OMPC operator shall not operate or sell any charter trip unless it has on file with the Board a currently effective tariff showing all rates, fares and charges for such charter trip, and showing the rules, regulations, practices and services in connection with such transportation.

² By ER-1125, adopted May 31, 1979 (44 FR 33058; June 8, 1979), the Board exempted all certificated air carriers and foreign air carriers from having to file tariffs for their charter operations. However, the Board did not exempt charter operators, which are indirect air carriers that sell air transportation directly to individual persons, from filing tariffs for OMPC's, as had been requested by Davis in a comment filed in the docket (Docket 30654). Instead, it treated the comment as a petition to institute a rulemaking and kept the docket open for 30 days for the filing of answers in accordance with 14 CFR 302.38(a). Final Board action on this matter is still pending.

lodged against OMPC operators. Thus, Davis states that the Board does not need to supervise its rates, and that the Board should place it on a par with all other indirect air carriers whose rates are published only in solicitation material.

In its June 8 amendment, Davis stated that if the exemption is granted it will put into immediate effect consumer protection provisions similar to those contained in the Public Charter rule (14 CFR Part 380) which will allow its passengers to cancel their trip and receive a full refund if Davis raises its price more than ten percent or increases the price at all less than ten days before the flight date.

We have decided to grant Davis' request for a temporary exemption from Part 372 and section 403 of the Act, subject to conditions. We agree with Davis that the tariff filing requirements of Part 372 may be burdensome on the operator, and that with appropriate amendments to its operator-participant contract its passengers will not be disadvantaged by this action but will receive the same price protections afforded passengers on Public Charter flights. The exemption will terminate when the Board takes final action on the related rulemaking in Docket 30654.

In granting this exemption, we will subject Davis to several conditions. First, we will prohibit Davis from increasing the price of any charter later than the 10th day prior to departure. Second, we will require Davis to offer a full refund to any passenger in the event of a price change that occurs 10 or more days before departure and results in an aggregate price increase of more than 10 percent. These two provisions are identical to those contained in the Public Charter rule (see § 380.33) and are similar to those which Davis suggested itself.³ Third, we will require Davis to revise its contracts to include these first two provisions and to send the revised contracts, along with a letter explaining the changes, to those participants whose bookings have already been accepted before the effective date of this order and whose flights are scheduled to depart 10 or more days after the

³ The only difference between our condition and the one that Davis suggested is that while we would prohibit any price increase after the 10th day before departure, Davis would allow such an increase and couple it with a passenger refund option.

effective date of this order.⁴ Should any passenger find these changes unacceptable, we shall require Davis to offer those passengers the opportunity to cancel and receive a full refund. Similarly, Davis must not enter into any new contracts without these provisions.

We believe that the exemption, as conditioned, should allow Davis the flexibility it is seeking to change its prices when necessary while still ensuring that passengers are properly protected and are not forced to accept price increases except under circumstances to which they have agreed.

In view of the foregoing, and acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.13, we find that grant of the subject exemption, as conditioned, is consistent with the public interest.

Accordingly,

1. We exempt Davis from the provisions of section 403 of the Act and Part 372 of the Board's Special Regulations to the extent that those provisions would require Davis to file a rates tariff covering its OMPC operations, subject to the following conditions:

(a) Davis must offer a full refund of the charter price to any participant wishing to cancel in the event of a price increase that occurs 10 or more days before departure and results in an aggregate price increase of more than 10 percent;

(b) Davis shall not increase the charter price to any participant later than the 10th day prior to departure;

(c) Davis must include the provisions contained in paragraphs (a) and (b) above in all contracts entered into with participants on or after the effective date of this order; and

(d) Davis must send a copy of its revised contract to all participants whose bookings have been accepted before the effective date of this order and whose flights are scheduled to depart 10 or more days after the effective date of this order. The revised contract shall be accompanied by a letter (1) directing the participant to the revised sections of the new contract; and (2) stating that if the participant does not accept the new contract, he may cancel within five days after receiving the new contract and receive a full refund from the charter operator.

⁴ Since Davis will be precluded from increasing the charter price to any participant less than 10 days prior to departure, we will not require it to send revised contracts to those participants whose charter flights are scheduled to depart less than 10 days after the effective date of this order.

2. This authority shall terminate upon the effective date of final action by the Board in Docket 30654;

3. To the extent not granted, we deny the remainder of Davis' request; and

4. The Board may amend or revoke this order at any time in its discretion without hearing.

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the **Federal Register**.

By Barbara A. Clark,

Director, Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-27096 Filed 8-29-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-8-131; Docket 32851 Agreement C.A.B. 1175, as amended]

International Air Transport Association; Relating to the Traffic Conferences.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of August, 1979.

Order

On August 20, 1979, the Department of State filed three pleadings in Docket 32851. The first was a document entitled "Original Testimony of the Department of State." It contains summaries of the views of foreign governments about the proceeding instituted by the Board in that docket to determine if certain agreements adopted by the International Air Transport Association (IATA) should continue to enjoy our approval under section 412 of the Federal Aviation Act and antitrust immunity under section 414 of the Act. Also included in it are the Department's views about what it considers to be pertinent foreign policy considerations. In its testimony the Department reveals that it has prepared a document for confidential submission to the Board that contains its assessment of the foreign policy consequences of the choices available to the Board in this proceeding. The document, which the

Department has classified confidential and has not yet submitted to us, is intended for use by the Board in reaching a decision in this proceeding but is not intended for release to the parties or the public. The filing of the document is dependent upon the Board's agreement to withhold it from public disclosure. The second pleading submitted by the Department is a motion for a one-year stay of the proceedings in Docket 32851 in order to permit a testing of revised IATA procedures. The third pleading summarizes the contents of the first two pleadings.

These pleadings raise important questions about the future conduct of this proceeding. Consequently, we are extending the period to answer them from the normal seven days to ten days. We believe that this extension will permit parties to respond more fully to the issues raised by the Department of State.

Accordingly, the time for answering the pleadings submitted on August 20, 1979 by the Department of State is extended to August 30, 1979.

This order shall be served on all parties to the proceeding in this docket and shall be published in the **Federal Register**.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-27097 Filed 8-29-79; 8:45 am]

BILLING CODE 6320-01-M

Kodiak-Western Alaska Airlines, Inc.; Establishment of Final Past Period Subsidy Mail Rate

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 79-8-137 establishing a final past period subsidy mail rate for Kodiak-Western Alaska Airlines, Inc., for the period December 16, 1976, through June 30, 1978, inclusive.

SUMMARY: The Board adopted an order directing Kodiak-Western Alaska Airlines, Inc., (KWA) to show cause why a final past period subsidy mail rate of \$539,396 should not be established for that carrier for the period December 16, 1976, through June 30, 1978, inclusive. This amount is \$25,114 greater than the temporary subsidy paid to the carrier for this past period.

DATES: Parties must file notices of objection by September 10, 1979 and

¹ Attached to the Department's testimony is a memorandum of law in which it argues that the Board should receive and consider the confidential submission it has prepared.

must file objections by September 28, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Hokanson or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5368.

The complete text of Order 79-8-137 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-8-137 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 24, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-27098 Filed 8-29-79; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on September 24, 1979, at the Midwestern Regional Office Conference Room, 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss reports from Housing, Education and Employment Sub-Committees and plan activities to implement adopted recommendations from the adopted reports.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 27, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79-27047 Filed 8-29-79; 8:45 am]
BILLING CODE 6335-01-M

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 2:00 p.m., on September 25, 1979, at 2120 L Street N.W., Washington, D.C. 20037.

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 to discuss the draft report on displacement and develop final recommendations for action on the draft.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 27, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79-27048 Filed 8-29-79; 8:45 am]
BILLING CODE 6335-01-M

Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 6:30 p.m. and will end at 9:00 p.m., on September 25, 1979, at Morton's Tea Room, 2 East Franklin Street, Richmond, Virginia 23219.

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 planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 27, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79-27049 Filed 8-29-79; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF DEFENSE

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Recreational Boat Harbor at Green Bay, Wis.

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed project involves constructing a recreational boat harbor at Green Bay, Wisconsin. The small boat harbor would require constructing breakwaters, excavating an entrance channel, and disposing of the dredged material.

2. The alternatives being studied in detail are as follows:

- a. No action.
- b. Five plans at a site between an island confined disposal facility, currently under construction by the Corps of Engineers, and the shore adjacent to Bay Beach Park in the City of Green Bay, Wisconsin. Several subplans which are variations of a basic plan are also being considered. The dredged material would be deposited either: (1) on land adjacent to the harbor site and on a nearby wildlife sanctuary; (2) on land adjacent to the harbor site and in an offshore confined disposal facility; or (3) totally on land adjacent to the harbor site.

3. Public meetings to discuss the study and select sites for detailed investigation were held in December 1972 and June 1973. A meeting was held in November 1978 to present and discuss the alternative plans for the boat harbor and to assist in the selection of a plan to recommend for authorization. Affected Federal, State, and local agencies and interested private organizations and parties were invited to attend. Coordination has been undertaken with the following: the U.S. Fish and Wildlife Service, the Wisconsin Department of Natural Resources, the State Historical Society of Wisconsin, the City of Green Bay, the Brown County Board of Supervisors, and the Brown County Planning and Harbor Commissions.

4. Significant issues to be analyzed in depth include the relocation of thirty-two (32) households and the use of hydraulic methods for disposal of dredged material on the wildlife sanctuary.

5. No scoping meeting will be held. The scoping process has been undertaken as part of the on-going public participation and coordination program.

6. The DEIS is expected to be available to the public in March 1980.

7. Questions about the proposed action and DEIS can be answered by Rose Austin, U.S. Army Corps of Engineers, Chicago District (NCCPD-ES), 219 South Dearborn Street, Chicago, Illinois 60604.

Dated: August 16, 1979.

James R. C. Miller,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-27015 Filed 8-29-79; 8:45 am]

BILLING CODE 3710-HN-M

Department of the Navy

Technology Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Technology Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on September 18-19, 1979, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:00 p.m. on both days. All sessions of the meeting will be closed to the public.

The entire agenda for the meeting will consist of discussions of Soviet naval research and development and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Commander Robert B. Vosilus, U.S. Navy, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 N. Beauregard Street, Room 392, Alexandria, VA 22311, telephone number (703) 756-1205.

Dated: August 24, 1979.

P. B. Walker,

Captain, JAGC, Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc. 79-27016 Filed 8-29-79; 8:45 am]

BILLING CODE 3810-71-M

Privacy Act of 1974; Addition of Proposed New System of Records

AGENCY: Department of the Navy.

ACTION: Notice of a new system of records.

SUMMARY: The Department of the Navy proposes to add a new system of records to its inventory, subject to the Privacy Act of 1974.

DATES: This system shall be effective as proposed without further notice on October 1, 1979, unless comments are received on or before October 1, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Any comments, including written data, views or arguments concerning the action proposed should be addressed to the systems manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Department of the Navy, OP-09B1P, Washington, D.C. 20350; telephone: 202-694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices as prescribed by the Privacy Act of 1974, Title 5 U.S.C., Section 552a, Public Law 93-597, have been published in the *Federal Register* as follows:

FR Doc 77-28255 (42 FR 51229) September 28, 1977.

FR Doc 78-23953 (43 FR 42379) September 29, 1978.

FR Doc 78-32596 (43 FR 54124) November 20, 1978.

FR Doc 79-20457 (44 FR 38961) July 3, 1979.

August 24, 1979.

H. E. Lofdahl,

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

N0003415

SYSTEM NAME:

Losses of Public Funds File.

SYSTEM LOCATION:

Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disbursing personnel who are entrusted with public funds and who incur losses of the public funds entrusted to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized folders containing reports of losses of public funds, reports of investigations into losses of public funds, requests for relief of liability for losses of public funds and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. §§ 82a-1, 82a-2, 95a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, USES, AND PURPOSES OF SUCH USES:

Maintaining documentation relative to losses of public funds by accountable disbursing personnel. Used by the following individuals for the purpose of processing documentation relative to losses of public funds: Commanding Officer, Executive Director; Director, Functional Systems Department; Director, General Systems Division and other specified individuals within the General Systems Division. Inform individuals of their rights to repay losses or to submit requests for relief of liability; maintain records of investigations conducted; approval of requests for relief of liability for losses of less than \$500; recommendations to the Secretary of the Navy on all denials and all losses of \$500 or more; and control over liquidation of losses by relief or by collection action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and control log.

RETRIEVABILITY:

Name of accountable disbursing individual in whose custody the public funds were entrusted when the loss occurred.

SAFEGUARDS:

Maintained in General Services approved Class 3, Security Cabinet equipped with a Type II, three tumbler combination lock accessible only to authorized individuals.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center one year following liquidation of the loss.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376

NOTIFICATION PROCEDURES:

Correspondence only.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual

concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Messages, letters, and reports of investigations into losses of public funds received from: accountable disbursing personnel, commanding officers of Navy and Marine Corps activities at which disbursing offices are located, officers appointed to conduct Judge Advocate General Manual investigations, Commanding Officer, Naval Investigative Service, Commandant of the Marine Corps, and Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-27188 Filed 8-29-79; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources; Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in September 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Coal Seams Task Group. The time, location and agenda of the meeting follows:

The sixth meeting of the Coal Seams Task Group will be held on Tuesday, September 11, 1979, starting at 10:00 a.m., Conference Room, National Petroleum Council, 1625 K Street, NW., Washington, D.C.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Review draft work of the Coal Seams Task Group.
3. Discuss the completion of the Coal Seams Task Group's assignment.
4. Discussion of any other matters pertinent to the overall assignment of the Coal Seams Task Group.

The meeting is open to the public. The chairman of the task group is

empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-9482, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on August 15, 1979.

J. Lisle Reed,

Acting Deputy Assistant Secretary, Oil, Natural Gas, and Shale Resources, Resource Applications.

August 15, 1979.

[FR Doc. 79-27052 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee, Ad Hoc Subcommittee; 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 ad hoc subcommittee meeting:

Date, time, and place: Tuesday, September 18, 1979, 9:00 a.m. to 5:00 p.m., Room GE-045, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G-031, 1000 Independence Ave., SW., Washington, D.C. 20585, Telephone: 202-252-5187.

Public participation: The meeting is open to the public. The Chairwoman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in her judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the 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 the meeting should inform the Advisory Committee Management Office, (202) 252-5187, at least 5 days prior to the

meeting and reasonable provision will be made to include their presentation on the agenda.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 and 4:30 p.m., Monday through Friday, except Federal holidays.

Purpose of committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative Agenda: The Ad Hoc Subcommittee will continue to address the use and significance of demand projections in the formulation of national energy policy.

Issued at Washington, D.C. on August 24, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-27051 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP78-123, et al.]

Alaskan Northwest Natural Gas Transportation Co.; Application

August 17, 1979

Take notice that on August 8, 1979, Alaskan Northwest Natural Gas Transportation Company (the Partnership), 1801 K Street, NW., Washington, D.C. 20006, filed in Docket No. CP78-123, et al., an application pursuant to the Alaska Natural Gas Transportation Act of 1976 (ANGTA), the natural Gas Act, the *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, as ratified by Congress, and the Commission's Order Vacating Prior Proceedings and Issuing Conditional Certificate of Public Convenience and Necessity issued December 16, 1977, for an order approving the proposed Cost Estimate Format to be used by the Partnership in the submission of the Partnership's Certificate Cost and Schedule Estimate of the Federal Energy Regulatory Commission as a part of its application for a final certificate of public convenience and necessity.

The Partnership states that the proposed format results in the recasting of the 1977 filed estimate in the format of the work breakdown structure (WBS), which is appended to the application, and then escalating the 1975 prices to

1980 prices, the presently anticipated base year for certification filing.

The Partnership states that recasting the 1977 filed estimate to the WBS will provide the uniform structure for making the comparison with the certification cost and schedule estimate and will be presented in the format of Exhibit 1, which is attached to the application, and that Exhibits 2 through 29, also attached to the application, will provide the necessary format to display the methods of escalating the 1977 filing estimate and making its comparison with the Certification Cost Estimates.

The Partnership further states that the basis for the implementation of the scope change procedure will be established by the final design cost estimate. This estimate, when approved, will depict estimated resource quantities and costs which, when escalated, will be converted to the project baseline budget. The Partnership states that allowable scope changes are to be quantified in terms of resource, quantities, and current year prices, and will be added to the appropriate baseline budget element to revise project costs. The detailed composition of the final design Cost Estimate Format to meet this requirement are illustrated in Exhibits 40 through 56, also attached to the application.

The Partnership states that the Final Design Cost Estimate will fulfill the requirement set forth in Order No. 31, issued on June 8, 1979, in Docket No. RM 78-12, to permit the implementation of the inflation adjustment procedure. The estimate will be converted to 1980 base year dollars and recast by inflation categories to establish the bases for escalation evaluation. As actual costs are expended, they will be de-escalated according to the appropriate index for the specific category and contrasted with the 1980 base dollar estimate for performance measurement purposes. Exhibits 30 through 39 and 76 through 85, attached to the application, describe the Cost Estimate Format to be used to establish the inflation adjustment base.

The Partnership states that the comparison of the Certification Cost Estimate and the Final Design Cost Estimate will be made to evaluate deviations in quantities of labor, materials or services between the two. Although the comparison, according to the Partnership, will be made in dollars, both estimates will utilize the same pricing methods and any deviations will be attributable to changes in resource quantities only, unless the Final Design requires a type of labor, material or services input not assumed to be used in the Certification Cost Estimate. Exhibits 57 through 65, attached to the

application, will provide the format for making this estimate comparison.

The Partnership states that the cost estimate to be used for the cost tracking system will be the Final Design Cost Estimate. The estimate will be made in real year or escalated dollars and will be utilized as the project baseline budget. Like the budget, actual costs incurred during construction will be contrasted with it at select intervals for performance evaluation, *i.e.*, calculation of an interim cost performance ratio. The partnership states that, when coupled with the inflation adjustment evaluation, the financial status of the project can be successfully evaluated in terms of cost effectiveness for control and incentive rate of return purposes. Exhibits 66 through 75, attached to the application, illustrate the formats to be used to present the baseline cost tracking estimate.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 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). 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. All persons who have heretofore filed need not file again.

The Commission invites the parties of record in Docket Nos. CP78-123, *et al.*, to submit written data, views, comments and other information concerning the matters set forth in above described application. An original and 14 copies should be filed by September 14, 1979, with service of copies on all parties. Parties of record may also file reply comments, pursuant to the same procedure, by September 28, 1979. Comments and reply comments should be submitted to the Federal Energy Regulatory Commission, Office of the Secretary, 825 North Capitol St., N.E., Washington, D.C. 20426, and should reference Docket No. CP78-123, *et al.* All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol St., N.E.,

Washington, D.C., during regular business hours

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27101 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-588]

Arizona Public Service Co.; Notice of Filing

August 16, 1979.

The filing Company submits the following:

Take notice that on August 10, 1979, Arizona Public Service Company (APS) tendered for filing a re-implementation of rates under the Agreement between APS and Arizona Electric Power Cooperative, Inc. (AEPCO) for the transmission service at Round Valley Switching Station in Arizona. The Agreement is APS Rate Schedule FPC No. 62. The rate requested is the rate that was in existence prior to the Commission Order dated August 1, 1978 in Docket No. ER76-530. Waiver of the formal filing requirements under Section 35.13 is requested. The Arizona Corporation Commission was furnished a copy of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27121 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-600]

Central Power & Light Co.; Filing

August 24, 1979

Take notice that Central Power & Light Company (CPL) on August 17, 1979, tendered for filing Supplemental Filings Nos. 1 through 4 to CPL Rate Schedule No. 51.

CPL indicates that the rate changes described in these supplemental filings were made effective as follows:

Supplemental Filing No.:

1.....	4/76-12/76
2.....	1/77-3/78
3.....	4/78-3/79
4.....	4/79-3/79

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 17, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27124 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. EL79-26]

Central Power & Light Co.; Petition for Declaratory Order

August 24, 1979.

The filing Company submits the following:

Take Notice that on August 16, 1979, Central Power & Light Company ("CPL") tendered for filing a Petition for Declaratory Order requesting that the Commission enter a finding that the manner in which CPL has billed and collected firm power rates, including demand charges, from the City of Brownsville has complied with this Commission's order approving such rates on May 9, 1977 in FERC Docket No. ER77-331, and is consistent with applicable Commission regulations. Alternatively, CPL seeks a waiver of any applicable regulations as more fully discussed in the petition.

It is stated that copies of the filing have been mailed, return receipt requested, to the City of Brownsville and its attorneys.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before Sept. 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27123 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-595]

Central Illinois Light Co.; Filing

August 23, 1979.

The filing Company submits the following: Take notice that on August 15, 1979, Central Illinois Light Company tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations thereunder an executed electric service agreement for resale service presently being provided under Rate Schedule FERC No. 18 to the Village of Chatham, Illinois.

The agreement supersedes and updates a prior agreement between CILCO and the Village of Chatham, Illinois, but does not effect any changes in the presently effective rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27110 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER77-89]

Central Illinois Public Service Co.; Granting Extension of Time

August 16, 1979.

On August 7, 1979, the Commission Staff Counsel filed a motion requesting an extension of time for submitting briefs opposing exceptions in the above-referenced proceeding. The motion states that staff attorneys assigned to

this case are on extended travel at this time and are not in a position to file briefs on time. The participants in this proceeding have authorized the Staff Counsel to make this request.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 10, 1979, for the filing of briefs opposing exceptions.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27122 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2814]

City of Paterson; Application for Major License

August 24, 1979.

Take notice that an applicant for a major federal license was filed by the City of Paterson, New Jersey (Applicant). Correspondence with Applicant should be addressed to: Mr. John Topalian, Community Development Department, 100 Hamilton Plaza, Paterson, New Jersey 07505. Applicant seeks a major license for FERC Project No. 2814 (Great Falls Hydro Project) located on the Passaic River in Passaic County, New Jersey.

Applicant proposed to rehabilitate the existing Society for Establishing Useful Manufactures (S.U.M.) Dam and hydroelectric project by installing four new turbine generators with a total capacity of 7,500 kW at 70 feet of head. The proposed Great Falls Hydro Project would consist of: (1) the existing S.U.M. dam, an overflow granite stone gravity structure about 315 feet long, with a maximum height of 15 feet and having a crest elevation of 114.6 feet (m.s.l.); (2) an existing forebay inlet structure; (3) an existing forebay with negligible storage; (4) an existing headgate control structure containing four trashracks and four steel gates each approximately 10 x 10 feet; (5) four existing steel-lined penstocks each 8.5 feet in diameter and approximately 55 feet long; (6) an existing concrete powerhouse which would contain the above mentioned four new turbine generators; (7) an existing 50-foot long 5-kV cable connecting the powerhouse to a 4.16/26.4-kV step-up transformer which in turn is connected to the City of Paterson Substation via a 1500-foot long 26-kV aerial and underground cable; (8) and appurtenant facilities.

Applicant proposes to use the power developed at Great Falls Hydro Project for public utility purposes.

Anyone desiring to be heard or to make any protest about this application

should file a protest and petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 C.F.R. § 1.10 or § 1.8 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 29, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. This application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27125 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP78-12]

East Tennessee Natural Gas Co.; Filing of Tariff Sheets Pursuant to Commission Approved Stipulation and Agreement

August 24, 1979.

Take notice that on August 20, 1979, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Thirtieth Revised Sheet No. 4, Second Revised Sheet No. 51D and Seventh Revised Sheet No. 69. These tariff sheets are proposed to become effective October 1, 1979.

East Tennessee states that these tariff sheets reflect the terms and provisions of a Stipulation and Agreement dated November 6, 1978, as approved by the Commission's letter order of August 10, 1979, except that (1) the rates reflected therein have been revised to reflect the presently effective 46 percent federal income tax rate pursuant to the condition in the Commission's letter order of August 10, 1979, and (2) the revised PGA provision included therein reflects the change required by the Stipulation as well as a change in East Tennessee's tariff filing of December 1, 1978 (subsequent to the filing of the Stipulation), which tariff filing was accepted by the Commission's order of December 28, 1979.

East Tennessee states that copies of the filing have been mailed to all of its jurisdiction customers, affected state regulatory commissions and all parties in Docket No. RP78-12.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27126 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP72-155 (PGA79-2)]

El Paso Natural Gas Co.; Tariff Filing

August 24, 1979.

Take notice that on August 20, 1979, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, Seventh Revised Sheet No. 67 to its FERC Gas Tariff, Original Volume No. 1.

El Paso states that on December 1, 1978, at Docket No. RM79-3, the Commission issued its Interim Regulations Implementing the Natural Gas Policy Act of 1978 ("NGPA"). Subpart C of Part 157 of such interim rules set forth regulations prescribing the conditions under which certain 60-day emergency transactions involving, *inter alia*, the sale of natural gas by an intrastate pipeline to an interstate pipeline are exempt from the requirements of Section 7 of the Natural Gas Act. Thereafter, on March 1, 1979, the Commission issued in Docket No. RM79-20 final rules, designated Subpart C of Part 284, implementing Section 311(b) of the NGPA, which provides for, *inter alia*, sales of natural gas by intrastate pipelines to interstate pipelines for a two-year period. El Paso states that it has determined that, given the effectiveness of the above rules, it is desirable to clarify the intent of phraseology contained in its FERC Gas Tariff, Original Volume No. 1, respecting the term "cost of gas purchased", as

defined in its Purchased Gas Cost Adjustment Provision ("PGAC"). El Paso states that the NGPA provides for intrastate purchases by an interstate pipeline; therefore, El Paso tendered the subject tariff sheet in order to clarify that gas purchased and sold on an intrastate basis shall continue to be excluded from the definition of said cost of purchased gas, but the cost of intrastate purchases made by El Paso pursuant to the NGPA to be utilized on El Paso's interstate transmission system shall be included.

El Paso has requested that the Commission grant such waiver of its Regulations Under the Natural Gas Act as may be necessary in order to accept the tendered tariff sheet for filing and permit it to become effective as of December 1, 1978, inasmuch as the aforementioned interim rules implementing the NGPA became effective on such date. El Paso states that grant of such waiver will provide for clarification of the definition of said cost of purchased gas contained in El Paso's FERC Gas Tariff in a manner consistent with the Commission's Regulations, retroactive to the date said interim rules became effective.

El Paso states that copies of the filing were served upon all interstate transmission system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Sept. 11, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27127 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. CS66-108 and CS72-352]

**Energy Resources Oil & Gas Corp.
(Texam Oil Corporation), et al.;
Applications for "Small Producer"
Certificates¹**

August 24, 1979.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Date filed	Applicant
CS66-108	4/30/79 ¹	Energy Resources Oil & Gas Corporation (Texam Oil Corporation), P.O. Box 1663, Midland, Texas 79701.
CS72-352	5/1/79 ²	The Petroleum Corporation of Delaware (The Petroleum Corporation), 3303 Lee Parkway, Dallas, Texas 75219.

¹ Being noticed to reflect merger of Texam Oil Corporation into Energy Resources Oil & Gas Corporation and requesting that the small producer certificate be redesignated accordingly.

² Being noticed to reflect that the corporation's full and correct legal name was and still is The Petroleum Corporation of Delaware. The small producer exemption was originally issued in the name of The Petroleum Corporation.

[FR Doc. 79-27100 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-452 and Docket No. ER78-19, et al.]

**Florida Power & Light Co.; Order
Accepting Electric Rate Schedules for
Filing, Providing for Suspension and
Hearing, Waiving Regulations and
Consolidating Proceedings**

Issued August 20, 1979.

On June 22, 1979, the Florida Power & Light Company (FP&L) tendered for filing, pursuant to 18 CFR 35.13, an executed transmission agreement providing for specified transmission service to the Jacksonville Electric Authority (JEA).¹ Under the agreement, FP&L will provide the transmission service necessary to implement JEA's interchange agreements with Orlando Utilities Commission, Lake Worth Utilities Authority, Fort Pierce Utilities Authority and the City of Lakeland, Florida. According to FP&L, cost support data for this service is identical to that which previously has been submitted as Volume X in *Florida Power & Light Company*, Docket No. ER78-19, on June 16, 1978. Thus, FP&L seeks to incorporate by reference the cost support data furnished in Docket No. ER78-19, et al., into the instant proceeding, pursuant to 18 CFR 35.19. FP&L also seeks waiver of the Commission's Regulations to the extent necessary to permit this agreement to be effective as of June 21, 1979, the date FP&L began transmission service to JEA. JEA supports this request.

Public notice of FP&L's filing was issued on June 28, 1979, with petitions to intervene or protests to be filed on or before July 20, 1979. No petitions to intervene or protests have been received.

FP&L's submittal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission shall suspend the proposed transmission service agreement for one day to become effective June 21, 1979, subject to refund, pending the outcome of a hearing and decision thereon.

FP&L has made previous filings for specified transmission service and the cost support for this filing is identical to those filed in the previous submittals. The prior filings were suspended for one day and consolidated with the ongoing proceeding in Docket Nos. ER78-19, et al.² The Commission finds that common questions of law and fact exist and it is appropriate to consolidate Docket No. ER79-452 with the ongoing proceeding in Docket Nos. ER78-19, et al., for the purpose of hearing and decision.

The Commission Orders

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by FP&L in the instant docket.

(B) The Commission hereby waives the notice requirements pursuant to § 35.11 of our Regulations.

(C) Pending a hearing and decision thereon, FP&L's proposed filing is hereby accepted for filing and suspended for one day, to become effective June 21, 1979, the rates thereunder to be subject to refund.

(D) The proceeding in Docket No. ER79-452 is hereby consolidated with Docket Nos. ER78-19, et al., for the purpose of hearing and decision.

² The prior specified transmission agreements are filed in the following dockets, all of which have been consolidated with Docket No. ER78-19, for the purpose of hearing and decision: Docket Nos. ER78-325, ER78-326, ER78-376, ER78-478, ER78-508, ER78-527, ER78-566, ER78-567, ER79-44, ER79-162, ER79-171, ER79-172, ER79-352, and ER79-416.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

¹ See Attachment A for designations.

(E) The Commission hereby waives the cost support requirement of § 35.13 of its Regulations.

(F) The Secretary shall promptly publish this Order in the Federal Register.

By the Commission.

Lois D. Cashell,
Acting Secretary.

Attachment A

Florida Power & Light Company, Docket No. ER79-452

Filed: June 22, 1979.

Effective: June 21, 1979, subject to refund.

Designation and description

- (1) Rate Schedule FERC No. 34—Transmission agreement with Jacksonville Electric Authority.
- (2) Exhibit A to (1) above—Interchange service between Jacksonville and Orlando.
- (3) Exhibit B to (1) above—Interchange service between Jacksonville and Lake Worth.
- (4) Exhibit C to (1) above—Interchange service between Jacksonville and the City of Lakeland.
- (5) Exhibit D to (1) above—Interchange service between Jacksonville and Ft. Pierce.

[FR Doc. 79-27128 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP79-10, RP75-94, RP72-140]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

August 24, 1979.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes"), on August 20, 1979, tendered for filing the following changes to its FERC Gas Tariff.

Tariff Sheets To Be Effective August 1, 1979

First Revised Volume No. 1
Eighth Revised Sheet No. 4
Fourth Revised Sheet No. 54
Original Sheet No. 54A
Thirtieth "A" Revised Sheet No. 57

Original Volume No. 2

Fourteenth Revised Sheet No. 53
Fifth Revised Sheet No. 53-B
Fifth Revised Sheet No. 77
Original Sheet No. 78-A
Original Sheet No. 78-B
Original Sheet No. 78-C
Original Sheet No. 78-D
First Revised Sheet No. 79

Tariff Sheet To Be Effective September 1, 1979

First Revised Volume No. 1
Substitute Thirty-First Revised Sheet No. 57

Great Lakes states that on July 30, 1979, the Federal Energy Regulatory Commission issued Opinion No. 51 in Docket No. RP75-94. The above tariff sheets were filed in compliance with and as required by the provisions of ordering paragraph (B) of that Opinion. The tariff sheets include new base tariff rates based on the rate design ordered in Opinion No. 51 as well as related modifications to the purchased gas cost adjustment provisions of Great Lakes' FERC Gas Tariff.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27129 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2597]

Hartford Electric Light Co.; Application for Major License

August 17, 1979.

Take notice that on January 10, 1979, Hartford Electric Light Co. filed an application for major license pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-825r, for its constructed Falls Village Hydroelectric Project No. 2597. The project is located on the Housatonic River in the Town of Canaan, Litchfield County, Connecticut. Correspondence with Applicant concerning the application should be addressed to: William G. Council, Vice President, Northeast Utilities Service Co., P.O. Box 270, Hartford, Connecticut 06101.

The project consists of: (1) a 300-foot-long, 14-foot-high concrete overflow dam; (2) a reservoir with a storage capacity of 440 acre-feet at normal water surface elevation 633.10 (U.S.G.S. datum); (3) three 10-foot-high by 5-foot-

wide canal gates; (4) a 2,200-foot-long, 30-foot-wide, 15½-foot-deep concrete canal; (5) an ice sluice; (6) three motor driven headgates; (7) three 9-foot-diameter and two 3-foot-diameter steel penstocks; (8) a powerhouse containing three generating units with a total installed capacity of 9,000 kW; (9) two direct current exciter units; and (10) appurtenant facilities. The project is operated as a run-of-the-river facility.

The Applicant proposes to spend about \$15,000 for recreational facilities at the project. The facilities would include a boat access area, a scenic overlook, a canoe access area, and trail and fishing access areas.

The energy produced by the project is fed into the Applicant's interconnected system for sale to its retail customers.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 19, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27131 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-610]

Hartford Electric Light Co.; Purchase Agreement

August 24, 1979.

The filing company submits the following: Take notice that on August 22, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units dated December 1, 1976 between (1) HELCO, The Connecticut Light and Power Company (CL&P), and Western Massachusetts Electric Company (WMECO), and (2) New Bedford Gas and Edison Light Company (NB&E).

HELCO states that the Purchase Agreement provides for a sale to

NBG&E of a specified percentage of capacity and energy from six gas turbine generating units during the period from November 1, 1979 to October 31, 1982, together with related transmission service.

HELCO requests that the Commission permit the rate schedule filed herewith to become effective on November 1, 1979.

HELCO states that the capacity charge for the proposed service was developed on a cost-of-service basis, and the variable and additional maintenance charges were derived from historical costs.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission charge is determined by the product of (i) the transmission charge rate (\$/kW-month), and (ii) the number of kilowatts which NBG&E is entitled to receive during such month.

CL&P and WMECO have filed certificates of concurrence in this docket.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, CL&P, Hartford, Connecticut, WMECO, West Springfield, Massachusetts, and NBG&E, New Bedford, Massachusetts.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27130 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2597]

Hartford Electric Light Co.; Application for Major License

August 17, 1979.

Take notice that on January 10, 1979, Hartford Electric Light Co. filed an application for major license pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-825r, for its constructed Falls Village Hydroelectric Project No. 2597. The project is located on the Housatonic River in the Town of Canaan, Litchfield County, Connecticut. Correspondence with Applicant concerning the application should be addressed to: William G. Council, Vice President, Northeast Utilities Service Co., P.O. Box 270, Hartford, Connecticut 06101.

The project consists of: (1) a 300-foot-long, 14-foot-high concrete overflow dam; (2) a reservoir with a storage capacity of 440 acre-feet at normal water surface elevation 633.10 (U.S.G.S. datum); (3) three 10-foot-high by 5-foot-wide canal gates; (4) a 2,200-foot-long, 30-foot-wide, 15½-foot-deep concrete canal; (5) an ice sluice; (6) three motor driven headgates; (7) three 9-foot-diameter and two 3-foot-diameter steel penstocks; (8) a powerhouse containing three generating units with a total installed capacity of 9,000 kW; (9) two direct current exciter units; and (10) appurtenant facilities. The project is operated as a run-of-the-river facility.

The Applicant proposes to spend about \$15,000 for recreational facilities at the project. The facilities would include a boat access area, a scenic overlook, a canoe access area, and trail and fishing access areas.

The energy produced by the project is fed into the Applicant's interconnected system for sale to its retail customers.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in

accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 19, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27102 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. RI74-188; RI75-21]

Independent Oil and Gas Association of West Virginia; Extension of Time

August 21, 1979.

On August 17, 1979, the Independent Oil and Gas Association of West Virginia filed a motion requesting a confirmation of the 30 day period within which to file briefs on exceptions to the August 10, 1979, decision of the Administrative Law Judge in the above-referenced proceedings. This motion opposes a recommendation issued on July 19, 1979, by the Chief Administrative Law Judge that the Commission set abbreviated dates for the filing of exceptions and replies to the Initial Decision. On August 15, 1979, a notice was issued by the Commission in response to the recommendation of the Administrative Law Judge. This notice shortened the time, stating that briefs on exceptions in the above-referenced proceedings would be due on or before August 28, 1979, and briefs opposing exceptions would be due on September 7, 1979.

Upon consideration, notice is hereby given that the motion is denied.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27111 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-594]

Kentucky Utilities Co.; Filing of Fourth Supplemental Agreement to Interconnection Agreement

August 23, 1979.

The filing Company submits the following: Take notice that Kentucky Utilities Company (KU) on August 16, 1979 tendered for filing Fourth Supplemental Agreement dated November 1, 1979 to the Interconnection Agreement dated July 22, 1966 between Kentucky Utilities Company (KU) and Louisville Gas & Electric Company (LG&E). The Commission has previously designated the July 22, 1966 Agreement

as KU Rate Schedule FPC No. 80 and LG&E Rate Schedule FPC No. 20.

The parties state that Fourth Supplemental Agreement to the Interconnection Agreement provides for an increase in the demand charge for short term power, proposed to become effective November 1, 1979.

Copies of the filing were served upon Louisville Gas & Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1979. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27112 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-433]

Michigan Consolidated Gas Co.; Petition To Amend

August 21, 1979

Take notice that on August 7, 1979, Michigan Consolidated Gas Company (Michigan), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP78-433 a petition to amend the order of July 23, 1979 issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act for authorization to relocate the site of the proposed Milford Compressor Station and further, to increase the size of the compressor station from 12,000 horsepower to 16,000 horsepower, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to said order, Michigan is authorized to construct and operate a 12,000 horsepower compressor station at Milford Junction, Oakland County, Michigan. Because of the denial of Michigan's application by local authorities for authorization to construct the said compressor station, Michigan states that it was forced to search for an acceptable alternate site. Michigan states that a new site, approximately 4

miles south of the authorized site was selected by Michigan and approved by the local authorities. Michigan, therefore requests authorization to relocate the said compressor station.

Michigan further states that because the new proposed site is approximately 4 miles south of the existing major pipeline interconnection facilities, operating conditions at the new site necessitate the addition of one 4,000 horsepower engine.

Therefore, Michigan requests authorization to construct and operate the Milford Compressor Station at a new site approximately four miles south of the originally authorized site and to install an additional 4,000 horsepower engine.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 17, 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 in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27103 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-489]

Minnesota Power and Light Co.; Filing

August 24, 1979.

The filing Company submits the following:

Take notice that on August 14, 1979, the Minnesota Power and Light Company, pursuant to Section 35 of the Federal Power Act, tendered for filing Revised Supplement A dated July 30, 1979 which supersedes the Supplement A dated February 28, 1978 to the Electric Service Agreement between the City of Brainerd, and Minnesota Power and Light Company dated February 28, 1978. The Electric Service Agreement was tendered for filing with the FERC on June 27, 1979.

The Revised Schedule A will change the number of delivery points from 5 as indicated on the present Schedule A to the Electric Service Agreement, to one delivery point as indicated on the Revised Schedule A.

MP&L requests a retroactive effective date of the Electric Service Agreement and the Revised Schedule A to July 19, 1979, and therefore requests the Commission to waive the notice requirements of Section 35.11 of its Rules of Practice and Procedure.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 7, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it 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 must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27132 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. IS78-3]

Mobil Pipe Line Co. and Eighteen Participating Carriers; Settlement Conference

August 24, 1979.

Take notice that an informal settlement conference in the subject proceeding(s) will be convened on September 11, 1979, at 10 a.m. in a conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27133 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-596]

Montaup Electric Co.; Filing of Unit Sales Contract and Transmission Service Agreement

August 23, 1979.

The filing Company submits the following:

Take notice that on August 17, 1979, Montaup Electric Company ("Montaup") tendered for filing an executed agreement under which the Town of Reading Municipal Light Department will purchase capacity and energy from Montaup's Somerset Unit No. 6 and from Montaup's 50 percent ownership share of Canal Unit No. 2. The agreement provides that Reading will purchase 3.5994 percent of the capacity associated energy of the Somerset Unit No. 6 and 0.7705 percent of the capacity and associated energy of the Canal Unit No. 2 for the period November 1, 1979 through October 31, 1980. The capacity purchase from each unit is equivalent to 4.5 MW. Montaup's filing also includes a service agreement under which Montaup will provide transmission service for the purchase from the Somerset No. 6 unit, which is not a pool-planned unit, pursuant to its FERC Electric Tariff, Original Volume No. II. Montaup states that since Canal No. 2 is a pool-planned unit, Montaup will provide transmission service from that unit under the NEPOOL EHV PTF rate schedule.

Montaup requests that both agreements tendered for filing be made effective in accordance with their terms on November 1, 1979. Montaup states that its filing has been served on Reading and on the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 12, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Montaup Electric Company are

on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27113 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP74-162]

Natural Gas Pipeline Co. of America; Petition to Amend

August 23, 1979.

Take notice that on August 2, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-162 a petition to amend further the order of April 2, 1975¹ issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act by authorizing additional exchange and delivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued April 2, 1975, Natural and El Paso Natural Gas Company (El Paso) are authorized to exchange natural gas. From time to time thereafter Natural and El Paso have amended the said order to include additional delivery and exchange points.

Natural and El Paso, it is indicated in the instant petition to amend, have available for delivery in Lea and Eddy Counties, New Mexico, and Washita County, Oklahoma, additional reserves which each has the right to purchase and which are in proximity to the other's gathering system. El Paso also has natural gas available for delivery for its account at the outlet of Cities Service Company's Bluit Gasoline Plant in Roosevelt County, New Mexico, where Natural presently receives gas for its own account. Natural proposes a "blanket type" exchange of gas between it and El Paso providing for the gathering, delivery and exchange.

By amendatory agreements dated June 22, 1979 Natural and El Paso propose to:

(1) Add an exchange point for gas where Natural would receive gas for El Paso's account at the outlet of Natural's existing delivery and measurement facilities at the outlet of Cities Service Company's Bluit Gasoline Plant located in Roosevelt County, New Mexico (Roosevelt Exchange Point). Gas delivered hereunder would represent gas that El Paso has available in excess of the gas volumes delivered by El Paso

to Natural under a transportation agreement dated August 25, 1975.

(2) Add a new exchange point where Natural would receive gas for El Paso's account from the Enserch-Bragg No. 1 well at a point on Natural's gathering system in Washita County, Oklahoma (Washita No. 3 Exchange Point).

(3) Deliver additional volumes of gas at the existing Lea No. 4 Exchange Point for Natural's account from the Federal "F" Comm. No. 1 well. This well would be connected to the line constructed under Natural's budget authorization to connect the Cleary Petroleum Corporation's Federal "E" Comm. No. 1 well to El Paso's line as the Lea No. 4 Exchange Point.

(4) Add a new delivery point where Natural would deliver gas for its account to El Paso from the Mewbourne Federal "G" well No. 1 located in Lea County, New Mexico (Lea No. 5 Exchange Point).

(5) Exchange natural gas for Natural's account attributable to Natural's interest in the Mewbourne Federal "E" No. 2 well located in Section 27 and the Mewbourne Federal "F" No. 1 well located in Section 23, both located in Lea County, New Mexico and such additional wells in the vicinity in which Natural has a preferential right to purchase. Such gas would be delivered to El Paso at the tailgate of Phillips Petroleum Company's Lusk Plant located in Lea County, New Mexico (Lea No. 6 Exchange Point).

(6) Add new delivery points where Natural would deliver gas for its account to El Paso from the Barnes-Big Chief No. 1-F well and Shell-James Ranch No. 1 well, both located in Eddy County, New Mexico, (Eddy No. 9 Exchange Point).

(7) Exchange natural gas for Natural's account at an existing point of interconnection located in El Paso's 12-inch pipeline located in Reeves County, Texas (Worsham Exchange Point). Natural has agreed to reimburse El Paso 3.64 cents per Mcf for the cost of treating the volumes of gas delivered at the Worsham Exchange Point.

(8) Continue to utilize the existing point of interconnection located on El Paso's 20-inch pipeline in Ward County, Texas (Lockridge Exchange Point) and to add the existing point of interconnection of El Paso's 16-inch pipeline in Lea County, New Mexico (Jal Exchange Point) as balancing exchange points. The Worsham Exchange Point located in Reeves County, Texas, would no longer be utilized as a balancing exchange point.

Natural further requests authorization to permit the exchange of natural gas from additional wells which may be

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

attached to the respective systems of each party as they become available to Natural and El Paso in the area of interest. Natural also proposes the addition of such balancing points as may be required to keep the volumes of exchange gas in balance. In addition, Natural requests authorization to delete exchange and/or balancing points from the exchange agreements as may be mutually agreed to from time to time by Natural and El Paso. Authorization for such future exchange activities between Natural and El Paso would obviate the need for seeking additional amendments, thereby permitting prompt and efficient connection of additional gas supplies to each party's system Natural asserts.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 18, 1979, file with the Federal Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27134 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP72-154 (PGA79-2) (DCA79-2)]

Northwest Pipeline Corp.; Change in Rates Pursuant To Purchased Gas Cost Adjustment

August 24, 1979.

Take notice that Northwest Pipeline Corporation, on August 16, 1979, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FERC Gas Tariff, Original Volume No. 1. Such change in rates is for the purpose of (1) reflecting changes in Northwest's cost of purchased gas which will become effective by October 1, 1979, applied to volumes purchased for the twelve (12)-month period ending June 30, 1979, as

adjusted, and its change in unrecovered purchased gas costs since Northwest's prior semiannual PGAC filing dated February 15, 1979, and (2) crediting the storage gas purchasers of Jackson Prairie storage withdrawal volumes under Rate Schedule SGS-1 through a special surcharge, the difference between the estimated average storage injection cost and the estimated base average cost of purchased gas included in Northwest's sales rates during the withdrawal season.

Northwest has reflected in the instant notice of change in rates adjustments to eliminate (1) the Special Overriding Royalty Surcharge and (2) the Gas Research Institute surcharge from its rates effective as of October 1, 1979. Northwest has also included the six-month surcharges applicable to the deferred billing procedure under Rate Schedule LS-1 as approved by Commission Order dated June 15, 1979 for the increased demand and capacity billing determinants for the period July 16, 1979 through September 30, 1979.

The current PGAC adjustment, for which notice is given herein, aggregates to an increase of 5.109¢ per therm in all rate schedules affected by and subject to the PGAC. The annualized change in Northwest's purchased gas-cost aggregates an increase of \$183,257,175. Northwest proposes to recover, through a surcharge, the adjusted balance of \$30,129,130 in its FERC Account No. 191, as of June 30, 1979. Northwest also proposes to credit \$4,020,224 to storage gas producers under Rate Schedule SGS-1 from Jackson Prairie storage through a special surcharge adjustment. The proposed change in rates from the PGAC and the other changes proposed by Northwest would result in a net increase in its annual revenues from jurisdictional sales and service of \$173,731,387.

Northwest is concurrently filing a notice of change in rates applicable to the currently effective Section 13.4, Change in Rates to Reflect Curtailment Credits, contained in its Original Volume No. 1 Tariff. In accordance with Article 13.4 contained in the aforementioned tariff, the current rate adjustment under the Demand Charge Credit Adjustment provision is to become effective on Northwest's PGAC adjustment date. Accordingly, both rate adjustments are reflected on the tendered Substitute Twenty-third Revised Sheet No. 10, which is proposed to become effective on October 1, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C.

20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27149 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ES79-59]

Northwestern Public Service; Application

August 24, 1979.

The filing Company submits the following:

Take notice that on August 16, 1979, Northwestern Public Service Company filed an application with the Commission pursuant to Section 205 of the Act and Part 34 of the Regulations, for authorization to engage in negotiations for the sale of up to 400,000 shares of Common Stock, par value \$7 per share, and 60,000 shares of Cumulative Preferred Stock, par value \$100 per share, pursuant to Section 34.1a(a)(4) and 34.2(f)(2) of the Regulations under the Act.

Applicant is incorporated under the laws of the State of Delaware, with its principal business offices at Huron, South Dakota, and is authorized to do business in the States of Iowa, North Dakota, South Dakota and Nebraska.

Applicant indicates that a portion of the proceeds from the proposed Common Stock and Cumulative Preferred Stock financings will be used to repay outstanding short-term bank loans, which are expected to total \$11,000,000 at the anticipated time of closing, with the balance to become treasury funds to be used for the Company's 1980 construction program.

Applicant believes that a negotiated underwritten public offering of the Common Stock would be advantageous because of the relatively small amount of Common Stock involved, because of the successful prior negotiated offerings of Common Stock, and because the underwriter will be required to presell the issue to ensure a satisfactory market.

Applicant states that it believes that a negotiated sale of the Cumulative

Preferred Stock would be advantageous for similar reasons, but indicates that all previous issues of the Company's Cumulative Preferred Stock have been sold through private placement under terms which meet the Company's long-term needs for funds.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27135 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-424]

Pacific Gas Transmission Co.; Application

August 20, 1979.

Take notice that on July 31, 1979, Pacific Gas Transmission Company (Pacific), 245 Market Street, San Francisco, California 94105, filed in Docket No. CP79-424 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Pacific to construct and operate a natural gas transportation system extending from the vicinity of Kemmerer, Wyoming, and Bonanza, Utah, through the States of Utah and Nevada to a point on the Nevada-California border near Searchlight, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pacific states that the Rocky Mountain Pipeline Project is proposed for the transportation to California of natural gas to be produced and purchased by an affiliate of Pacific, Natural Gas Corporation of California, in the central Rocky Mountain area. Pacific further states that the proposed new system is designed to provide transportation of initial volumes of approximately 300,000 Mcf per day of natural gas on an average basis starting

in late 1985. Construction of the project is proposed to begin in late 1984 or early 1985.

The proposed pipeline system would consist of two pipeline laterals and a main line section with four compressor stations, maintenance bases, an operating headquarters and related communications facilities. The Kemmerer lateral will be approximately 143.5 miles in length beginning at a connection point with the facilities of Northwest Pipeline Corporation (Northwest), near Kemmerer, Wyoming, and extending southwesterly to a junction point with the main line and the Uintah lateral approximately 128.5 miles in length beginning at a connection point with Northwest near Bonanza, Utah, and extending westerly to the junction connecting with the main line and the Kemmerer lateral. The main line will be approximately 422.7 miles in length beginning at the junction and extending southwesterly to the proposed delivery point to the Pacific Gas and Electric Company (PG&E) system on the Nevada-California border near Searchlight, Nevada. At this point the proposed pipeline would connect with a new 40-mile pipeline of similar design to be constructed and operated by PG&E as a link to PG&E's existing gas transmission system west of Needles, California.

Four compressor units at four compressor stations are proposed by Pacific for initial construction and operation. The proposed compressor stations are: (1) Elkol compressor station near Elkol, Wyoming, on the Kemmerer Lateral consisting of one 1,000 horsepower compressor and appurtenant facilities; (2) Myton compressor station near Myton, Utah, on the Uintah Lateral consisting of one 3,500 horsepower unit and appurtenant facilities; (3) Holden compressor station near Holden, Utah, on the main line, consisting of one 3,500 horsepower compressor unit and appurtenant facilities; and (4) Glendale compressor station, near Glendale, Nevada, also on the main line consisting of one 1,200 horsepower compressor unit and appurtenant facilities. Also proposed for construction are a metering and odorant facility at the Nevada-California border, metering facilities on the Kemmerer and Uintah Laterals, four maintenance bases, an operating headquarters and related communication facilities.

Pacific estimates the total cost of the project to be \$340,982,000. Pacific proposes to finance the project on a conventional basis, relying on its own credit, aided by a cost-of-service tariff similar in many ways to the cost-of-

service tariff which Pacific indicates has been in effect successfully for 18 years on its existing pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 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 not petition to intervene is filed within the time required herein, if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under this 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. 79-27104 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-598]

Pacific Power & Light Co.; Supplementary Rate Schedule Filing

August 23, 1979

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on August 16, 1979, tendered for filing, in accordance with § 35.13 of the Commission's Regulations, an agreement providing for sale of energy to Puget Sound Power & Light Company (Puget).

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective September 1, 1979, which it

claims is the date of commencement of service.

Copies of the filing were supplied to Puget.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27114 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. SA79-9]

Partnership Properties Co.; Petition for Declaratory Order or for Adjustment

August 20, 1979.

Take notice that on July 17, 1979, Partnership Properties Co. (Applicant), P.O. Box 2250, Denver, Colorado 80201, filed with the Federal Energy Regulatory Commission (Commission) in Docket No. SA79-9, a petition for a declaratory order or, in the alternative, for an adjustment.

Specifically, applicant requests a declaratory order stating that the agreement between Applicant's predecessor-in-interest, the Atlantic Refining Company (ARCO) and the State of California (California), is an existing intrastate gas sales contract which would allow applicant to receive the maximum lawful price under section 105 of the Natural Gas Policy Act of 1978 (NGPA). In the alternative, if applicant can not qualify under section 105, applicant requests an adjustment of section 109 of the NGPA up to the maximum lawful price under section 105. This rate would be applicable to the working interest of California in natural gas produced and sold by Applicant from Tract No. 2 Long Beach Unit, Wilmington Oil Field, California.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before September 14, 1979.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27105 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-599]

Pennsylvania Power & Light Co.; Filing

August 23, 1979.

The filing Company submits the following:

Take notice that on August 17, 1979, pursuant to § 35.13 of the Commission's Rules and Regulations, Pennsylvania Power & Light Company (PL) tendered for filing a restated Interconnection Agreement dated November 20, 1978, between Pennsylvania Electric Company (PN) (Rate Schedule FPC No. 59) and Pennsylvania Power & Light Company (Rate Schedule FPC No. 49).

PN has agreed to sell and PL has agreed to buy an existing single circuit 115 kv transmission line presently extending from the PL Peckville Substation in Lackawanna County, Pennsylvania, to the PN Lenox Substation in Susquehanna County, Pennsylvania, subject to various regulatory approvals, one of which is acceptance of the subject Interconnection Agreement. PL is presently modifying said line as a supply for the new PL Edella Substation, also in Lackawanna County. One of the reasons for restating said Interconnection Agreement is to terminate the Peckville 110 kv interconnection associated with said line.

Said Edella Substation will serve about 2,000 PP&L customers, of which approximately 800 use electric heat for residential purposes. The edella area is presently supplied by a single, heavily loaded 12 kv line. Outages are prolonged with the present supply by the absence of other lines capable of carrying the load and the "cold load pickup" problems associated with electric heat. The Edella Substation was constructed to avoid the above problems and to provide capacity for increased demand from commercial customers who have recently entered the area.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the

Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27115 Filed 8-29-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2938]

Ptarmigan Resources and Energy, Inc.; Application for Preliminary Permit

August 23, 1979.

Take notice that on July 30, 1979, Ptarmigan Resources and Energy, Inc., Post Office Box 292, Durango, Colorado 81301, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 USC § 791(a)-825(r)] for the proposed Lemon Reservoir Project, FERC NO. 2938, that would be located on the Florida River and utilize the existing Lemon Dam and Reservoir, in La Plata County, Colorado. The project would occupy U.S. Forest Service lands (Sections 17 and 20, Township 36 North, Range 7 West, N.M.P.M.).¹ The existing dam was constructed by the U.S. Bureau of Reclamation and is operated by the Florida Water Conservancy District.

Purpose of the Project—Power generated by the project would be sold to the local utility or a local municipality.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$47,500.

Project Description—The project would be operated seasonally, during periods of heavy water releases, and would consist of a powerhouse with one or two generating units having a total installed capacity of 2,700 kW capable

¹ Map of area including site of proposed project is filed as part of the original document.

of generating 6,000,000 kWh annually, and an underground substation, if required. The Bureau of Reclamation's existing dam and reservoir include 265-foot-high, 1,300-foot-long earth and rock-fill dam, and reservoir with a storage capacity of 42,100 acre-feet at the normal maximum water surface elevation of 8,161 feet m.s.l.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before October 29, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27150 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2157]

Public Utility District No. 1 of Snohomish County and the City of Everett; Application for Amendment of License

August 23, 1979.

Take notice that on July 6, 1979, the Public Utility District No. 1 of Snohomish County and the City of Everett (Joint Licensees) filed an application for amendment of their license for the existing Sultan Project No. 2157, located on the Sultan River in Snohomish County, Washington. Correspondence concerning the application should be sent to Mr. W. G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Washington 98206.

On June 16, 1961, the Commission issued a license for Sultan Project No. 2157 authorizing two stage construction of a water supply and hydroelectric power project consisting of two dams and three powerhouses with total installed capacity of 140 MW. The first stage—construction of the Culmbach Dam and other facilities required for a water supply system for the City of Everett—was completed in 1965. The second stage—construction and installation of generating facilities—was delayed because it was not economically feasible.

The Licensees now seek authorization to: (a) raise the existing earth and rockfill Culmbach Dam, located at River Mile (RM) 16.5 on the Sultan River, from elevation 1,408 feet to 1,470 feet mean sea level (msl); (b) increase the usable storage capacity of Spada Lake, formed by the Culmbach Dam, from 35,600 acre-feet at elevation 1,360 feet msl to 60,000 acre-feet at elevation 1,450 feet msl; (c) construct a concrete intake structure, with a single 9-foot-wide by 14.3-foot-wide fixed wheel gate, in the south bank of the Spada Lake, approximately 250 feet east of the dam; (d) construct a 12-foot-diameter, 20,900-foot-long unlined power tunnel and a connecting 10-foot-diameter, 19,400-foot-long, underground pipeline to deliver water from Spada Lake to the powerhouse; (e) construct a semioutdoor-type powerhouse adjacent to the Sultan River at RM 4.3 containing four generating units with a total installed capacity of 111.8 MW; (f)

install a 72/60-inch-diameter 18,540-foot-long pipeline that would carry water from the powerhouse to Lake Chaplain to the north; (g) install a smaller branch pipeline tapped to the powerhouse-Lake Chaplain pipeline that would return supplementary flows to the river, upstream of the powerhouse, of maintaining fish life; (h) construct 3,300 feet of new access road and upgrade 5,700 feet of existing road for access to the powerhouse; (i) construct a 115-kV switchyard adjacent to the powerhouse containing four 13.8/115-kV transformers and related facilities; and (j) construct a 115-kV single circuit transmission line approximately 3¾ miles long that would connect the switchyard to a point on the existing transmission line, south of the powerhouse.

The Licensees estimate the capital cost of the proposed action at \$142,220,000, assuming that the construction starts in July 1981 and the plant is in commercial operation by July 1984.

The Licensee's proposed recreation facilities include: (a) an overlook area approximately ½ mile north of the Culmbach Dam; (b) a Spada Lake boat launch and day use area; (c) two fishing access points downstream of the powerhouse; and (d) an offsite campground at Wallace Lake, approximately 4 miles south of the Culmbach Dam.

Power from Project No. 2157 would be used by Public Utility District No. 1 of Snohomish County for distribution in its existing system.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 8, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application

is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27151 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-597]

**Southern Indiana Gas and Electric Co.;
Tariff Change**

August 23, 1979.

The filing Company submits the following:

Take notice that Southern Indiana Gas and Electric Company on August 17, 1979, tendered for filing pursuant to the Interconnection Agreement between Southern Indiana Gas and Electric Company and Louisville Gas and Electric Company a Fourth Supplemental Agreement to become effective October 1, 1979.

Said Supplemental Agreement increases the demand charge for Short Term Power from 60¢ per kilowatt per week to 70¢ per kilowatt per week.

Copies of the filing were served upon Louisville Gas and Electric Company and Southern Indiana Gas and Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before September 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27116 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-221]

**Southwest Gas Corp.; Amendment to
Application**

August 22, 1979.

Take notice that on August 2, 1979, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP78-221 an amendment to its application pending in the instant docket pursuant to Section

7(c) of the Natural Gas Act so as to authorize a change in the location of the liquefied natural gas (LNG) facilities proposed to be constructed and operated on Applicant's northern Nevada pipeline system in order that Applicant can have the capacity to meet the peak period requirements of its high priority customers, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant states that in order to ensure that its proposed LNG facility would comply with the safety requirements for LNG facilities set forth in the Department of Transportation proposed rules, Applicant now proposes to construct and operate an LNG facility of the same size and type previously proposed herein approximately 8 miles west of Lovelock, Nevada, near Southwest's 16-inch pipeline and its Lovelock Compressor Station No. 6, in an area of broad, gently sloping plains of the eastern flank of the Trinity Mountain Range where the vegetal cover is scrub bush, desert sage and grasses. The estimated cost of the proposed facilities is now estimated to be approximately \$23,467,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 17, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27152 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-10]

**Sun Oil Co. (Delaware); Application for
Adjustment**

Issued August 20, 1979.

On July 16, 1979, the Sun Oil Company (Delaware) filed with the Federal Energy Regulatory Commission an application

for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA). The applicant is located at P.O. Box 20, Dallas, Texas, 75221.

The applicant states that the J.W. Prather #1 well, located in the East Dykesville Field, Claiborne Parish, Louisiana was spudded on March 18, 1971 and began producing on June 24, 1971 from the McCreary Sand. The applicant further avers that the McCreary Sand was depleted by June, 1976, and that the well was recompleted in and began producing from the Cotton Valley Taylor Sand in July, 1976. Before the well is permanently abandoned, the applicant states that it desires to redrill the well and recomplete it in another reservoir, the Smackover C Sand. The applicant maintains that it would not be commercial to do so unless the gas produced from the Smackover C Sand could be sold at the price of section 103 of the NGPA, as gas from a new, onshore production well.

The applicant seeks an adjustment of § 271.303 of the Commission's regulations (18 CFR § 271.303), which incorporates by reference the definition of new, onshore production well contained in section 103 of the NGPA. To qualify as a new, onshore production well under section 103, a well among other requirements must have been spudded on or after February 19, 1977.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure. See Order No. 24 (March 22, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed no later than September 10, 1979 and should be sent to the Federal Energy Regulatory Commission, 825 N. Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27106 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-428]

**Texas Gas Transmission Corp.;
Application**

August 20, 1979.

Take notice that on August 3, 1979, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP79-428 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing

Texas Gas to transport up to 80,000 Mcf of natural gas per day for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport on an interruptible basis for Tennessee up to 80,000 Mcf of natural gas and associated liquids per day from lateral line pipelines, to be constructed by Tennessee pursuant to its existing budget authorization, which pipelines interconnect with the High Island Offshore System (HIOS) in Blocks A-281 and A-342, High Island Area, offshore Texas, or from other points of interconnection in the High Island Area and redeliver such volumes less fuel assessments to Tennessee at Egan, in Acadia Parish, Louisiana. Egan was certified in Docket No. CP76-321 as a point of exchange between Texas Gas and Tennessee. Tennessee may make available for transportation on any day volumes of natural gas up to 75,000 Mcf from either point of interconnection but not to exceed a total volume of 80,000 Mcf from both points of interconnection. Texas Gas would utilize its transportation capacity in the HIOS system and the Michigan Wisconsin Pipe Line System (Mich Wis) to the extent that Texas Gas is not receiving gas supplies which it may be obligated to receive on such day from its producers or others. The initial gas supplies, which Tennessee would make available in order for Texas Gas to render interruptible transportation service, would be gas produced which Tennessee is purchasing from Tenneco Oil Company in Blocks A-281 and A-336, High Island Area, offshore Texas. For rendering such transportation service, Texas Gas would charge Tennessee the applicable rates which Texas Gas is obligated to pay HIOS and Mich Wis for transporting natural gas and associated liquids through their respective systems.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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. 79-27107 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-403]

Texas Gas Transmission Corp.; Petition To Amend

August 23, 1979.

Take notice that on August 9, 1979, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76-403 a petition to amend further the order issued August 13, 1976,¹ as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) by authorizing an extension for an additional year of the existing authorization to transport gas for Owens-Corning Fiberglas Corporation (Owens-Corning), all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued August 13, 1976, as amended, Texas Gas is authorized to transport and deliver for the account of Owens-Corning volumes of natural gas up to 2,000 Mcf per day to Jackson Utility Division, City of Jackson,

Tennessee (Jackson), and up to 300 Mcf per day to Texas Eastern Transmission Corporation (Texas Eastern) at a point of delivery located near Lebanon, Ohio. Pursuant to an order issued August 29, 1977, Texas Gas is authorized to divert all or a portion of the volumes being transported and delivered to Jackson for Owens-Corning's account, and deliver such volumes to Transcontinental Gas Pipe Line Corporation (Transco), for ultimate delivery to Owens-Corning's Anderson, South Carolina, plant. Such volumes are diverted when needed at the Anderson plant for high-priority use.

Additionally, pursuant to authorization granted by order issued January 30, 1978, Texas Gas receives up to 1,000 Mcf per day from Transco at an additional point of receipt near Mamou, Evangeline Parish, Louisiana, and transports the gas for the account of Owens-Corning for use in its Jackson Plant. The 1,000 Mcf per day which Texas Gas receives at Mamou from Transco is included within the 2,000 Mcf per day transportation volume which Texas Gas was previously authorized to transport and deliver for the account of Owens-Corning to Jackson. The authorization granted by the January 30, 1978 order extends through March 9, 1980.

Texas Gas requests an extension of the existing authorization for an additional year from August 27, 1979, pursuant to the letter agreement between Texas Gas and Owens-Corning. Such letter agreement, also reduces the volume to be delivered to Jackson for Owens-Corning's account from 2,000 Mcf per day to 1,200 Mcf per day.

Texas Gas is herein requesting authorization to transport and simultaneously redeliver through August 26, 1978, for Owens-Corning's account the following volumes: (1) up to 300 Mcf per day to Texas Eastern at a point of delivery located near Lebanon, Ohio, (2) up to 1,200 Mcf per day to its existing point or points of delivery with Jackson, or, (3) divert all or a portion of the volumes up to 1,200 Mcf per day to be transported and delivered to Jackson and deliver such volumes to Transco for ultimate delivery to Transco's Anderson, South Carolina, plant.

Texas Gas states that it would not retain any volumes of natural gas hereunder for its own system supply but would retain as makeup for compressor fuel and line loss 10.23 percent of those volumes delivered to Texas Eastern, 3.65 percent of those volumes delivered to Jackson and 0.30 percent of those volumes delivered to Transco.

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

Texas Gas asserts that it would collect a rate of 30.99 cents per Mcf for those volumes delivered to Texas Eastern, 19.63 cents per Mcf for those volumes delivered to Jackson and 6.00 cents per Mcf for those volumes delivered to Transco.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 19, 1979, file with the Federal Energy Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27153 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-9565]

Town of Massena, N.Y. v. Niagara Mohawk Power Corp. and The Power Authority of the State of New York; Order Denying Request for Emergency Relief

Issued August 23, 1979.

On August 6, 1979, the Town of Massena (Massena) filed a "Motion For Immediate Clarification of Order Granting Request For Summary Disposition In Part, Denying Request For Summary Disposition In Part And Establishing Expedited Hearing Procedures And For Other Emergency Relief." In this motion, Massena does not, in fact, request "clarification" of the Commission's August 1, 1979 Order but rather requests the Commission to (a) order Niagara Mohawk Power Corporation (Niagara Mohawk) to provide emergency transmission service to Massena under the terms and conditions of Niagara Contract NS-1 between Niagara Mohawk and the Power Authority of the State of New York (PASNY) and (b) order PASNY to commence delivery of power and energy to Massena pursuant to PASNY's October 17, 1978 contract with Massena. We have determined that the Commission lacks the authority to grant the relief requested. Accordingly, Massena's request for immediate interim

relief pending completion of the expedited hearing procedures in this docket is denied.

Background

The procedural history and facts surrounding this docket have been described in our August 1, 1979 order. In this motion, Massena offers no facts which were not before the Commission on August 1, 1979.

In support of its motion, Massena relies, in large part, on the following recent developments in its antitrust proceeding against Niagara Mohawk in the Federal District Court for the Northern District of New York.¹ On July 6, 1979 that Court denied Massena's motion for a preliminary injunction requiring Niagara Mohawk to transmit PASNY power to Massena. Massena has since renewed that motion. On July 30, 1979, the Court entered a temporary restraining order enjoining Massena from taking physical possession of the condemned distribution system and operating the system pending a hearing upon Niagara Mohawk's motion for preliminary injunction. The temporary restraining order was extended for ten days on August 9, 1979. Niagara Mohawk filed an answer on August 8, 1979, contending that this Commission lacked the authority under 202(c) to order emergency transmission and, alternatively, that there was no emergency.

Discussion

In support of the requested relief, Massena asserts that if the District Court denies the motions of both Massena and Niagara Mohawk for preliminary injunction and allows the temporary restraining order to lapse, Massena "will take physical possession of the condemned facilities and commence operating the system as of that time unless some other complication develops in the interim." (Motion at 4). Given Niagara Mohawk's continued refusal to provide transmission service to the town, Massena claims that its possession of the distribution system under the circumstances described above will constitute an emergency which entitles it to emergency transmission relief under Section 202(c) of the Federal Power Act. Without commenting on the merits of Massena's application for emergency transmission relief, we find that the Commission lacks the authority to grant such relief.

Pursuant to Section 402 of the Department of Energy Organization

Act,² 42 USC § 7172, certain functions of the Federal Power Commission were transferred to this Commission including:

The establishment, review, and enforcement of rates and charges for the transmission or sale of electric energy, including determinations on construction work in progress, under part II of the Federal Power Act, and the interconnection, under Section 202(b) of such Act, of facilities for the generation, transmission, and sale of electric energy (other than emergency interconnection) (Emphasis supplied).

While the language of the statute refers only to the Commission's lack of authority with respect to "emergency interconnection," we feel that the statute was intended to vest in the Secretary emergency management authority not only under § 202(c) of the Federal Power Act but also under the Natural Gas Act³ and the Emergency Petroleum Allocation Act of 1973.⁴ Thus, the Secretary has authority with respect to the ordering of emergency temporary interconnection of facilities and also "such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest," pursuant to Section 202(c).⁵ To permit the Commission to retain the authority to order emergency transmission service while transferring the authority to order emergency interconnection to another agency would frustrate the purposes of the emergency relief provision of the Federal Power Act and seriously compromise the ability of the Secretary to deal with fuel shortages such as those which occurred in the natural gas shortage of the winter of 1976-1977, the coal strike in 1978 and the petroleum product shortage in 1979. A reading of the statute which divides between two administrative bodies the Section 202(c) authority to order emergency interconnection, transmission and sale of electric energy would make it difficult, if not impossible, for prompt, efficient and complete regulatory relief in the kind of emergencies described in Section 202(c).

The Commission's view of the division of authority under the DOE Act is reinforced by the provisions of the Department of Energy Delegation Order

² Pub. L. No. 95-91, 91 Stat. 565 (1977), 42 USC 7101 et seq.

³ Section 402(a)(1)(E).

⁴ Section 402(c)(2).

⁵ Apparently recognizing this Commission's lack of authority to order relief under Section 202(c), on August 7, 1979 Massena filed an application for emergency relief under Section 202(c) with the Economic Regulatory Administration. (Docket EC 79-1). On August 15, 1979, the application was denied.

¹ *Town of Massena, New York v. Niagara Mohawk Power Corporation*, 79 CV 163.

No. 0204-4, effective October 1, 1977, which delegates to the Administrator of the Economic Regulatory Administration (ERA) the authority to order *all* emergency relief contemplated in Section 202(c). The order states that "there is hereby delegated to the Administrator of the ERA the authority to adopt rules, issue orders, licenses, and allocations, collect fees, and take such other action as may be necessary and appropriate to administer the following function:

To order the temporary connections of facilities, during times of war or national emergency, for the generation or transmission of electric energy and such generation, delivery, interchange, or transmission of electric energy as in the Administrator's judgment will best meet the emergency and serve the public interest, pursuant to the provisions of Section 202(c) of the Federal Power Act.

Our finding that we lack jurisdiction to act on Massena's request for emergency transmission service under Section 202(c) is also consistent with our treatment of such applications in the past. See *Illinois Power Company*, Docket No. EL78-6, (issued February 1, 1978).

Of course, when and if the ERA exercises its authority under Section 202(c) to order emergency interconnection, sales and wheeling, this Commission would set the rates and charges for such sales and service in accordance with this section of the Act. The DOE Act specifically gave the Commission authority to establish all "rates and charges . . . under Part II of the Federal Power Act."⁶

We therefore do not read the DOE Act, *Illinois Power*, *supra*, or Delegation Order No. 0204-4 as limiting in any way the Commission's general ratemaking authority under part II, including the authority to set rates under Section 202(c).⁷

Massena has also requested the Commission to order PASNY to commence delivery to power to Massena as of August 9, 1979, in fulfillment of PASNY's pre-existing contractual obligations.

⁶ See "Notice of Proposed Rulemaking Governing Interchange Energy Rates During Section 202(c) Emergencies," Docket No. RM79-28, issued April 4, 1979.

⁷ The Commission's retention of the ratemaking authority under 202(c) is not inconsistent with the vesting on ERA of authority to order emergency interconnection and wheeling. As specified in the Federal Power Act, the rates and terms of 202(c) emergency service may be prescribed *after* such emergency relief has been ordered. ERA has all necessary authority to provide prompt and adequate relief in an emergency, leaving to subsequent proceedings before the Commission any auxiliary decisions as to compensation or reimbursement.

To the extent that Massena is requesting this Commission to require PASNY to *sell* power to Massena, such a request is premature. Massena's current motion and earlier pleadings filed in this docket give no indication that PASNY will not comply with its contractual and license obligations with respect to sales of Niagara Project power to Massena. To the extent that Massena is requesting an order requiring PASNY to fulfill its statutory and license obligation to provide transmission service to Massena, the Commission has, in its August 1, 1979 order, recognized that such an obligation exists. We indicated however that the determination as to the most efficient and economic method of meeting that obligation must await further development of the factual record in this docket. This request for relief, therefore, must await the resolution of factual issues in the expedited hearing in this docket.

The Commission orders:

(A) The Town of Massena's "Motion For Immediate Clarification Of Order Granting Request For Summary Disposition In Part, Denying Request For Summary Disposition In Part And Establishing Expedited Hearing Procedures And For Other Emergency Relief" is denied in its entirety.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-27117 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01

[Docket No. TC79-8]

Transcontinental Gas Pipe Line Corp.; Order Granting in Part and Denying in Part Petition for the Institution of Proceedings and for a Declaratory Order, Establishing Procedures for Briefing and for Hearing and Granting Interventions

Issued August 17, 1979.

I. Introduction and Procedural History

On February 28, 1979, Transcontinental Gas Pipeline Corporation (Transco) filed in Docket No. TC79-8 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for the institution of a proceeding and for a declaratory order.

Transco requests the Commission to institute a proceeding to inquire into:

1. The facts and circumstances that resulted in the shortage of gas on Transco's pipeline system;
2. The effect of Transco's gas tariff curtailment provisions and service agreements and of the Commission's orders, rules and regulations; and
3. The effect of an award of damages for curtailment of service against Transco upon the Commission's ability to carry out its responsibilities under Sections 4, 5 and 7 of the Natural Gas Act.

Transco further requests the Commission to make specific findings and issue a declaratory order that:

- (a) The natural gas shortage on Transco's system was caused by intervening events and factors beyond Transco's control;
- (b) That Transco reacted to offset the shortage on its system in good faith and in a reasonable and prudent manner under conditions then existing;
- (c) That Transco's curtailment tariff provisions and service agreements are in compliance with Commission rules and regulations; and
- (d) That, under such circumstances, compliance with such tariff provisions is a complete defense to any claims for damages for breach of contract; and finally,
- (e) That an award of damages against Transco for curtailments of service would constitute an undue preference and discrimination under the Natural Gas Act and would unduly and adversely affect the Commission's ability to fairly allocate the gas supplies available to Transco.

Transco states that its petition was prompted by a continuing controversy concerning the causes of the natural gas shortage on Transco's system, Transco's efforts to maintain and supplement its gas supplies in response to the declining deliverability of its contracted reserves and the effect of curtailment plans on Transco's obligations to serve its customers.

It is necessary to inquire briefly into the procedural history associated with this petition in order to gain a fuller understanding of the issues involved therein. The instant petition arises out of a civil damage suit filed against Transco by CF Industries, Inc. (CF) and Farmers Chemical Association, Inc. (Farmers) in connection with the curtailment on Transco's system commencing in 1971 and continuing to the present time in U.S. District Court for the Western District of North Carolina, Civil Action No. CC77-131. Transco filed and the Commission approved interim curtailment plans as early as 1971 and a more permanent curtailment plan was approved in 1976.¹ Furthermore, the

¹ An order of November 15, 1971, 48 FPC 1212 (1971) approved the first interim curtailment plan. See Opinion No. 778 issued October 8, 1978 prescribing a permanent curtailment plan for Transco, and Opinion 778-A issued December 8, 1978, denying rehearing; Remanded, *State of North*.
Footnotes continued on next page

Commission has conducted several investigations which commenced in January 1975 and are continuing at present into the causes of the shortages on the Transco system, both as a result of the Commission's own initiative and as mandated by several decisions of the U.S. Court of Appeals.² The final resolution of these investigations is still pending.

On February 16, 1979 a jury in the North Carolina federal district court proceeding awarded \$23.8 million in damages against Transco in favor of CF and Farmers based on Transco's liability in contract, negligence and promissory estoppel.³ The federal district court in that case twice denied Transco's motion to refer to the Commission several of the same issues for which Transco seeks a declaratory order in the instant petition.⁴ The case is now on appeal to the United States Court of Appeals for the Fourth Circuit⁵ where Transco has again filed a motion both to refer several of these issues to the Commission under the doctrine of primary jurisdiction and to stay the appeal pending such referral.⁶

Although many of the issues raised in the Transco petition are closely related to similar litigation against other pipeline companies arising out of curtailments in the early 1970's,⁷ the Commission specifically confines this

order to the instant petition. This order will address and dispose of each of the issues raised in Transco's petition.

II. Issues Raised in the Transco Petition For Institution of a Proceeding.

A. Transco seeks to institute a proceeding to inquire into the facts and circumstances that resulted in the shortage of gas on Transco's pipeline system in order to develop a factual record. The Commission undoubtedly can assert and has asserted jurisdiction over investigations into the causes of natural gas shortages on particular pipeline company systems pursuant to its broad authority under the Natural Gas Act in the area of curtailments.⁸

Upon thorough review of this request, the Commission declines to institute the proceeding sought by Transco. The Commission believes that it is not necessary at the present time to assert its jurisdiction to undertake the factual proceeding sought by Transco for several reasons.

First, there is no indication that the \$23.8 million federal district court judgment against Transco will have a material adverse effect on Transco's financial position so as to create a compelling present need for the institution of a Commission proceeding. In fact, to the contrary, Transco's 1978 Annual Report states that "Pipe Line [Transco] believes . . . that, in any event, the final resolution of [CF and Farmer's] claims will not have a material adverse effect on its financial position."⁹

Second, the Commission is unable to perceive a need at the present time for the Commission's assertion of jurisdiction to provide a forum for broad determinations into the full historical circumstances surrounding shortages on particular pipeline systems. The Commission has, in the past, conducted limited examinations into particularized points of inquiry concerning shortages on certain pipeline systems.¹⁰ The broad historical proceeding sought by the petitioner can justify the expenditure of the Commission's limited resources only upon a showing of a compelling present need to undertake the proceeding. In view of the Commission's judgment that no such present need has been

demonstrated in Transco's petition and in view of the significant ramifications of the acceptance of broad historical proceedings in that the potential for a substantial burden on the Commission's limited resources would arise, the Commission declines at this time to institute a proceeding to inquire into the facts and circumstances that resulted in the shortage of gas on Transco's pipeline system.¹¹

B. Transco next seeks a proceeding to inquire into the effect of its gas tariff curtailment provisions and service agreements and of the Commission's orders, rules and regulations. The Commission grants this request in part, but carefully circumscribes the scope of the proceeding in this area. In particular, the Commission will not adjudicate specific common law claims of contract liability. This is a determination ultimately for the courts.¹² Nor will the Commission make a determination as to negligence or wrongful conduct. Negligence questions bearing upon resolution of specific contract liability questions properly belong to the courts.¹³ The Commission, however, is cognizant of the public importance of tariff and service agreement interpretation questions in the context of curtailment damage suits and, therefore, provides the following reasons as justification for the limited proceeding ordered on this question.

Transco and other pipelines must submit to the Commission's certification authority before engaging in the transportation of gas subject to the Commission's jurisdiction or before the construction or extension of any facilities associated therewith, and such regulatory oversight continues once the certificate is issued by the Commission and accepted by the company.¹⁴ A federal obligation to continue service

Footnotes continued from last page
Carolina v. F.E.R.C., 584 F.2d 1003 (D.C. Cir. 1978). Transco's curtailment is presently governed by a settlement approved by an order of January 19, 1979, order denying rehearing of August 2, 1979. *State of North Carolina v. F.E.R.C.*, supra, also remanded the compensation issue under the Opinion No. 778 plan. The Commission has that matter under consideration; see August 2, 1979 order at pp. 3-4.

² By order of January 8, 1975 the FPC instituted an investigation in Docket No. RP75-51 into the causes of Transco's 1974-75 shortage and what should be done to prevent a recurrence thereof; See Order of June 25, 1976 in Docket No. RP72-99, wherein the causes of Transco's shortages as related to the compensation question were examined. This issue has been in the courts for some time, viz.: an order by the D.C. Circuit on August 1, 1975 which withheld consideration of the interim curtailment plan until the FPC's investigation was completed (Case No. 74-2036; a subsequent vacation of that order in *Transcontinental Gas Pipeline Corp. v. FPC*, 423 U.S. 326 (1976); a subsequent remand to the FPC by a D.C. Circuit order of February 6, 1976, and, on appeal, another remand to develop a fuller factual record. *Transcontinental Gas Pipeline Corp. v. FPC*, 562 F.2d 664 (D.C. Cir. 1976).

³ *CF Industries, Inc. and Farmer's Chemical Association, Inc. v. Transcontinental Gas Pipeline Corp.*, No. CC77-131 [W.D.N.C. Charlotte Division].

⁴ See 452 F. Supp. 358 (1978); second referral request denied in unreported order of October 6, 1978.

⁵ *CF Industries, Inc., et al. v. Transcontinental Gas Pipeline Corp.*, Nos. 79-1359 and 79-1366.

⁶ The motion was filed on July 5, 1979.

⁷ Similar litigation has been instituted against United Gas Pipe Line Company, Kansas-Nebraska Natural Gas Company, El Paso Natural Gas Company and Florida Gas Company.

⁸ *FPC v. Louisiana Power and Light Co.*, 406 U.S. 621 (1972); *Fort Pierce Utility Authority v. Federal Power Commission*, 528 F.2d 993 (5th Cir. 1976); See also Section 16 of the Natural Gas Act, 15 U.S.C. § 717(c).

⁹ See Transco Companies, Inc. 1978 Annual Report dated February 19, 1979.

¹⁰ See, e.g., Transco investigation in Docket No. RP75-51 initiated by an order of January 8, 1975; "Certain Producer and Pipeline Respondents" investigation in Docket No. RP75-112 of thirteen pipelines companies initiated by an order of February 20, 1975.

¹¹ The Commission does not, at this time, decide the further question of whether a broader inquiry into the historical causes of shortage on pipeline systems would ever constitute a proper basis for the Commission's primary jurisdiction in curtailment damage suits. We have, however, no power to award reparations or damages. The Supreme Court has held, in similar cases involving a primary jurisdiction reference by a court to an agency of issues relating to damage claims, that the agency's lack of remedial power over alleged past wrongdoing makes such a reference inappropriate. *Montana-Dakota Utilities Co. v. Northwestern Public Service Co.*, 341 U.S. 246 (1951); *T.I.M.E. v. United States*, 359 U.S. 464 (1959).

¹² *Mississippi Power & Light Co. v. United Gas Pipeline Co.*, 532 F.2d 412 (5th Cir. 1976); *State of Louisiana v. FPC*, 503 F.2d 844 (5th Cir. 1974); *International Paper Co. v. FPC*, 476 F.2d 121 (5th Cir. 1973); Order of August 9, 1978 in *United Gas Pipeline Company* (Docket No. RP71-29—Phase III).

¹³ Order of August 9, 1978 in *United Gas Pipeline Company*, Docket No. RP71-29 (Phase III); see also Order of August 20, 1975 in Docket No. RP71-29.

¹⁴ Section 7(c) of the Natural Gas Act, 15 U.S.C. § 717(c).

attaches subsequent to the issuance of the certificate and continues until the Commission authorizes abandonment of service.¹⁵

The certificate rather than the specific contract controls the terms of the service.¹⁶ Moreover, the interpretation of the service agreement is clearly within the Commission's jurisdictional purview.¹⁷ It is, therefore, appropriate for the Commission to determine in a carefully delimited proceeding the effect of Transco's service agreements upon various claims asserted in connection with curtailments in service made pursuant to Commission-approved orders, rules, and regulations.

The interpretation and effect of Transco's gas tariff curtailment provisions and the Commission's approval thereof are also matters appropriately entrusted to the Commission pursuant to its regulatory authority under the Natural Gas Act. It is well established that the interpretation and effect of tariff provisions approved by a Federal regulatory agency are ordinarily uniquely within the agency's primary and exclusive jurisdiction.¹⁸ All of the reasons traditionally cited for the assertion of the primary jurisdiction doctrine, viz., special competency and expertise of the administrative agency, necessity to avoid disruption of the overall regulatory scheme and the necessity for uniformity of regulation are extant in the instant Transco request for the interpretation of its gas tariff curtailment provisions.¹⁹ The courts and this Commission have recognized the primary jurisdiction of the Commission over the interpretation and determination of the effect of the tariff provisions at issue in litigation closely akin to that involved in the instant petition.²⁰

Therefore, Transco's petition is granted in part to establish a process to interpret and determine the effect(s) of the petitioner's gas tariff curtailment provisions and service agreements and of the Commission's orders, rules, and

regulations. The Presiding Administrative Law Judge shall be empowered to determine the extent to which this question presents factual as well as legal issues which require an evidentiary hearing and shall delineate the scope of the limited proceeding accordingly in view of the substantial record already developed in the other Commission and court proceedings involving the curtailment on Transco's system. Such parts of the records in these other Commission and court proceedings which are material to this inquiry may be incorporated therein. The Commission, however, emphasizes that it declines to consider specific questions of negligence or wrongful conduct or those involving ultimate contract liability premised upon negligence or wrongful conduct.

C. Transco also petitions the Commission for the institution of a proceeding to inquire into the effect of an award of damages against Transco upon the Commission's ability to carry out its responsibilities under Sections 4, 5, and 7 of the Natural Gas Act. This request is apparently designed to encompass the specific Transco request in the petition for a declaratory order that a damage award based on curtailment of service would constitute an undue preference and discrimination under the Natural Gas Act and would unduly and adversely affect the Commission's ability to allocate fairly the gas supplies available to Transco.

The Commission's authority with respect to determining under Section 4(b) of the Natural Gas Act whether an undue preference or advantage has been granted to any person or whether any person has been subjected to any undue prejudice or disadvantage has been described as being without limitation.²¹ The issue of undue preference raised in the context of curtailment damages suits, therefore, presents novel questions within the Commission's exclusive jurisdiction. However, while the Commission possesses the authority to set aside any contractual provision creating an undue preference²², the threshold question here relates to whether an undue preference is created by the award of damages in the context of curtailment damage suits.²³

Due to the novel and difficult questions presented, the Commission

accepts the issue of whether an undue preference or advantage has been or would be granted to any person, or whether any person has been or would be subjected to undue prejudice or disadvantage in connection with the award of damages for curtailment of service on Transco's system and what, if any, steps should be taken in response to this situation. Although this question involves predominantly legal issues suitable for the submission of briefs by interested parties and trial staff, the presiding Administrative Law Judge shall be empowered to institute a limited evidentiary hearing to the extent that this question presents factual issues not already adequately developed in other Commission and court proceedings involving the curtailment on Transco's system. Such parts of the records in these other Commission and court proceedings which are material to this inquiry may be incorporated therein.

The Commission believes that there is no present need, however, to depart from its previous position in *United*²⁴ which declined to consider the broader questions raised by Transco's request for the institution of a proceeding to inquire into the effects of an award of damages against Transco upon the Commission's ability to carry out its responsibilities under Section 4, 5 and 7 of the Natural Gas Act and to determine whether an award of damages would unduly and adversely affect the Commission's ability to allocate fairly the gas supplies available to Transco. It is premature at this time for the Commission to consider such issues in view of the fact that the district court judgment against Transco is now on appeal to the U.S. Court of Appeals for the Fourth Circuit and such issues cannot be answered effectively without speculating as to Transco's liability. As previously mentioned, the Commission will not adjudicate ultimate liability and therefore declines this request except with respect to the undue preference issue.

III. Issues Raised in Transco's Petition for a Declaratory Order

Transco has requested findings and a declaratory order that the natural gas shortage on Transco's system was caused by intervening events and factors beyond Transco's control and further that Transco reacted to offset the shortage on its system in good faith and in a reasonable and prudent manner under conditions then existing. In light of the Commission's declination to

¹⁵ *California v. Southland Royalty Co.*, 438 U.S. 519, 528 (1978).

¹⁶ *Id.* at 526-527.

¹⁷ *Gulf Oil Corp. v. FPC*, 563 F.2d 588, 596-97 (3d Cir. 1977).

¹⁸ *U.S. v. Western Pacific Railroad Co.*, 352 U.S. 59 (1956); *Southwestern Sugar and Molasses Co. v. River Terminals Corp.*, 360 U.S. 411 (1959).

¹⁹ *United States v. Western Pacific*, 352 U.S. 59 (1956); *United States v. R.C.A.*, 358 U.S. 334 (1959); *Ricci v. Chicago Mercantile Exchange*, 409 U.S. 289 (1973); *Nader v. Allegheny Airlines*, 426 U.S. 290 (1976).

²⁰ *Mississippi Power & Light Co. v. FPC*, 532 F.2d 412 (1976); *Texas Gulf Inc. v. United Gas Pipeline Co.*, Civil Action No. 71-2253 (D.C.D.C. February 13, 1979); Order of August 9, 1978 *United Gas Pipeline Company*.

²¹ See 15 U.S.C. § 717c(b); *Michigan Consolidated Gas Co. v. Panhandle Eastern Pipeline Co.*, 173 F.2d 784, 789 (8th Cir. 1949).

²² *State of Louisiana v. FPC*, 503 F.2d 844, 864 (1974).

²³ The Commission has accepted the referral of the undue preference or advantage issue in *United Gas Pipeline Co.* Docket Nos. RP71-29, et al. (Phase III), Order of August 9, 1978.

²⁴ See Order of August 9, 1978 in *United Gas Pipeline Company*, mimeo., pp. 16-17.

institute a proceeding to inquire into the facts and circumstances that resulted in the shortage of gas on Transco's pipeline system, the Commission emphasizes its intention not to adjudicate negligence or wrongful conduct questions and, therefore, herein declines to issue a declaratory order as to these two requests which concern the causation of the shortage of gas on Transco's system and the reasonableness and prudence of Transco's actions.

Transco next seeks a declaratory order that its curtailment tariff provisions and service agreements are in compliance with Commission rules and regulations. The Commission understands this request to contemplate Transco's technical compliance with Commission rules and regulations, viz., that Transco has filed for and has received the necessary FERC regulatory approvals with respect to its curtailment tariff provisions and service agreements. There is no material controversy regarding this request as Transco has dutifully filed proposed interim and permanent curtailment plans which have been approved by the FPC and this Commission.²⁵ Transco has been operating under either a court-ordered or Commission-approved curtailment plan since 1971.

Nor has there been any uncertainty as to Transco's compliance with the Commission's regulatory requirements in regard to its service agreements at issue. In this regard, the FPC issued a certificate of public convenience and necessity to Transco to construct a lateral from its main pipeline into northeastern North Carolina and southeastern Virginia in order to expand service to, *inter alia*, the North Carolina Natural Gas Company (NCCNGC) pursuant to a twenty year service agreement.²⁶ NCCNGC supplies CF and Farmers. The Commission, therefore, finds that Transco's curtailment tariff provisions and service agreements are in technical compliance with Commission rules and regulations and so grants the requested declaratory order with respect to this issue. This finding, however, in no way addresses the issue of causation of or blameworthiness for the curtailment on Transco's system.

A declaratory order that compliance with such tariff provisions is a complete

defense to any claims for damages for breach of contract is also sought by Transco. The legal authority of the Commission to issue such an order is at best doubtful in light of language in two Fifth Circuit decisions which suggests serious reservations as to the legal validity of such a Commission order.²⁷ The Commission need not reach this question, however, because it adheres to its traditional position of declining to adjudicate issues of ultimate contract liability which properly belong to the courts.²⁸ The Commission believes that the declaratory order sought by Transco with respect to the issue of whether Transco's compliance with curtailment tariff provisions is a complete defense to breach of contract damage claims clearly involves questions of ultimate contract liability and, therefore, is appropriately entrusted to the courts for ultimate resolution.

Finally, Transco requests the Commission to make specific findings and issue a declaratory order that an award of damages for curtailment of service would constitute an undue preference and discrimination under the Natural Gas Act and would unduly and adversely affect the Commission's ability to fairly allocate the gas supplies available to Transco. This issue has been previously discussed in this order (see Part II(C), *supra*), the resolution of which being the Commission's acceptance of the undue preference and discrimination issue for briefing by interested parties and trial staff and possibly for a limited evidentiary hearing and the Commission's non-acceptance of the issue of whether an award of damages would unduly and adversely affect the Commission's ability to fairly allocate the gas supplies to Transco. The resolution of this request with respect to the undue preference question, therefore, must await subsequent action after briefs have been submitted and the limited evidentiary hearing, if necessary, has been held.

In accordance with the March 19, 1979 notice of the Transco petition published at 44 FR 18073 (1979), petitions to intervene were required to be filed on or before April 10, 1979. The following petitions to intervene were filed in a timely fashion and intervention should be granted as to the parties listed below:

Consolidated Edison Company of New York, Inc.; North Penn Gas Company; Pennsylvania Gas and Water Company; Philadelphia Gas Works, Public Service

Commission of the State of New York; Public Service Company of North Carolina, Inc.; Delmarva Power and Light Company; North Carolina Natural Gas Corporation; Public Service Electric and Gas Company; Atlanta Gas Light Company; Texas Gas Transmission Corporation; United Gas Pipeline Company; Interstate Natural Gas Association of America; Washington Gas Light Company; Elizabethtown Gas Company; North Carolina Utilities Commission; Columbia Gas Transmission Corporation; The Brooklyn Union Gas Company; Piedmont Natural Gas Company, Inc.; CF Industries, Inc. and Farmers Chemical Association, Inc.; Consolidated Gas Supply Corporation; The American Textile Manufacturers Institute, Inc.; Philadelphia Electric Company; General Motors Corporation; and Carolina Pipeline Company.

The following petitions to intervene were received after the April 10, 1979 deadline:

South Jersey Gas Company; Eastern Shore Natural Gas Company; Commonwealth Gas Pipeline Corporation; Long Island Lighting Company; Virginia Electric and Power Company (VEPCO).

VEPCO states that it did not become aware of the proceeding until after the filing deadline. The Commission finds good cause to grant VEPCO's petition to intervene. The other untimely petitioners did not state reasons for their late filings. The Commission, nevertheless, finds good cause to grant these petitions in view of their substantial interest in this proceeding.

The Commission finds and orders:

(A) That Transco's request to institute a proceeding to inquire into the facts and circumstances that resulted in the shortage of gas on its system is herein denied for the reasons stated above.

(B) That a proceeding be instituted to interpret and determine the effect(s) of Transco's gas tariff curtailment provisions and service agreements and of the Commission's orders, rules and regulations relevant thereto consistent with the foregoing procedural and substantive limitations regarding the scope of such proceeding.

(C) That the proceeding established by paragraph (B) in the context of this order also address the issue of whether an undue preference or advantage has been or would be granted to any person, or whether any person has been or would be subjected to undue prejudice or disadvantage in connection with the award of damages for curtailment of service on Transco's system and what, if any, steps should be taken in response to this situation, and that such issue be addressed in accordance with the procedural directions stated above.

(D) That all other requests for the institution of proceedings in Transco's

²⁵ Order of November 15, 1971, 46 FPC 1212 (1971) approving interim settlement; Order of November 15, 1972, 48 FPC 1060 (1972) approving another interim settlement agreement; Opinion No. 778, October 8, 1976 prescribing permanent plan, and Opinion 778-A, December 8, 1976 denying rehearing; Order of January 19, 1979 in Docket No. RP72-90 approving settlement; Order of August 2, 1979 denying rehearing.

²⁶ See Docket No. CP68-155, 39 FPC 663 (1968).

²⁷ *International Paper Co. v. F.P.C.*, 476 F.2d 121, 125 (5th Cir. 1973); *State of Louisiana v. Federal Power Commission*, 503 F.2d 644, 667 (5th Cir. 1974).

²⁸ See, Order of August 9, 1976 in *United Gas Pipeline Company, supra*.

petition are herein denied for the reasons stated above.

(E) Transco's request for declaratory order that its actions with respect to curtailment of deliveries have been reasonable and prudent is herein denied for the reasons stated above.

(F) Transco's request for declaratory order that its curtailment tariff provisions and service agreements are in compliance with Commission rules and regulations is hereby granted provided that such declaratory order is understood to be strictly limited to technical compliance with Commission rules and regulations.

(G) That Transco's request for a declaratory order that its curtailment tariff provisions form a complete defense to claims for damages for breach of contract is herein denied for the reasons stated above.

(H) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR § 3.5(d)), shall preside at the prehearing conference and subsequent hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions (with the exception of motions to consolidate or sever and motions to dismiss), as provided by the Rules of Practice and Procedure.

(I) The above listed interveners are permitted to intervene in the instant proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided*, further, that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in the proceeding.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27118 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-402]

Transcontinental Gas Pipe Line Corp.; Amendment

August 21, 1979.

Take notice that on July 31, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket

No. CP77-402¹ an amendment to its pending application for a certificate of public convenience and necessity, pursuant to Section 7(c) of the Natural Gas Act requesting authorization to transport 2,000 Mcf per day of natural gas produced in East Cameron area Blocks 38 and 39 and redeliver equivalent million Btu's to Florida Gas Transmission Company (Florida Gas) for the account of Southern Natural Gas Company (Southern) at the East White Lake Lateral, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

Transco presently transports up to 90,000 Mcf per day of natural gas for Southern produced in Vermilion area Block 22, offshore Louisiana and delivered into Transco's Central Louisiana Gathering System onshore in the Pecan Island area, Vermilion Parish through facilities jointly owned by Transco, Florida Gas, and Sea Robin Pipeline Company (Sea Robin). Pursuant to the temporary certificate and Transco's Rate Schedule X-158, Transco receives such gas at the Pecan Island location and redelivers equivalent million Btu to Florida Gas for the account of Southern at the interconnection between the Central Louisiana Gathering System and Florida Gas' East White Lake Lateral in Vermilion Parish.

The amendment indicates that Southern, through its affiliate Sea Robin, has arranged to purchase approximately 2,000 Mcf per day of gas to be produced in East Cameron area Blocks 38 and 39 and delivered to the jointly owned Vermilion 22 facilities by means of budget-type facilities to be constructed by Sea Robin. Transco would receive such gas at the Pecan Island location and redeliver equivalent million Btu's to Florida Gas for the account of Southern at the East White Lake Lateral, all in accordance with the provisions of Rate Schedule X-158. No additional facilities are required by Transco to perform this service, it is asserted.

The volumes of gas available to Southern from the East Cameron area blocks which can reach Southern's system by means of the proposed transportation service would help to maintain as adequate and reliable service as possible in Southern's marketing areas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 6, 1979, file with the Federal Energy Regulatory Commission,

¹ Temporary authorization was issued August 3, 1977.

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 protest 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27106 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-103; Jicarilla B-4 Well, JD79-11675; Peggy Federal 1; JD79-11686]

Trans Delta Oil & Gas Co., Inc.; Preliminary Finding Regarding Determination by U.S. Geological Survey (New Mexico)

Issued August 17, 1979.

On July 5, 1979, the Commission received notice from the U.S. Geological Survey at Albuquerque, New Mexico that the above-listed wells qualify as stripper wells under section 108 of the Natural Gas Policy Act of 1978 (NGPA). The Commission published notice of these determinations on July 19, 1979.

Section 108(b)(1)(A) of the NGPA provides that in order to qualify as a stripper well, a well must produce nonassociated natural gas at a rate which does not exceed an average of 60 Mcf "per production day" during the preceding 90-day production period. Section 108(b)(3) defines "production day" as (1) any day during which natural gas is produced; and (2) any day during which natural gas is not produced if production during such day is prohibited by a requirement of State law or a conservation practice recognized or approved by the State agency.

The data submitted with the determinations for the above-listed wells indicate that these wells produced no natural gas during the 90-day production periods upon which the applications were based. There were no findings that the wells were shut in due to State law or practice. Accordingly, the 90-day production periods upon which the applications were based apparently contained no production days. Since section 108(b) requires that

a well produce at a rate not exceeding an average of 60 Mcf "per production day," a well's rate of production cannot be calculated where the 90-day production period contains no production days.

On the basis of the records submitted with these determinations, the Commission hereby makes a preliminary finding, pursuant to 18 CFR 275.202(a)(1)(i), that the determinations submitted by the U.S. Geological Survey (New Mexico) that the above-listed wells qualify as section 108 stripper wells are not supported by substantial evidence.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-27154 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-103]

Trans Delta Oil & Gas Co., Inc.; Preliminary Finding Regarding Determination by U.S. Geological Survey (New Mexico)

Issued August 17, 1979.

In the matter of U.S. Geological Survey (New Mexico), Section 108 NGPA determinations, Trans Delta Oil & Gas Company, Inc.; Jicarilla B-4 Well, JD79-11675; and Peggy Federal 1, JD79-11686.

On July 5, 1979, the Commission received notice from the U.S. Geological Survey at Albuquerque, New Mexico that the above-listed wells qualify as stripper wells under section 108 of the Natural Gas Policy Act of 1978 (NGPA). The Commission published notice of these determinations on July 19, 1979.

Section 108(b)(1)(A) of the NGPA provides that in order to qualify as a stripper well, a well must produce nonassociated natural gas at a rate which does not exceed an average of 60 Mcf "per production day" during the preceding 90-day production period. Section 108(b)(3) defines "production day" as (1) any day during which natural gas is produced; and (2) any day during which natural gas is not produced if production during such day is prohibited by a requirement of State law or a conservation practice recognized or approved by the State agency.

The data submitted with the determinations for the above-listed wells indicate that these wells produced no natural gas during the 90-day production periods upon which the applications were based. There were no findings that the wells were shut in due to State law or practice. Accordingly,

the 90-day production periods upon which the applications were based apparently contained no production days. Since section 108(b) requires that a well produce at a rate not exceeding an average of 60 Mcf "per production day," a well's rate of production cannot be calculated where the 90-day production period contains no production days.

On the basis of the records submitted with these determinations, the Commission hereby makes a preliminary finding, pursuant to 18 CFR 275.202(a)(1)(i), that the determinations submitted by the U.S. Geological Survey (New Mexico) that the above-listed wells qualify as section 108 stripper wells are not supported by substantial evidence.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-27108 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP72-23, et al. (AP 6/14/74)]

Trunkline Gas Co.; Request for an Order Relieving Refund Obligation

August 23, 1979.

Take notice that on May 3, 1979, Trunkline Gas Company (Trunkline) filed a request for an order from this Commission relieving Trunkline of any and all refund obligations under the rate condition imposed on Trunkline by Commission orders issued June 3, 1977, and December 15, 1978, in the above-referenced dockets. Trunkline states that good cause exists for such an order based upon cost data submitted to the Commission and further for the reasons stated in its petition.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-27119 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP71-29, et al.]

United Gas Pipe Line Co.; Motion To Waive Filing Requirements

August 27, 1979.

Take notice that on August 17, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket Nos. RP71-29, RP71-120 (Phase II), and RM79-15 a motion¹ to waive certain filing requirements contained in Part 281 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) which were promulgated by Order No. 29, issued May 2, 1979, in Docket No. RM 79-15, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

United states that Order No. 29, as amended, establishes a series of dates by which pipelines subject to the Order are directed to establish a new index of entitlements and to file new curtailment tariffs. United further states that it will propose a settlement in the proceedings pending in Docket Nos. RP71-29 and RP71-120 (Phase II) which, it believes, would obviate the need for United to put into effect a plan in strict accord with the rules contained in Order No. 29. United indicates that it will demonstrate that its proposed plan satisfies the statutory requirements of the NGPA and that acceptance of the proposed plan is in the public interest even though it varies from the strict requirements of Order No. 29 and Part 281 of the regulations.

Further, United maintains that a review of the data United has received from its customers pursuant to the requirements of Order No. 29 makes it clear that enormous commitments of time and effort would be required to establish from such data an index of entitlements as contemplated by Order No. 29 and that the same people who would be required to analyze the data and compile the index are those who would be required to be spending virtually full time on the preparation of evidence in connection with the

¹ The filing is styled Motion of United Gas Pipe Line Company to Establish Procedures for Consideration of Settlement Proposal, Petition for Waiver of Rules and Motion to Shorten Dates for Response. The subject notice pertains only to that part of the filing requesting waiver of requirements ordered by Order No. 29.

settlement, on the preparation of responses to data requests, and in preparation for the hearings.

Accordingly, since United believes that the proposed settlement would obviate the need to establish a plan in strict conformity with Order No. 29 and since compliance by United with the dates set in Order No. 29 would conflict with its ability to meet the dates set for consideration of the proposed settlement, United requests that the Commission defer, with respect to United, the procedural schedule which has been established under Order No. 29 until such time as the Commission has completed its consideration of the proposed settlement on condition that United continue in effect its existing tariff filed to implement the Commission's Interim Curtailment Rule.

Any person desiring to be heard or to make any protest with reference to said motion should on or before September 4, 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27136 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

August 21, 1979

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the natural gas policy act of 1978.

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (FERC/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. 79-15627/04350
2. 34-157-21113-0014
3. 108 000 000
4. The Mutual Oil & Gas Company
5. Watson-Goodie-Ruby #2
- 6.
7. Tuscarawas, OH
8. 11.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15628/04351
2. 34-157-20987-0014
3. 108 000 000
4. The Mutual Oil & Gas Company
5. A & A Schupp #1
- 6.
7. Tuscarawas, OH
8. 4.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15629/04352
2. 34-157-21000-0014
3. 108 000 000
4. The Mutual Oil & Gas Company
5. Albert B. Schupp #2
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15630/04353
2. 34-157-21959-0014
3. 108 000 000
4. The Mutual Oil & Gas Company
5. Robert Simpson #1
- 6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15631/04354
2. 34-157-21922-0014
3. 108 000 000
4. The Mutual Oil & Gas Company
5. B C Stansbery #1
- 6.
7. Tuscarawas, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15632/04393
2. 34-119-22949-0014
3. 108 000 000
4. Jeb Drilling Inc
5. Milam #1
- 6.
7. Muskingum, OH
8. 13.5 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15633/04395
2. 34-167-23813-0014
3. 108 000 000
4. Mohawk Oil Corporation
5. Haas Et al #1
- 6.
7. Washington, OH
8. 5.2 million cubic feet
9. August 8, 1979
10. National Gas & Oil Corporation
1. 79-15634/04396
2. 34-111-21876-0014
3. 108 000 000

4. BP account
5. Stanley #1
- 6.
7. Monroe, OH
8. 2.2 million cubic feet
9. August 8, 1979
10. The River Gas Company
1. 79-15635/04397
2. 34-167-23199-0014
3. 108 000 000
4. Valentine Oil Properties
5. Cunningham #1
- 6.
7. Washington, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission
1. 79-15636/04398
2. 34-155-20966-0014
3. 108 000 000
4. Ohio Oil and Gas
5. Mateyko #1
- 6.
7. Trumbull, OH
8. 10.0 million cubic feet
9. August 8, 1979
10. East Ohio Gas Co
1. 79-15637/04399
2. 34-119-22906-0014
3. 108 000 000
4. H I Smith Oil & Gas Inc
5. Gierke-Foraker #1
- 6.
7. Muskingum, OH
8. 5.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp
1. 79-15638/04400
2. 34-119-22839-0014
3. 108 000 000
4. H I Smith Oil & Gas Inc
5. B Knipe #1
- 6.
7. Muskingum, OH
8. 15.0 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15639/04401
2. 34-119-22651-0014
3. 108 000 000
4. H I Smith Oil & Gas Inc
5. J Hamilton #1
- 6.
7. Muskingum, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp
1. 79-15640/04406
2. 34-155-20450-0014
3. 108 000 000
4. Eastern Petroleum Services Inc
5. Mowen #1
- 6.
7. Trumbull, OH
8. 9.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp
1. 79-15641/04407
2. 34-155-20465-0014
3. 108 000 000
4. Eastern Petroleum Services Inc
5. Miller #1
- 6.
7. Trumbull, OH
8. 9.0 million cubic feet

9. August 8, 1979
10. Columbia Gas Transmission Corp
1. 79-15642/04411
2. 34-157-21598-0014
3. 108 000 000
4. H I Smith Oil & Gas Inc
5. Mizer #1
- 6.
7. Tuscarawas, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.
1. 79-15643/04492
2. 34-053-20190-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. L Ray Hughes #5
- 6.
7. Gallia, OH
8. 3.6 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15644/04516
2. 34-121-22070-0014
3. 103 000 000
4. Allegheny Land & Mineral Company
5. Michael Well—AO-13A
- 6.
7. Noble, OH
8. .0 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15645/04518
2. 34-105-21575-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. Loraine K Rice #1
- 6.
7. Meigs, OH
8. 3.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15646/04521
2. 34-053-20198-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. Floyd Leonard #3
- 6.
7. Gallia, OH
8. 2.4 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15647/04522
2. 34-053-20176-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. L Ray Hughes #3
- 6.
7. Gallia, OH
8. 3.6 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15648/04523
2. 34-053-20189-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. L Ray Hughes #4
- 6.
7. Gallia, OH
8. 3.6 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15649/04524
2. 34-053-20186-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. L Ray Hughes #1
- 6.
7. Gallia, OH
8. 2.4 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15650/04525
2. 34-053-20175-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. L Ray Hughes #1
- 6.
7. Gallia, OH
8. 3.6 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15651/04526
2. 34-053-20183-0014
3. 108 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. L Ray Hughes #2
- 6.
7. Gallia, OH
8. 3.6 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15652/04527
2. 34-053-20170-0014
3. 108 000 000
4. R Gene Brasel dba Brasel & Brasel
5. Harrison—Carl #1
- 6.
7. Gallia, OH
8. 1.3 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15653/04528
2. 34-053-20168-0014
3. 108 000 000
4. R Gene Brasel dba Brasel & Brasel
5. Gardner #1
- 6.
7. Gallia, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15654/04529
2. 34-105-21578-0014
3. 108 000 000
4. R Gene Brasel dba Brasel & Brasel
5. Garnder-Griffith #1
- 6.
7. Meigs, OH
8. 3.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15655/04530
2. 34-053-20197-0014
3. 108 000 000
4. R Gene Brasel dba Brasel & Brasel
5. Powell-Gross #1
- 6.
7. Gallia, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15656/04531
2. 34-053-20182-0014
3. 108 000 000
4. R Gene Brasel dba Brasel & Brasel
5. Powell-Gross #1
- 6.
7. Gallia, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15657/04549
2. 34-113-20124-0014
3. 108 000 000
4. Myrta D Ely Estate
5. Myrta Ely #1
- 6.
7. Portage, OH
8. 3.0 million cubic feet
9. August 8, 1979
10. East Ohio Gas Co.
1. 79-15658/04553
2. 34-127-23805-0014
3. 108 000 000
4. Wilson Petroleum Corporation
5. Wilson Petroleum Corporation #1
- 6.
7. Perry, OH
8. 5.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15659/04556
2. 34-167-23882-0014
3. 108 000 000
4. Wynn Oil Company
5. Proctor #1
- 6.
7. Washington, OH
8. 6.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15660/04557
2. 34-167-23921-0014
3. 108 000 000
4. Wynn Oil Company
5. John Busch #1
- 6.
7. Washington, OH
8. 4.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15661/04574
2. 34-053-20219-0014
3. 108 000 000
4. H & W Drilling Co Inc
5. George French #1
- 6.
7. Gallia, OH
8. 9.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15662/04577
2. 34-167-23805-0014
3. 108 000 000
4. Valentine Oil Properties
5. Brum/Dyar #1
- 6.
7. Washington, OH
8. 2.4 million cubic feet
9. August 8, 1979
10. The River Gas Company
1. 79-15663/04578
2. 34-167-22618-0014
3. 108 000 000
4. Valentine Oil Properties
5. Eva H Stacy (Evans) #1
- 6.
7. Washington, OH
8. 1.7 million cubic feet
9. August 8, 1979
10. The River Gas Company
1. 79-15664/04579

2. 34-187-22750-0014
3. 108 000 000
4. Vanlentine Oil Properties
5. M E & Lela Oliver #1
- 6.
7. Washington, OH
8. 1.7 million cubic feet
9. August 8, 1979
10. The River Gas Company
1. 79-15665/04617
2. 34-157-22767-0014
3. 108 000 000
4. The Mutual Oil & Gas Company
5. R I Helter #1
- 6.
7. Tuscarawas, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15666/04618
2. 34-157-21803-0014
3. 108 000 000
4. The Mutual Oil & Gas Company
5. Harry and Etta Patterson #2
- 6.
7. Tuscarawas, OH
8. 17.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79-15667/04832
2. 34-155-20945-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Syper #1
- 6.
7. Trumbull, OH
8. 20.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15668/04833
2. 34-155-21110-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Winfield #1
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15669/04834
2. 34-155-21130-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Winfield #2
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15670/04835
2. 34-155-20930-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Wissinger #2
- 6.
7. Trumbull, OH
8. 20.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15671/04836
2. 34-155-21111-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Trumbull #2
- 6.
7. Trumbull, OH
8. 20.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15672/04837
2. 34-155-21105-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Trumbull #1
- 6.
7. Trumbull, OH
8. 20.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15673/04838
2. 34-155-20929-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Bettiker #2
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15674/04840
2. 34-155-20851-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Jewell #1
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15675/04841
2. 34-155-20949-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Kloboves #1
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15676/04842
2. 34-155-20824-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Maffitt #1
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15677/04843
2. 34-155-20944-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Manz #1
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15678/04844
2. 34-155-21125-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Bugos #1
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15679/04845
2. 34-155-20849-0014
3. 102 000 000
4. Ohio Oil and Gas
5. Gowdy #1
- 6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corporation
1. 79-15680/04527
2. 34-157-21317-0014
3. 108 000 000
4. Layton Enterprises Inc.
5. Wolford #1
- 6.
7. Tuscarawas, OH
8. 3.2 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15681/04623
2. 34-157-21309-0014
3. 108 000 000
4. Layton Enterprises Inc.
5. Solenthaler #1
- 6.
7. Tuscarawas, OH
8. 10.9 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15682/04575
2. 34-053-20212-0014
3. 108 000 000
4. H & W Drilling Co Inc
5. Moore and Glassburn No. 1
- 6.
7. Gallia, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission
1. 79-15683/04624
2. 34-157-21315-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Reichman No. 1
- 6.
7. Tuscarawas, OH
8. 5.1 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15684/04626
2. 34-157-21348-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Leggett No. 1
- 6.
7. Tuscarawas, OH
8. 7.5 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15685/04627
2. 34-157-21334-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Galbraith No. 1
- 6.
7. Tuscarawas, OH
8. 3.1 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15686/04628
2. 34-157-21331-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Gasser No. 1
- 6.

7. Tuscarawas, OH
8. 12.1 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15687/04629
2. 34-157-21318-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Harig-Morrison No. 1
- 6.
7. Tuscarawas, OH
8. 4.8 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15688/04630
2. 34-157-21318-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Wolford-Reichman No. 1
- 6.
7. Tuscarawas, OH
8. 8.1 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15689/04631
2. 34-157-21336-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Monte No. 1
- 6.
7. Tuscarawas, OH
8. 2.5 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15690/04633
2. 34-157-21337-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Gasser No. 2
- 6.
7. Tuscarawas, OH
8. 10.8 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company
1. 79-15691/04634
2. 34-157-21346-0014
3. 108 000 000
4. Layton Enterprises Inc
5. Galbraith No. 2
- 6.
7. Tuscarawas, OH
8. 1.4 million cubic feet
9. August 8, 1979
10. East Ohio Gas Company

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. 79-27120 Filed 8-29-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangements to be carried out under the above mentioned authority involve contractual arrangements for the assignment of uranium enrichment services held by U.S. utilities involving approximately 177,000 separate work units for the Second Northern Nuclear units 1 and 2 on Taiwan.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into these subsequent arrangements will not be inimical to the common defense and security of the United States.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 28, 1979.

Robert N. Slawson,

*Acting Director for Nuclear Affairs,
International Nuclear and Technical
Programs.*

[FR Doc. 79-27374 Filed 8-29-79; 11:05 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangements to be carried out under the above mentioned authority involve conversion of Long-Term, Fixed-Commitment Uranium Enrichment contracts to the new Adjustable, Fixed-Commitment contracts at the customers option.

Contract number, customer, and facility

CI-100 Coordination Council for North American Affairs, Second Northern Nuclear 1.

CI-101 Coordination Council for North American Affairs, Second Northern Nuclear 2.

CI-102 Coordination Council for North American Affairs, Taipower-5.

CI-103 Coordination Council for North American Affairs, Taipower-6.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into these subsequent arrangements will not

be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 28, 1979.

Robert N. Slawson,

*Acting Director for Nuclear Affairs,
International Nuclear and Technical
Programs.*

[FR Doc. 79-27375 Filed 8-29-79; 11:05 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1308-3]

Approval of PSD Permit to the Brown Co.

Notice is hereby given that on August 3, 1979 the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Brown Company, Berlin-Gorham Division, for approval to construct a bark and waste wood-fired steam generating boiler at its pulp and paper mill in Berlin, New Hampshire. This permit has been issued under EPA regulations for the Prevention of Significant Air Quality Deterioration (40 CFR, Part 52.21), subject to certain conditions, including:

1. Construction and operation of the Modification shall be in accordance with the PSD application dated December 8, 1978 and supplementary documents, in addition to a Consent Decree (*United States of America and the State of New Hampshire v. Brown Company*, Civil Action No. 79, in the U.S. District Court for the District of New Hampshire) entered into by the U.S. Department of Justice, the State of New Hampshire, and the Brown Company on August 3, 1979.

2. Start-up of the Modification shall not commence until the construction program, defined in the above referenced Consent Decree, which is required to bring the Berlin Metropolitan Area into attainment for National Ambient Air Quality Standards (NAAQS), has been completed.

3. Fuel oil (at 2.2% sulfur) consumption shall not exceed:

- a. 1,686 gallons per hour for the Modification,
- b. 11,309,000 gallons per year for the two power boilers designated as #9 and #12,
- c. 25,242,400 gallons per year at the Company's steam generating plant (for boilers #9, 12, 14, and #7 when used).

The purpose of these conditions is to limit the SO₂ emissions from the specified facilities and/or source. If a lower sulfur fuel is used more fuel may be combusted provided the resulting SO₂ emissions do not exceed those expected from the combustion of the above specified amounts of fuel at 2.2% sulfur.

4. a. The existing power boiler #6 is not to be operated after the Modification's (#14) start-up date.

b. The existing power boiler #7 is not to be operated until EPA approval of a modeling demonstration which shows that operation of #7 will not result in any NAAQS violations. After approval, #7 shall be operated only when boilers #9, #12, or #14 are not operating.

5. The emission rates from the Modification shall not exceed the following levels: 0.1 lb. of particulate/MM Btu, 0.8 lb. of SO₂/MM Btu, 0.3 lb. of NO₂/MM Btu.

6. The Company shall continuously monitor and record fuel oil consumption for the operating power boilers and the Modification's emissions.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the First Circuit Court of Appeals. A petition for review must be filed on or before October 29, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region I,
Room 1903, J.F.K. Federal Building, Boston,
Massachusetts 02203.

Air Resource Agency, State of New
Hampshire, Hazen Drive, Concord, New
Hampshire 03301.

Dated: August 24, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 79-27189 Filed 8-29-79; 8:45 am]

BILLING CODE 5560-01-M

[FRL-1308-7; OPP-30000/32]

Determination Concerning the Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Trifluralin (Treflan EC); Availability of Position Document

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

ACTION: Notice of determination and availability of position document concerning Trifluralin.

SUMMARY: On February 3, 1977, the Environmental Protection Agency (EPA) was petitioned to suspend the registration of Treflan (EPA Reg. No. 1471-35), under section 6(c) of the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.), because a carcinogenic contaminant, N-nitroso-di-n-propylamine (NDPA), had been discovered in Treflan's active ingredient, trifluralin. After holding public informational hearings on March 7, 1977 and March 9, 1977, the agency decided against suspension. 42 FR 40009, August 8, 1977. The Agency determined, however that the trifluralin contaminant, NDPA, did meet or exceed the oncogenic risk criterion, and, therefore, trifluralin-containing pesticides should be subject to a more extensive review—the Rebuttable Presumption Against Registration (RPAR) process. During this review, the Agency examined, evaluated, and compared the risks and benefits associated with Treflan use.

The trifluralin RPAR review differs somewhat from the typical RPAR review in that two of the analytical RPAR phases—the initial determination that the risk criteria had been exceeded and the weighing of risk and benefit to determine the appropriate regulatory action—have been combined, uninterrupted by the rebuttal comment period. The Agency believes that this modification is justified by the unusual circumstances associated with the Treflan review and by the opportunities for public comment which have been and will be provided on any determinations in or issues raised by this position document.

After reviewing all the submitted information, the Agency in broad summary has determined that trifluralin is contaminated with low levels of the N-nitroso contaminant NDPA, that NDPA has a demonstrated oncogenic and mutagenic potential, and that human exposure may result from trifluralin-containing pesticide use. The Agency has reviewed the benefits of the use of trifluralin-containing pesticide uses and after considering risks in relation to benefits has determined that the risks may be reduced by modifying the terms and conditions of registration. Accordingly, the Agency is initiating action to cancel or deny trifluralin registrations unless the terms and conditions of registration are modified to provide that the level of NDPA not exceed the level of 1 part per million (ppm). In addition, the Agency has decided to require registrants and applicants to conduct additional mutagenicity, reproduction, and teratology studies to permit the Agency to further refine its evaluation of trifluralin teratogenic potential.

DATE: Comments must be received on or before November 13, 1979.

ADDRESS COMMENTS TO: Document Control Officer, Chemical Information Division (TS-793), EPA, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Miller, Project Manager, Office of Special Pesticide Review (TS-791), EPA Room 728G, Crystal Mall No. 2, Arlington, Virginia 22202, Phone 703-557-7400

SUPPLEMENTARY INFORMATION: The Notice of Determination published below and the referenced EPA position document regarding trifluralin/Treflan set forth in detail the reasons and factual basis for the regulatory actions being proposed. As required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, copies of this Notice of Determination and the position document are being transmitted to the Secretary of Agriculture and the Scientific Advisory Panel for comment; these documents are also being provided to the affected registrants. Other interested persons may receive a copy of the position document for review by contacting Mr. Tom Miller, Project Manager, Office of Special Pesticide Review (TS-791), EPA Room 728G, Crystal Mall No. 2, Arlington, Virginia 22202. Phone: 703-557-7400.

Registrants and other interested persons may also comment on all aspects of the trifluralin/Treflan review and the proposed actions. All comments should be sent to the Document Control Officer at the headquarters address given. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the comments. The comments should bear the identifying notation OPP-30000/32, and should be submitted on or before November 13, 1979.

After completion of review procedures by the Secretary of Agriculture and the Scientific Advisory Panel, EPA will consider the comments received and publish an analysis of them together with any resulting changes in the regulatory actions announced in the notice of determination.

Dated: August 17, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-27183 Filed 8-29-79; 8:45 am]

BILLING CODE 5560-01-M

[FRL-1308-8; OPP-30000/32A]

**Trifluralin/Treflan RPAR;
Determination****I. Introduction**

On February 3, 1977, the Environmental Protection Agency (EPA) was petitioned to suspend the registration of Treflan (EPA Reg. No. 1471-35), under section 6(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.), because a carcinogenic contaminant, N-nitroso-di-n-propylamine (NDPA), had been discovered in Treflan's active ingredient, trifluralin. A hearing was held on March 7, 1977 and March 9, 1977 in which Congressmen, farmers, the Migrant Legal Action Program, farm workers, grower associations, the single Treflan registrant-producer, and university researchers gave oral and written testimony. 42 FR 10886, February 24, 1977. Subsequent to the hearing, additional information was obtained by EPA from the U.S. Department of Agriculture (USDA), other Federal agencies, and a number of individuals. After full consideration of all data, the Agency decided against a Treflan suspension, under section 6(c)(1) of FIFRA, because the risks associated with Treflan use during the period necessary to complete cancellation proceedings were determined to be substantially exceeded by the benefits. 42 FR 40009, August 8, 1977. The Agency determined, however, that the trifluralin contaminant, NDPA, did meet or exceed the oncogenic risk criteria,¹ and, therefore, trifluralin-containing pesticides should be subject to a more extensive review—the Rebuttable Presumption Against Registration (RPAR) process. During this review, the Agency examined, evaluated, and compared the risks and benefits associated with Treflan use. Because most of the trifluralin produced is formulated as Treflan EC, the RPAR review focused primarily on the risks and benefits of Treflan use. The Agency's proposed regulatory actions pertain, however, to all currently registered trifluralin-containing pesticides and applications for registration of trifluralin-containing pesticides.

The trifluralin RPAR review differs somewhat from the typical RPAR review

in that two of the analytical RPAR phases—the initial determination that the risk criteria had been exceeded and the weighing of risk and benefit to determine the appropriate regulatory action—have been combined, uninterrupted by the rebuttal comment period. The Agency believes that this modification is justified by the unusual circumstances associated with the Treflan review and by the opportunities which have been and will be provided for public comment on any determinations in or issues raised by this position document.

In broad summary, the Agency has determined that trifluralin-containing pesticides, as contaminated with NDPA, meet or exceed the oncogenic and mutagenic risk criteria of 40 CFR 162.11(a)(3)(ii). The Agency has considered benefits information associated with Treflan use, including that submitted by registrants, state agricultural colleges, and the U.S. Department of Agriculture. The Agency has evaluated risks and benefits, in order to determine whether the risks of trifluralin-containing pesticide uses are warranted by the benefits of the uses. In addition, the Agency considered what risk reductions could be achieved, and how risk reduction measures would affect the benefits of the use.

The Agency has determined that the benefits of trifluralin-containing pesticide uses outweigh the risks when the level of NDPA contamination does not exceed 1 part per million (ppm). The proposed regulatory action requires that the terms and conditions of trifluralin-containing pesticide registrations and trifluralin-containing pesticide registration applications be amended in order to insure that the 1 ppm NDPA contamination level will not be exceeded. The Agency has determined that the risk reduction associated with the required maximum level of NDPA contamination can currently be achieved with no impact on the benefits of trifluralin-containing pesticide uses. Additionally, the Agency has determined that additional tests are necessary to fill data gaps in the areas of mutagenicity, reproduction, and teratology.

The remainder of this notice and the position document set forth in detail the Agency's analysis of, the reasons for, and factual bases for, the regulatory actions it is proposing. The notice is organized into four sections. Section I is this introduction. Section II, titled "Legal Background," sets forth a discussion of the general regulatory framework within which an RPAR is conducted. Section III

sets forth the Agency determinations and the proposed regulatory actions which flow from these determinations; Section III and the accompanying position document set forth the bases for these determinations. Section IV, titled "Procedural Matters," provides a brief discussion of the procedures which will be followed in implementing the regulatory actions which the Agency is proposing in this notice.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, as amended ("FIFRA"), a potential registrant must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects" on the environment (section 3(c)(5)). "Unreasonable adverse effects on the environment" is defined to mean "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" (FIFRA, section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with the terms and conditions of registration, or in accordance with commonly recognized practice. The burden of proving that a pesticide satisfies the registration standard continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.²

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the

¹ Another part of the statutory standard for registration is that the pesticide must satisfy the labeling requirements of FIFRA. These requirements are set out in the statutory definition of "misbranded" (FIFRA section 2(d)). Among other things, this section provides that a pesticide is misbranded if "the labeling * * * does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any * * * (restrictions) imposed under section 3(d) * * * are adequate to protect health and the environment."

The Agency can require changes to the directions for use of a pesticide in most circumstances either by finding that the pesticide is misbranded if the labeling is not changed, or by finding that the pesticide would cause unreasonable adverse effects on the environment, unless labeling changes are made which accomplish risk reductions.

² 40 CFR 162.11(a)(3)(ii)(A) provides that if any ingredient of a pesticide has been found to induce oncogenic effects in experimental mammalian species or man from oral, inhalation, or dermal exposure, an RPAR shall be issued against that pesticide.

statutory standard for registration and to provide a structure for the gathering and evaluation of information about the risks and benefits of these uses. The structure permits public participation at major points in the evaluation process.

The procedures followed in the trifluralin RPAR differ somewhat from those usually followed in an RPAR review. Normally, when one or more of the Section 162.11 risk criteria has been met or exceeded, a position document (PD 1) is issued in which the registration or continued registration of the pesticide is presumed against. The registrant and other interested persons are given the opportunity to submit rebuttal evidence against the presumption of risk as well as evidence regarding the economic, social, and environmental benefits of the pesticide's use. If one or more of the presumptions of risk is not rebutted, the Agency must determine whether the continued use of the pesticide would cause "unreasonable adverse effects on the environment" (Section 6(b) FIFRA). Section 2(bb) of FIFRA defines "unreasonable adverse effects on the environment" to mean "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of use of any pesticide." Therefore, if the risks of a pesticide's use outweigh the benefits, the Administrator must issue a notice of intent either to cancel or deny the pesticide's registration without qualification or to cancel or deny the pesticide's registration if the registrant fails to meet Agency requirements which would reduce risks to a level where they are exceeded by the benefits (Section 6(b) and 3(c)(6) of FIFRA). The Administrator's proposed notice of intent to cancel or deny is then reviewed by the United States Department of Agriculture (Section 6(b) of FIFRA), the Scientific Advisory Panel (Section 25(d) of FIFRA), and the public.³ The Administrator then considers all the comments which were made in a timely manner before publishing a final decision.

In the case of trifluralin, two of the analytical RPAR phases—the initial determination that the risk criteria had been exceeded and the weighing of risks and benefits to determine the appropriate regulatory action—have been combined, uninterrupted by the rebuttal comment period. The Agency believes that this modification is justified by the unusual circumstances

associated with the trifluralin review. Moreover, the approach used will not in any significant way diminish the opportunities for public comment on any determinations or issues raised by this position document.

Regarding the special circumstances of this RPAR, a hearing was held to obtain information concerning whether or not EPA should suspend the Treflan registration. Such hearings are not usually part of the RPAR process. During this hearing, the single U.S. trifluralin registrant-producer presented its position concerning Treflan risk. It conceded that the N-nitroso-contaminant was carcinogenic, but it asserted that Treflan was still safe to use because, due to low exposure, the risk was slight, and the substantial benefits outweighed that slight risk.⁴ To some extent, therefore, the single registrant-producer of trifluralin has had an opportunity to rebut the presumption that NDPA-contaminated Treflan is an oncogen. In addition, the registrant and others have submitted detailed papers regarding many of the aspects of risks which have been considered by the Agency in making its determination. Furthermore, the Agency, with the aid of USDA and state agricultural colleges, considered benefits data presented by the registrant when its benefit determination was made.

Much of what the registrant would have submitted at the usual RPAR rebuttal stage, therefore, has already been submitted during the modified trifluralin RPAR. It seems reasonable, therefore, to focus public discussion on the risk/benefit analysis by presenting the Agency position in a single document followed by a public comment period during which time the registrant and anyone else may submit comments⁵ in response to the Agency's tentative risk/benefit conclusions regarding trifluralin. The Agency believes that neither the registrant nor any other interested person has been prejudiced by this procedural modification since he will not be deprived of his opportunity to participate meaningfully in the administrative decisionmaking process affecting the continued registration of this pesticide.

The statute requires the Agency to submit notices issued pursuant to

section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy (section 6(b)). The Agency is required to submit these documents to the Secretary at least 60 days before making the notice effective by sending it to registrants or making it public. The Secretary of Agriculture is required to comment in writing within 30 days of receiving this notice and the Agency is required to publish the Secretary's comments and the Administrator's response with publication of the notice. The statute also requires the Administrator to submit section 6 notices to a scientific advisory panel for comment on the impact of the proposed action on health and the environment, at the same time and under the same procedures as those described above for review by the Secretary of Agriculture. (Section 25(d)). The Agency is submitting its proposed decision on trifluralin to the Science Advisory Panel and the Secretary of Agriculture for their review.

Although not required to do so under the statute, the Agency has decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decisionmaking to afford an opportunity to comment on the bases for the proposed action to registrants and other interested persons, during the time that the proposed action is under review by the Secretary of Agriculture and the Scientific Advisory Panel. Accordingly, appropriate steps will be taken to make copies of the trifluralin position document available to registrants and other interested persons at the time the decision documents are transmitted for formal external review, through publication of a notice of availability in the *Federal Register*, and by other means. Because of the modified procedures used for the trifluralin position document, registrants and other interested persons will be allowed a somewhat longer period of time to comment—75 days—than the 30 day period provided by statute for receipt of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After completing these external review procedures and accomplishing any changes in the contemplated action which are deemed appropriate as a result of any comments received, the Agency will proceed to implement the desired regulatory action by preparing appropriate documents and releasing them in the manner prescribed by the statute and the Agency's rules.

⁴ Transcript of Public Hearings on Petition to Suspend Certain Pesticide Products Section 6, FIFRA, March 7, 1977, Phoenix, Arizona, p. 11-28 and March 9, 1977, Washington, D.C. p. 2-13 through 2-23.

⁵ Under 40 CFR 162.11(a)(1)(i), only a registrant has the right to submit rebuttal evidence when its registered pesticide has been presumed against. It is Agency policy, however, to allow anyone to submit timely evidence and to consider such evidence before making regulatory decisions.

³ Although not required by law, it has been Agency policy to allow a public comment period upon referral of the Administrator's proposed notice of intent to cancel.

III. Determinations and Initiation of Regulatory Action

The Agency has considered information on the risks associated with trifluralin/Treflan uses, including information submitted by registrants and other interested persons. The Agency has also considered information on the social, economic and environmental benefits of the trifluralin/Treflan uses including benefits information submitted by registrants, the United States Department of Agriculture, and other interested persons. The Agency's assessment of the risks and benefits of the trifluralin/Treflan uses, its conclusions and determinations whether trifluralin/Treflan uses pose unreasonable adverse effects on the environment, and its determinations whether modifications in terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects, are set forth in detail in the position document. This position document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this notice, and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the position document, the determinations of the Agency with respect to Trifluralin/Treflan are as follows:

A. Determinations of Risk

The Agency has determined that both technical and formulated trifluralin are contaminated with low levels of the N-nitroso contaminant NDPA, a demonstrated oncogen in rats, mice, and hamsters, and a mutagen in bacteria, yeast, and in an *in vitro* mammalian cell culture. Trifluralin-containing pesticides therefore meet or exceed the oncogenic and mutagenic risk criteria.⁶

The Agency has determined further that human exposure may result from trifluralin-containing pesticide uses, and that trifluralin-containing pesticide use therefore poses a carcinogenic and mutagenic risk to man of sufficient magnitude to require the Agency to determine whether these uses offer offsetting social, economic or environmental benefits. The Agency has identified the key populations at risk with respect to Treflan use: agricultural

and nursery workers who mix, load, apply, and incorporate Treflan into the soil; fieldworkers; domestic users; and the U.S. population at large.

B. Determinations on Benefits

The economic impact on farm income resulting from a possible Treflan cancellation was estimated for cotton, soybeans, fruits and vegetables, and other field crops. If Treflan were to be canceled, the total annual loss for the 3-5 year period following cancellation is estimated to be approximately \$300 million. For all the crop uses, Treflan is a preemergent herbicide which is effective on a broad spectrum of weeds and grasses.

1. *Cotton Uses.* Treflan is used on approximately 8.3 million acres of cotton per year (70% of the total U.S. planted cotton acreage). If Treflan were canceled, the Agency expects that yields would decrease, more expensive Treflan alternatives would increase weed control costs, and the price of cotton would increase. The Agency estimates that the total income change for cotton growers would be a decrease of approximately \$116 million.

2. *Soybean Uses.* Treflan is used on approximately 19.7 million acres of soybeans per year (38% of the total U.S. planted soybean acreage). If Treflan were canceled, the Agency expects that yields would decrease, more expensive Treflan alternatives would increase weed control costs, some soybean acreage would be shifted to corn (depressing corn prices), and the price of soybeans would increase. The Agency estimates that the total income change for soybean growers would be a decrease of approximately \$64 million.

3. *Fruit and Vegetable Uses.*⁷ Treflan is used on approximately 1.1 million acres of fruits and vegetables. If Treflan were canceled, the Agency expects that more expensive Treflan alternatives would increase weed control costs, but yields would decrease only for peas (the Agency did not estimate what impact Treflan cancellation would have on fruit and vegetable prices). The Agency estimates that the total income change for fruit and vegetable growers would be a decrease of approximately \$36 million.

4. *Other Field Crop Uses.*⁸ Treflan is used on approximately 2.5 million acres of crops in this category. If Treflan were canceled, the Agency expects that yields would decline (except for sugar beets) and more expensive Treflan alternatives would increase weed control costs

(except for dry beans). No estimate was made for the impact on prices due to a Treflan cancellation for crops in this category. The Agency estimates that the total income change for growers in this category would be a decrease of \$97 million.

C. Determinations on Unreasonable Adverse Effects

For the reasons set forth in detail in the position document, the Agency has made the following unreasonable adverse effect determination with respect to trifluralin-containing pesticide uses:

The Agency has determined that the benefits of trifluralin-containing pesticide use exceed the risks when Treflan is contaminated with no more than 1 ppm NDPA. The single registrant-producer is currently producing trifluralin and Treflan with NDPA contamination not exceeding 1 ppm. If trifluralin/Treflan were produced with a greater NDPA contamination level, risks would be increased, but benefits of use would be unchanged. Therefore, the Agency has determined that the terms and conditions of registrations and registration applications must be amended, as described below, or trifluralin-containing pesticide uses will "cause unreasonable adverse effects on the environment."

D. Other Determinations

On account of data gaps discussed in the trifluralin-position document, the Agency has determined that the registrant or applicant must submit additional data on mutagenicity, reproduction, and teratology. The Agency needs the data for the purpose of refining the estimate of risks. The administrator considers these data requirements to be additional data pursuant to FIFRA Section 3(c)(2)(B). The Agency will specify the precise requirements and protocols for filling these data gaps in the near future.

E. Proposed Regulatory Actions

Based upon the determinations summarized above and developed in detail in the Position Document, the Agency is proposing the following regulatory actions, and this document shall constitute its notice of intention to initiate those actions:

Cancellation and denial of all trifluralin-containing pesticide registrations unless registrants or applicants for registration amend the terms and conditions of registration as follows:

The label amendment proposed by this notice shall appear on the label under the inert ingredients' section of

⁶Under 40 CFR 162.11(a)(3)(ii). "A rebuttable presumption shall arise if a pesticide's ingredient(s) * * * meet or exceed any of the following criteria for risk. * * * Induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure; or induces mutagenic effects, as determined by multitest evidence."

⁷This category includes potatoes, tomatoes, peas, cole crops, carrots, peppers, celery, cucurbits, mints, collards, okra, and beans.

⁸This category includes dry beans, peanuts, sugar beets, and sunflowers.

the ingredients' statement and shall read as follows:

N-nitroso-di-n-propylamine
(NDPA) <1 ppm.

The amendment to the confidential statement of formula proposed by this notice shall appear in that statement under the inert ingredients' section of the ingredients' statement and shall read as follows:

N-nitroso-di-n-propylamine (NDPA) <1 ppm.

IV. Procedural Matters

As discussed above in Section II of this notice, the Agency's decision to initiate the regulatory actions described in Section III must be referred for review by the Secretary of Agriculture and the Scientific Advisory Panel. The transmittal of the Agency's decision to satisfy these external review requirements will occur shortly. As further indicated above, the Agency also will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action by making copies of the position document available upon request. Registrants and other interested persons will be given 75 days to submit comments.⁹ Comments may be made on all aspects of the Agency's risk/benefit analysis and the Agency's proposed regulatory actions.

After completion of these review procedures, the Agency will consider the comments received and publish an analysis of them, together with any changes in the regulatory actions announced in this notice which it determines are appropriate. Until this final review phase is concluded in this manner, it is not necessary for registrants or other interested persons to request a hearing to contest any regulatory actions resulting from the conclusion of this RPAR.

Dated: August 17, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-27184 Filed 8-29-79; 8:45 am]

BILLING CODE 5590-01-M

⁹ Usually, only a 30 day period is given for public comment. However, in this instance, the Agency is extending the period to 75 days so that no prejudice will result from omitting the rebuttal comment period of 45 days. Referrals to the Secretary of Agriculture and to the Scientific Advisory Panel will be staggered so that all comments will be due at the end of the 75 day public comment period.

[OPP-42048A; FRL 1309-2]

Connecticut; State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides, Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975 and 1978 (92 Stat. 819; 7 U.S.C. 136 *et seq.*), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On July 14, 1977, notice was published in the Federal Register (42 FR 36282) of the intent of the Regional Administrator, Environmental Protection Agency (EPA), Region I, to approve on a contingent basis, the Connecticut State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Connecticut State Plan). Contingent approval was requested by the State of Connecticut pending the enactment of certain specific statutory provisions and promulgation of additional implementing regulations necessary to permit Connecticut to carry out FIFRA responsibilities.

Complete copies of the Connecticut State Plan (except for sample examinations) were made available for public inspection at the following locations: Connecticut Department of Environmental Protection, Hartford, Connecticut; EPA, Boston, Massachusetts; and, the EPA, Federal Register Section, Technical Services Division, Office of Pesticide Programs, Washington, D.C.

Two comments on the State Plan were received during the 30-day comment period.

The National Canners Association inquired if the Agency considered funds provided to the Extension Service for training purposes in its determination of the adequacy of the State Plan budget and questioned the use of fees assessed for certification to support State Plan activities. The second commenter, the Chemical Services Corporation of Fairfield, Connecticut, questioned the procedure used to determine competency of supervisory level commercial applicators licensed prior to January, 1975, and further requested the Regional Office to conduct an on-site visit to review the procedure used by Connecticut for its adequacy to meet FIFRA requirements for certification.

EPA and Connecticut officials have reviewed both comments and have prepared a response summarized below.

Connecticut officials believe training offered to applicators, especially those requesting private applicator certification, is beneficial and hence plan to utilize training as useful support for implementation of the State Plan and the FIFRA. While the funding required for applicator training was identified as coming from both EPA and State sources, no specific amounts were identified in the plan. Further, any funds used for training purposes were not considered in the EPA assessment of adequacy of funding to support the plan.

Section 4(a)(2) of the amended FIFRA provides a State may be granted authority to certify applicators in accord with provisions of an approved State Plan. In addition, Section 4(a) provides considerable flexibility to a State in developing a certification program to meet prescribed Federal standards. Connecticut assesses applicators a fee for certification as provided by State statute and hence this issue is not considered to be germane to the acceptability of the plan under Federal regulations. Connecticut officials further note that funds expended to complete the State's certification program are largely those derived from State appropriations. Both private and commercial applicators are assessed a fee for examination as well as a fee for issuance of their certificate. Fees are waived for State, Federal and municipal employees.

Prior to the preparation of the Connecticut State Plan, commercial pest control operators doing business in Connecticut were required to be licensed as either supervisory level or as nonsupervisory operational level applicators. In the submission of its State Plan, Connecticut requested that the Agency determine the adequacy, to meet standards of 40 CFR 171.4 and 171.6, of the process used for determining competency of only supervisory level applicators who were issued licenses after January 1, 1975. The Agency was invited by State officials to conduct an on-site review before making its determination. The comment received from Chemical Services Corporation questioned the examination procedure used for re-licensing pest control operators and also urged the Agency to conduct an on-site review.

In September, 1977, the Agency conducted a two-day on-site review of procedures used for determination of competency of supervisory level pest control applicators who had requested licensing after January 1, 1975. Each of

three examinations, used beginning December, 1974, was carefully evaluated for adequacy to meet applicable standards required for certification under 40 CFR Part 171. In addition, the records and the examinations taken by 22 persons, randomly selected from a group of 178 licensed before 1975, were also individually reviewed before the determination was made.

Each of the three examinations used was found, after review, to be adequate to meet the standards of 40 CFR Part 171.6 and 171.4(c)(7) as required for determination of competency of applicators seeking certification under category 7 (Industrial, Institutional, Structural and Health Related Pest Control) or an appropriate subcategory. Of the 178 persons licensed as supervisory-level pest control applicators in 1974, only 148 were, upon re-examination, found to be competent and re-licensed in 1975. No evidence was obtained to indicate any irregularities in the administration of the examinations for the 22 persons whose records were reviewed.

Examinations used to determine the competency of operational level applicators were not reviewed during the on-site visit because Connecticut indicated in its plan that it did not intend to certify operational-level licensees, and that they would only be authorized to use restricted-use pesticides when such use is under the direct supervision of an appropriately certified supervisory level applicator.

Accordingly, the Agency finds that the Connecticut procedure used for determination of competency of supervisory-level pest control applicators licensed under category 7, beginning in 1975, is adequate to meet standards of 40 CFR Part 171.

Since the Notice of Intent to Approve the Connecticut State Plan was published on July 14, 1977, the Connecticut Legislature has made statutory changes in Gen. Stat. Ann's Secs. 22(a)-46 *et seq* as were required for implementation of FIFRA authorities. In addition, the Connecticut Department of Environmental Protection (CDEP) prepared regulations for promulgation that correct the deficiencies previously determined. Having reviewed these regulations, EPA has determined that the Connecticut State Plan would satisfy the requirements of Section 4(a)(2) of the amended FIFRA and 40 CFR Part 171 if these regulations were promulgated.

Earlier planning called for the promulgation of the regulation by late 1978 and for final approval of the Connecticut Plan shortly thereafter. However, unanticipated delays were encountered by CDEP in obtaining

approval of the regulations by the Regulations Review Committee of the Connecticut legislature until June 5, 1979. The CDEP promulgated the amendments correcting previously determined deficiencies on July 3, 1979. Having reviewed these regulations, EPA has determined that the Connecticut Plan satisfies the requirements of Section 4(a)(2) of the amended FIFRA and 40 CFR Part 171.

In view of the revision of regulations, EPA believes it would not serve any useful purpose to proceed with approval of the Connecticut Plan on a contingency basis, but rather believes it should proceed directly with action toward final approval and hereby provides public notice of such action. Accordingly, the Connecticut Plan is approved.

The Connecticut Plan will remain available for public inspection in Connecticut Department of Environmental Protection, Hazardous Materials Management Unit, 122 Washington Street, Hartford, Connecticut 06115.

EFFECTIVE DATE: Pursuant to Section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the approval granted herein to the Connecticut State Plan shall be effective upon signature of this notice. Neither the Connecticut State Plan itself nor this Agency's approval of the plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of Connecticut. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this approval, are inconsistent with the public interest. Accordingly, this approval shall become effective immediately.

Dated: August 15, 1979.

William R. Adams, Jr.,
Regional Administrator, Region I.

[FR Doc. 79-27187 Filed 8-29-79; 8:45 am]

BILLING CODE 6560-01-M

Council on Environmental Quality

[OTS-00005; FRL 1309-3]

Interagency Toxic Substances Data Committee; Change of Meeting Date

AGENCY: Environmental Protection Agency (EPA), Council on Environmental Quality (CEQ).

ACTION: Change of date of Open Meeting.

SUMMARY: The date of the September meeting of the Interagency Toxic Substances Data Committee has been changed to September 11, 1979. The meeting will be held in Room 2010, New Executive Office Building, 17th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20006 at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Ms. Nan Fremont, Acting Executive Secretary, Interagency Toxic Substances Data Committee, Office of Toxic Substances (TS-793), EPA, 401 M Street, SW., Washington, D.C. 20460. Telephone: 202/755-9336.

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of each month at 9:30 a.m. The meetings are held in the New Executive Office Building at the address given above, and are open to the public. The date has been changed only for the September meeting. The next meeting of the Interagency Toxic Substances Data Committee will take place on October 2, 1979.

Dated: August 7, 1979.

Roger M. Connor,
Acting Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 79-27186 Filed 8-29-79; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION

Coast Guard

[FRL 1305-3]

Memorandum of Understanding Between the Environmental Protection Agency and the U.S. Coast Guard Concerning the Assessment of Civil Penalties for Discharges of Oil and Designated Hazardous Substances

Note.—This document originally appeared in the *Federal Register* as part of Part III in the issue of Wednesday, August 29, 1979. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

The United States Environmental Protection Agency (EPA) and the United States Coast Guard (USCG) have determined that it is necessary to establish procedures pursuant to which decisions may be made:

(1) Whether a discharge of a designated hazardous substance is excluded from the application of the civil penalty procedures prescribed by

section 311(b)(6) of the Clean Water Act (CWA); and

(2) Whether action will be taken under paragraph (A) or under paragraph (B) of section 311(b)(6) CWA to impose a penalty for the discharge of a designated hazardous substance not so excluded.

The EPA and the USCG agree that decisions as to whether a discharge of a designated hazardous substance is excluded from the application of section 311(b)(6) CWA will be made initially by the EPA in cases evidencing particular potential violation gravity, *i.e.*, meeting criteria set out in section III of this memorandum. In all other cases the decision will be made initially by the agency providing the On Scene Coordinator to the discharge incident. When a decision is made that a discharge is excluded, penalty action under section 311(b)(6) CWA will be withheld.

The EPA and the USCG agree that decisions as to whether action will be initiated to impose civil penalties under paragraph (B) of section 311(b)(6) CWA, will be made by the EPA. Cases involving USCG responses, which evidence particular potential violation gravity, *i.e.*, meeting criteria set out in section III of this memorandum, will be transmitted to the EPA for its consideration. In all cases where EPA determines that it is appropriate to initiate civil penalty action under paragraph (B) of section 311(b)(6) CWA, the USCG will withhold the initiation of civil penalty action under paragraph (A) of section 311(b)(6) CWA.

This memorandum establishes policies, procedures, and guidelines concerning the responsibilities of the EPA and the USCG in carrying out the foregoing agreement.

The respective responsibilities of each agency specified in this memorandum may be delegated to their respective subordinates consistent with established procedures.

The EPA and the USCG will review the implementation of this memorandum at least one year from the effective date of 40 CFR Part 117 or sooner if agreed to by both agencies, and will make any changes to the policy, procedures, and guidelines set forth herein which are agreed to by both agencies.

Section 1: General

The amendment of November 2, 1978 to section 311 CWA (Public Law 95-576) excluded certain discharges of hazardous substances from the application of section 311(b)(6) CWA. The discharges so excluded are: (a) discharges in compliance with a section 402 CWA permit, (b) discharges resulting from circumstances identified

and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 CWA, and subject to a condition in such permit, and (c) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 CWA, which are caused by events occurring within the scope of relevant operating or treatment systems.

In addition, this amendment created two methods for penalizing discharges or hazardous substances. The first, which already existed as section 311(b)(6) CWA prior to the amendment, authorizes the USCG to assess a civil penalty not to exceed \$5,000 for the discharge of oil or a designated hazardous substance (section 311(b)(6)(A)). The second method, created by the new amendment, provides that the EPA, through the Department of Justice, may initiate a civil action in Federal district court for penalties not to exceed \$50,000 per spill of hazardous substance, unless such discharge is the result of willful negligence or willful misconduct, in which case the penalty shall not exceed \$250,000 (section 311(b)(6)(B)).

The legislative history accompanying the amendment makes clear that Congress intended to create a dual option system for penalizing discharges of hazardous substances under section 311(b)(6) CWA. A discharger of a designated hazardous substance can be penalized under paragraph (A) or paragraph (B), but not both. The EPA and the USCG agree that paragraph (B) does not apply to oil discharges. The USCG will continue to assess oil discharge penalties administratively under paragraph (A).

Section II: Coordination

When a spill of a designated hazardous substance occurs, the On Scene Coordinator (OSC) will prepare a factual report of the incident. At the minimum, the report will address those criteria set forth in section III, of this memorandum.

The OSC will submit this report within 60 days of the spill incident. The OSC will submit the report to the District Commander when he is a USCG OSC, and to the Regional Administrator, when he is an EPA OSC.

When the District Commander reviews the USCG OSC's report and determines that one or more of the criteria set forth in section III, below is applicable to that case, the entire record of that case will be referred to the EPA Regional Administrator for review. In addition the District Commander will refer the entire record of:

(a) Any other case involving a designated hazardous substance from a point source subject to a section 402 permit or permit application, which, prior to or after the commencement of penalty action, the USCG determines is excluded from the application of section 311(b)(6) CWA; and

(b) Any other case which, the District Commander considers appropriate for possible application of section 311(b)(6)(B) CWA.

When the Regional Administrator receives a case, either from an EPA OSC or upon referral from the District Commander, he will determine:

(a) Whether the case is excluded from the application of section 311(b)(6) CWA, and, if not,

(b) Whether a civil penalty action under section 311(b)(6)(B) CWA will be initiated.

The Regional Administrator will make these determinations within 90 days of his receipt of referral documents and will notify the District Commander promptly of the determinations in cases which have been referred. If the Regional Administrator determines that an action under section 311(b)(6)(B) CWA will be initiated, the case will be prepared in the EPA Regional Office and forwarded to the Department of Justice (DOJ) in accordance with established EPA case referral procedures.

If the Regional Administrator determines that the discharge is not excluded from the application of section 311(b)(6) CWA and that paragraph (B) action is inappropriate, or if EPA Headquarters declines to refer a Regional case, EPA will return the case to the USCG for appropriate action under paragraph (A).

Upon request, each Agency will make available to the other any or all cases, files, and records, including OSC reports and official determinations, regarding decisions concerning exclusions or the imposition of section 311(b)(6)(A) or (B) penalties. Where there is disagreement as to the disposition of a particular case, the District Commander and the Regional Administrator will consult to resolve the matter. If necessary, the matter will be submitted to the respective Agency Headquarters for final resolution.

Section III: Criteria

The USCG and the EPA agree that if one or more of the following criteria exists, the District Commander will refer the case to the Regional Administrator in accordance with section II of this memorandum:

a. Any indication of misconduct or lack of reasonable care on the part of the owner, operator, or person in charge

with respect to the discharge or with respect to the failure on the part of the owner, operator, or person in charge to adhere to the guidance of the OSC regarding clean-up or any policies, procedures, guidelines, or regulations applicable to clean-up;

b. Any discharge incident other than a threat for which payments are made or to be made from the section 311(k) fund pursuant to 33 CFR 153.407, except where no discharger has been identified;

c. Any indication of prior violations by the discharger of any provision of the CWA, or violations of provisions of the CWA other than section 311(b)(6) CWA occurring at the time of the discharge, such as violations of a section 402 permit;

d. Any discharge incident (other than a threat) as defined in 40 CFR 1510.5 (1) which requires activation (by full or limited assembly, or by telephone) of the Regional Response Team as required by 40 CFR 1510.34(d), as amended; and

e. Any discharge involving human injury or evacuation, damage to plant or animal life, or contamination of water supply or underground aquifers.

Other referrals to the EPA may be made on a discretionary basis.

Dated: August 15, 1979.

Marvin B. Durning,

Assistant Administrator for Enforcement,
United States Environmental Protection
Agency.

Dated: August 17, 1979.

R. H. Scarborough,

Acting Commandant, United States Coast
Guard.

[FR Doc. 79-26759 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; Meetings Cancellation

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Meeting Cancellation

A schedule of September meetings of the Radio Technical Commission for Marine Services was published recently. Since that time, the scheduled September 13 through September 14 meeting of Special Committee No. 70, Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment has been cancelled. Details on the rescheduled meeting will be

published in a future Federal Register Notice.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-27159 Filed 8-29-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Armadores, Regina Magna S.A. Trading as Chandris Cruises; Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons No. C-1,131; Order of Revocation

Whereas, Armadores Regina Magna S.A. trading as Chandris Cruises, c/o Chandris (London) Services Ltd., 5 St. Helen's Place, Bishopsgate, London EC3A 6BJ, England, has ceased to operate the passenger vessel Regina Magna to and from United States ports,

It is ordered, that Certificate (Casualty) No. C-1,131 issued to Armadores Regina Magna S.A. trading as Chandris Cruises covering the Regina Magna be and is hereby revoked effective August 23, 1979.

It is further ordered, that a copy of this Order be published in the Federal Register and served on certificant.

By the Commission August 23, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-27053 Filed 8-29-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Central Bancompany, Inc.; Acquisition of Bank

Central Bancompany, Inc., Jefferson City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of City Bank and Trust Company, Moberly, Missouri. The factors that are considered in acting on the application

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-27059 Filed 8-29-79; 8:45 am]

BILLING CODE 6210-01-M

First Greenville Bancshares, Inc.; Formation of Bank Holding Company

First Greenville Bancshares, Inc., Greenville, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Greenville National Bank, Greenville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 23, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-27057 Filed 8-29-79; 8:45 am]

BILLING CODE 6210-01-M

WiseTex Bancshares, Inc.; Formation of Bank Holding Company

WiseTex Bancshares, Inc., Rhame, Texas, has applied for the Board's approval under section 3(a)(1) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of The First National Bank in Rhome, Rhome, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 24, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-27058 Filed 8-29-79; 8:45 am]

BILLING CODE 6210-01-m

FEDERAL TRADE COMMISSION

Lamson & Sessions Co.; Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: The Lamson & Sessions Co. is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain assets of Ite Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to requests for early termination submitted by both parties to the transaction. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 22, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the

Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and require that notice of this action be published in the Federal Register.

By direction of the Commission.

James A. Tobin,
Acting Secretary.

[FR Doc. 79-27062 Filed 8-29-79; 8:45 am]

BILLING CODE 6750-01-M

Springs Mills, Inc.; Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Springs Mills, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of Graber Industries, Inc. from Consolidated Foods Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Springs Mills, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 22, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and require that

notice of this section be published in the Federal Register.

By direction of the Commission.

James A. Tobin,
Acting Secretary.

[FR Doc. 79-27061 Filed 8-29-79; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 23, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before September 17, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Communications Commission

The FCC requests clearance of revisions to Form 342, Application for Renewals of Noncommercial Educational Broadcast Station License. Form 342 is used to apply for renewal of a license for a noncommercial educational TV, FM or Standard Broadcast station license. The form is required by sections 1.511 and 1.539 of the Commission's Rules and Regulations. Form 342 is being revised to include the applicant's telephone number (which will eliminate delay in processing applications) and minor editorial and format changes as well as revisions regarding EEO exemptions and ethnic categories directed by a Federal court and the Office of Management and Budget. The FCC estimates that respondent burden will average 14 hours

per response and that approximately 325 applications are received annually.

John M. Lovelady,

Assistant Director, Regulatory Reports Review.

[FR Doc. 79-27176 Filed 8-29-79; 8:45 am]

BILLING CODE 1610-01-M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer will meet on October 15 thru 17, 1979, at the Holiday Inn—Alexandria Old Town Motel, Alexandria, Virginia.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify Mr. J. D. Livsey, Head, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (Telephone: Area Code 703-557-2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chairman.

Dated: August 17, 1979.

John J. Boyle,

Public Printer.

[FR Doc. 79-27085 Filed 8-29-79; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

National Council on Health Care Technology; Announcement Soliciting Comments on Health Care Technology and Technology Assessment

Note.—This document originally appeared in the Federal Register of Wednesday, August 29, 1979.

Announcement is made that the National Council on Health Care Technology is soliciting the views and comments of professional health societies and organizations regarding the Department's focus in the field of health care technology and technology assessment. Organizations wishing to make formal presentations to the Council may do so at the October 10 afternoon meeting to be held in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201. Participants should plan to limit their presentations to ten minutes. However, written

statements may be filed with the staff before or after the meeting.

Interested parties should contact Mr. Dwight Blankenbaker, Acting Executive Secretary, Office of Health Research, Statistics, and Technology, National Center for Health Care Technology, 5600 Fishers Lane, Rockville, Maryland 20857, (202) 472-4248.

Dated: August 23, 1979.

Marilyn McCarroll,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-26975 Filed 8-29-79; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona Strip District Advisory Board; Meeting

Notice is hereby given that the Arizona Strip District Grazing Advisory Board will meet at 8:00 a.m. on October 2, 1979 at the Arizona Strip District office, 196 E. Tabernacle, Room 25, St. George, Utah for a field tour on the Arizona Strip District.

The purpose of the tour is to review and discuss range sites that will present special problems for allotment management planning after the Shivwits E. S. is completed.

The field tour will be open to the public. Any interested persons wishing to participate in the tour should contact the official listed below at least five (5) days prior to the tour.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, 196 E. Tabernacle, St. George, Utah 84770 (801-673-3545).

Marvin, H. Woodbury,

Acting District Manager.

August 21, 1979.

[FR Doc. 79-27088 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

[M 44368]

Montana; Right-of-Way Application for Pipeline

August 24, 1979.

Notice is hereby given that, pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Matador Pipelines, Inc. has applied for an 8½-inch buried gas pipeline right-of-way across the following described public lands:

Fifth Principal Meridian, North Dakota

T. 144 N., R. 103 W.,

Sec. 18, Lot 1 and NE¼.

This pipeline will convey natural gas across 0.70 of a mile of public lands in Golden Valley County, North Dakota.

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 do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1229, Pulver Hall, Dickinson, North Dakota 58601.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-27086 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37993 and 38001]

New Mexico; Applications

August 23, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano Inc. has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 34 E.,

Sec. 7, SW¼NE¼ and W¼SE¼;

Sec. 18, NW¼NE¼.

T. 20 S., R. 34 E.,

Sec. 9, W¼SE¼;

Sec. 21, E¼NE¼.

These pipelines will convey natural gas across 1.53 miles of public lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the 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 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-27087 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

[U-43659]

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 and 12¾-inch natural gas pipeline right-of-way across the following lands:

Salt Lake Meridian, Utah

T. 9 S., R. 23 E.,
Secs. 1 and 3.

T. 9 S., R. 24 E.,
Secs. 4, 5, 6, 9 and 10.

The needed right-of-way is a portion of applicant's gas gathering system located in Uintah 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 Vernal District Manager, Bureau of Land Management, P.O. Box F, Vernal, Utah 84078.

Dell T. Waddoups,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 79-27089 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84

[Wyoming 48330]

Wyoming; Request for Public Comment

August 23, 1979.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

The coal resource to be evaluated consists of the coal recoverable by surface mining methods from only Bed #80, as defined by U.S. Geological Survey, and any overlying coal beds in the following described land located approximately six miles north of Hanna, Wyoming:

T. 23 N., R. 81 W., 6th P.M. (Carbon County)
Section 20: E½NE¼, E½E½ NW¼NE¼
and NE¼SE¼.
Containing 130.00 acres.

The estimated total strippable reserves are 1.6 million tons. The coal quality is as follows: Btu—11,400/lb; Sulfur—0.8 and Ash—6.7 percent. The #80 coal bed averages 28 feet thick over all the described lands.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method of methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commentator, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, WSO, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001, and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than September 29, 1979.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 79-27090 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

Motorized Vehicles on Public Lands; Closure To Use

Notice is hereby given that use of motorized vehicles on the following described lands, in Franklin County, Washington, is prohibited in accordance with provisions of 43 CFR Part 8340. These lands are located approximately

fifteen air miles northeast of Pasco, Washington in the area known as Juniper Forest. The area contains approximately 4,600 acres.

Willamette Meridian

T. 11 N., R. 31 E., Section 36—portion of
T. 10 N., R. 32 E., Sections 5 and 6
T. 11 N., R. 32 E., Sections 29 and 32; Sections
20, 21, 28, 30, 31, and 33—portions of all.

This closure does not apply to emergency, law enforcement, and federal or other government vehicles, while being used for official or emergency purposes, or vehicles authorized by permit or contract.

This area is presently closed under provisions of 43 CFR 6010.4. The existing closure will expire upon publication of this notice. The area has been closed to protect its unique natural qualities, which include the largest concentration of Western Juniper (*Juniperus occidentalis*), and the largest area of active sand dunes in the state of Washington.

This area has been fenced and signed. Violation of the closure could result in a fine of not more than \$1,000.00, or imprisonment for more than 12 months, or both. A map of the closed area is available for inspection in the Spokane District Office, Bureau of Land Management, W. 920 Riverside, Spokane, Washington 99201.

Roger Burwell,
District Manager.

[FR Doc. 79-27022 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

New Orleans' Outer Continental Shelf Office; Availability of Outer Continental Shelf Official Protraction Diagram for Gulf of Mexico Area

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram, approved on the date indicated, is on file and available, for information only, in the New Orleans Outer Continental Shelf Office, Bureau of Land Management, New Orleans, Louisiana. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

Outer Continental Shelf Official Protraction Diagram**Description and approval date**

NG 16-9, Howell Hook—April 18, 1979.

2. Copies of this protraction diagram may be purchased for \$2.00 each from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Checks or money orders should be made payable to the Bureau of Land Management.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

August 23, 1979.

[FR Doc. 79-27021 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

Realty Action—Sale; Public Lands in Kern County, Calif.

August 21, 1979.

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), at not less than the appraised fair market value shown:

Legal description, Acreage, and Value

T. 25 S., R. 33 E., M.D.M., Sec. 21,
N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
4—2.50—\$12,500.

The above described land is being offered as a direct sale to Helmuth O. and Eleanor Essig. The sale will not be held until 60 days after the date of this notice. The Essig home is actually located on public land and not on the land described in their deed. Because of the unauthorized structure on the subject parcel, the land is difficult and uneconomic to manage as part of the public lands, and the presence of the structure makes it unsuitable for management by another Federal agency. The public interest would be served by offering this land for sale.

The land will be sold subject to:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

2. A reservation to the United States of all minerals in the land, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe.

3. A reservation to the United States of all the geothermal steam and associated geothermal resources in the land, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits upon compliance with the conditions and subject to the provisions and limitations of the Act of December 24, 1970 (84 Stat. 1566).

Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the Bakersfield District Office, 311 Federal Building, 800 Truxtun Avenue, Bakersfield, California 93301.

For a period of 30 days from the date of last publication of this notice, interested parties may submit comments to the Secretary of the Interior, LLM (320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-27020 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. F-35618]

William F. Spear; Application for Airport Lease

August 21, 1979.

Notice is hereby given that pursuant to the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214) William F. Spear, has applied for an airport lease for the following land:

A parcel contained in Sec. 23, T. 6 S., R. 19 W., Fairbanks Meridian, Alaska, further described to wit:

Commencing at Corner No. 1, (a large birch tree) located on the northwest shore of Wien Lake at approximately latitude 64°22'45" North and longitude 151°16'30" West; thence two thousand feet north to Corner No. 2 (marked by a 4 x 4 post four feet high); thence six hundred sixty feet west to Corner No. 3, (marked by a 4 x 4 post four feet high); thence south to the shoreline of Wien Lake and then along shoreline to Corner No. 1, the point of beginning of this parcel; and containing approximately thirty acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should do so to the District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707.

Donald E. Runberg,

Acting District Manager.

[FR Doc. 79-27019 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Fish and Wildlife Service will prepare an Environmental Impact Statement for a proposal to preserve and protect fish and wildlife resources of the Outer Banks of Virginia and North Carolina. The proposal could result in Federal acquisition of significant areas of the Outer Banks by the Fish and Wildlife Service. Authorities for acquisition are derived from the Fish and Wildlife Act of 1956, the Land and Water Conservation Fund Act of 1965, as amended, and the Migratory Bird Conservation Act of 1929, as amended. This notice solicits public comment regarding the Service's preparation of the environmental impact statement.

DATES: Comments must be received on or before October 1, 1979.

ADDRESS: Send written comments to Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, Suite 700, Newton Corner, Massachusetts 02158.

FOR FURTHER INFORMATION CONTACT: Mr. David Janes, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, Telephone No. (617) 965-5100 Ext. 300.

SUPPLEMENTARY INFORMATION: The Service proposal could provide for acquisition and management of certain areas of the Outer Banks as a unit of the National Wildlife Refuge System. Specific management objectives would be dependent on the selected course of action and would be addressed in a separate planning document.

Concerns for establishing some protective mechanism on the Outer Banks have been expressed for a number of years by conservation and resource management groups. The multiple and complex environmental issues triggered action by the Fish and Wildlife Service in late 1978 to identify, display and propose solutions to the problem.

Meetings were held with conservation organizations and the States of Virginia and North Carolina in early 1979. As a result of those sessions, a preliminary assessment was developed as a working document to highlight the issues. The assessment displayed possible protective mechanisms on the Outer Banks in terms of degree of Federal involvement. Wide circulation of the assessment was provided, including the news media.

On May 8 and 9, 1979, public meetings were held in Virginia Beach, Virginia and Currituck, North Carolina to seek public input to preparation of the Draft Environmental Impact Statement (DEIS). Much opposition to the proposals in the preliminary assessment was expressed, primarily from people with development interests on the Outer Banks. Elected representatives in both states, have expressed initial reservation over Service activity in the area.

Comment and resource information continue to be provided from local, state and Federal agencies and from the private sector. The information is being incorporated into the DEIS which will display a number of alternative actions which could be accomplished by the Fish and Wildlife Service. These alternatives will include (1) a no action alternative; (2) a proposed action which will also be a preferred alternative; (3) primary alternatives which are reasonable solutions to the problem; (4) secondary alternatives which will include non-jurisdictional actions and actions which were considered but determined not to be reasonable solutions to the problems.

The DEIS will be prepared after comments have been received from the notice. Public hearings on the DEIS will be held in Virginia and North Carolina before preparation of the Final Environmental Impact Statement. The availability of the DEIS and dates and addresses of the public hearings will be announced in the *Federal Register*.

The primary author of this notice is David Janes, U.S. Fish and Wildlife Service, Regional Office, Newton Corner, Massachusetts.

Dated: August 24, 1979.

Robert S. Cook,

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

[FR Doc. 79-27007 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M

Office of the Secretary

[INT FES 79-36]

Crude Oil Transportation Systems

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Final Environmental Statement.

SUMMARY: 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 that addresses four specific proposals which have been filed for consideration under the provisions of Title V of the Public Utilities Regulatory Policies Act of 1978,

to construct and operate a crude oil transportation system. The proposals are from Northern Tier Pipeline Company, Northwest Energy Company, Kitimat Pipe Line Ltd., and Trans Mountain Oil Pipe Line Corporation.

DATES: Written comments from public agencies and interested citizens on the final environmental statement will be accepted until September 30, 1979. Comments should be sent to: Oregon State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Comments will be available for public review at 729 N.E. Oregon Street, Portland, Oregon, during regular business hours (7:45 a.m. to 4:15 p.m.) on regular work days.

FOR FURTHER INFORMATION CONTACT: Richard Miller, Bureau of Land Management, Washington, D.C. 20240, 202-343-5441.

SUPPLEMENTARY INFORMATION: 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 that addresses four specific proposals which have been filed for consideration under the provisions of Title V of the Public Utilities Regulatory Policies Act of 1978, to construct and operate a crude oil transportation system. The proposals are from Northern Tier Pipeline Company, Northwest Energy Company, Kitimat Pipe Line Ltd., and Trans Mountain Oil Pipe Line Corporation.

Written comments from public agencies and interested citizens on the final environmental statement will be accepted until September 30, 1979. Comments should be sent to the Oregon State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

All four proposals involve the construction and operation of a crude oil transportation system for delivery of Alaskan North Slope and foreign crude oil from ports on the west coast to the northern tier and inland States.

The Northern Tier Pipeline Company proposes port and onshore storage facilities at Port Angeles, Washington, and a 1,491-mile pipeline system extending to Clearbrook, Minnesota.

Northwest Energy Company proposes port and onshore storage facilities at Skagway, Alaska and a 710-mile pipeline system extending to Keg River, Alberta, Canada. From Keg River, crude oil would be delivered through existing systems to the northern tier States.

Kitimat Pipe Line Ltd., proposes port and onshore storage facilities at Kitimat, British Columbia, and a 753-mile pipeline extending to Edmonton,

Alberta, Canada. From Edmonton, crude oil would be delivered through existing systems to the northern tier States.

Trans Mountain Oil Pipe Line Corporation proposes port and onshore storage facilities at Low Point near Port Angeles, Washington, and an 823-mile pipeline system extending to Edmonton, Alberta, Canada. From Edmonton, crude oil would be delivered through existing systems to northern tier States.

Copies of the final environmental statement are available for inspection at the following Bureau of Land Management Office locations:

Washington Office of Public Affairs, 18th and C Streets, NW., Washington, D.C. 20240.
Alaska State Office, 701 C Street, Box 13, Anchorage, AK 99513.
Oregon State Office, 729 N.E. Oregon Street, Portland, OR 97208.
Spokane District Office, West 920 Riverside, Spokane, WA 99201.
Idaho State Office, Room 398, Federal Building, 550 W. Fort Street, Box 042, Boise, ID 83724.
Coeur d'Alene, 1808 N. Third Street, Coeur d'Alene, ID 83814.
Montana State Office, 222 N. 32nd Street, P.O. Box 30157, Billings, MT 59107.
Butte District Office, 220 N. Alaska, P.O. Box 308, Butte, MT 59107.
Lewistown District Office, Bank Electric Building, Drawer 1160, Lewistown, MT 59457.
Miles City District Office, West of Miles City, P.O. Box 940, Miles City, MT 59301.
Dickinson District Office, Pulver Hall, P.O. Box 1229, Dickinson, ND 58601.

Copies are also available for review at many local, State, and university libraries in those States that would be crossed by the pipeline as well as many Federal depository libraries throughout the country. To locate such places, call toll free (800) 547-5532. Requests for a copy should be directed to the Oregon State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 24, 1979.

Larry E. Meierotto,

Assistant Secretary.

[FR Doc. 79-27005 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

[INT FES 79-37]

Closed Basin Division—San Luis Valley Project, Colo. Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Statement Act of 1969, the Department of the Interior has prepared a final environmental statement for the Closed Basin

Division—San Luis Valley Project, Colorado.

The environmental statement concerns a multiple-purpose water resource project designed to deliver water to the Rio Grande and to provide for waterfowl management and stabilization of San Luis Lake water levels. Pumping of the shallow ground water will be through a system of well fields developed in four stages over a period of about 10 years.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Management Support, Library Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3019.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377 East 3rd Avenue, Amarillo, Texas 79101, Telephone (806) 376-2145.

Albuquerque Planning Office, Bureau of Reclamation, Post Office Box 252, 505 Marquette Avenue, N.W., Albuquerque, New Mexico 87103, Telephone (505) 766-2272.

Ben F. Morrison, Civil Engineer, Bureau of Reclamation, P.O. Box 449, 422 4th Street, Alamosa, Colorado 81101, Telephone (303) 589-5242.

Carnegie Public Library, 1209 Jefferson, Monte Vista, Colorado 81144. Adams State College Library, Alamosa, Colorado 81101. Library Center Branch, 400 South Worth, Center, Colorado 81125. Public Library, 416 Gasper, San Luis, Colorado 81152. Ruth Tabor Memorial Library, South Fork, Colorado 81154. Southern Peaks Library, 424 Fourth, Alamosa, Colorado 81101. Del Norte Public Library, Del Norte, Colorado 81132. Saguache County Public Library, Saguache, Colorado 81149.

Denver Public Library, Saguache, Colorado 81149.

Single copies of the final statement may be obtained on request to the Office of Environmental Affairs, Regional Director, Albuquerque Planning Office, or Ben Morrison, Alamosa, Colorado. Please refer to the statement number above.

Larry E. Meierotto.

Assistant Secretary of the Interior.

Dated: August 27, 1979.

[FR Doc. 79-27094 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-09-M

Project. The Grand Mesa Project study area is located in west-central Colorado near the town of Cedaredge in the Gunnison River Basin, a part of the Upper Colorado River Basin.

The Grand Mesa Project is a potential multiple-purpose water resource development. The project would develop water from streams draining into the Gunnison River and its North Fork from the south-sloping Grand Mesa. The recommended plan developed by the multi-objective planning team involves the enlargement of the existing Fruitgrowers Reservoir near Cedaredge, Colorado. The plan provides for development of water for municipal uses, irrigation of 22,250 acres of land, development of a waterfowl area, and stabilization of selected reservoirs in the Grand Mesa National Forest. Alternatives that will also be discussed at the meeting include a non-development alternative, and alternatives involving storage at the Electric Mountain and Cactus Park Reservoir sites which would develop water for irrigation, municipal uses, and fish and wildlife uses. Other alternatives to the recommended plan would include construction of storage facilities on the Gunnison River or Dirty George Creek in lieu of enlargement of Fruitgrowers Reservoir, and plan developing water for municipal uses by enlarging two reservoirs within the Grand Mesa National Forest.

A scoping session will be conducted to solicit information from all interested individuals and organizations to assist planners in determining the scope of issues to be addressed in environmental analyses and to identify the significant issues related to the Grand Mesa Project. The scoping session will be held at 8 p.m. on September 11, 1979, in the American Legion Hall, Cedar Mesa Street, Cedaredge, Colorado.

Inquiries should be addressed to Mr. J. F. Rinckel, Projects Manager; Bureau of Reclamation, 764 Horizon Drive, Grand Junction, Colorado 81501, telephone 303-243-4992.

Dated: August 22, 1979.

Clifford I. Barreft,

Assistant Commissioner.

[FR Doc. 79-27095 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-09-M

given that on October 1, 1979, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to extend the concession contract with Little Mountain Service Center, Inc., authorizing it to continue to provide an automobile service station with facilities for minor repairs and merchandise for the sale of limited camping supplies for the public within the Natches Trace Parkway for a period of two (2) years from January 1, 1980 through December 31, 1981.

It has been determined that the proposed extension of this contract does not have potential for causing significant environmental impact and therefore preparation of an environmental assessment is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1979, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Little Mountain Service Center, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if, thereafter, the offer of Little Mountain Service Center, Inc., is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before October 1, 1979.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, Richard B. Russell Federal Building, Atlanta, Ga. 30303, for information as to the requirements of the proposed contract.

Dated: July 26, 1979.

Neal G. Guse,

Acting Regional Director, Southeast Region National Park Service.

[FR Doc. 79-27061 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-70-M

Grand Mesa Project, Colo.; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement on the Grand Mesa

National Park Service

Little Mountain Service Center, Inc.; Intention To Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby

DEPARTMENT OF JUSTICE

Council on the Role of Courts; Meeting

Notice is hereby given that the Council on the Role of Courts will meet in Washington, D.C., on September 14 and 15, 1979. The meeting, which is scheduled to begin at 9:00 a.m. on both

days, will be held at the Federal Judicial Center, 1520 H Street, N.W.

The meeting will deal with the work and role of courts of limited jurisdiction, trends in the volume and mix of tort cases in federal and state courts, and reform efforts aimed at increasing access to courts for resolving disputes. The meeting will be open to the public, and minutes of the proceedings will be made available upon request.

Additional information may be obtained from Mr. C. Ronald Ellington, Office for Improvements in the Administration of Justice, United States Department of Justice, Washington, D.C. 20530. Telephone (202) 633-3593.

Harry A. Scarr, Ph.D.,

Administrator, Federal Justice Research Program.

[FR Doc. 79-27046 Filed 8-29-79; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Event; Damage to New Fuel Assemblies

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the *Federal Register* on February 24, 1977 (42 FR 10950). Appendix A (Example I.C.2) of the Policy Statement notes that a substantiated case of actual or attempted * * * sabotage of a facility can be considered an abnormal occurrence. The following description of the event also contains the remedial actions taken.

Date and Place—On May 7, 1979, the NRC Resident Inspector at the Surry Power Station was notified by the licensee (Virginia Electric and Power Company—VEPCO) that while conducting inspections of new fuel for Unit 2 it was found that 62 of 64 assemblies were coated with a white crystalline substance. Surry Units 1 and 2 are pressurized water nuclear power plants located in Surry County, Virginia.

Nature and Probable Consequences—On May 7, 1979, while conducting routine inspections of new fuel, the licensee discovered that a foreign substance had been poured onto 62 of the 64 new fuel assemblies stored in the Fuel Building, a vital area which contains both new and spent fuel. An

analysis of the substance determined it to be sodium hydroxide. As a result of this analysis and the uncertainty of the extent of damage, the licensee is returning all the assemblies to the vendor for refurbishment. The licensee determined that there were no indications of damage to the spent fuel, nor was there evidence of unauthorized individuals gaining access to the vital area.

Fuel at the Surry site is stored in the Fuel Building, an area which is locked and alarmed, and to which access is controlled by the use of specially coded access cards. Authorized individuals, who are permitted access to the Fuel Building using the specially coded access cards, are afforded unimpeded access to both the new and spent fuel.

Since normally conducted inspections by the licensee detected the damage to the new fuel, there is little chance that these assemblies—damaged in this way—would have been used in the reactor. While the actual consequences of this incident had no effect on the public health and safety, the incident did represent a potential threat in that it occurred within a vital area where sabotage to both new fuel and spent fuel was possible.

Cause or Causes—The cause was an alleged criminal act. On May 7, 1979, the licensee notified the FBI of the damage to the new fuel. The FBI conducted an investigation which culminated in two plant workers surrendering to Surry County authorities on June 19, 1979. A grand jury hearing was held in Surry, Virginia on July 24, 1979; trial is scheduled for October 10-12, 1979. The two workers, under advice from their attorney, have refused to describe the details of the safety issues which reportedly motivated them to commit the acts.

Actions Taken to Prevent Recurrence—**Licensee**—As a result of the incident, and to assist the FBI in its investigation, the licensee considerably reduced the number of people permitted access to the Fuel Building and stationed a security guard inside the Fuel Building to verify access authorization. These were prompt temporary actions. The licensee has completed a thorough review of their access control program, and are now more selective in determining whether unescorted access should be provided. The licensee has made the Superintendent of Administrative Services responsible for coordinating corrective actions, and to ensure that weaknesses are corrected even if noted by someone not normally responsible for that particular professional discipline. These actions are consistent with the NRC IE Bulletin

described below. Similar measures were also instituted at VEPCO's North Anna Power Station.

NRC—An NRC IE Security Inspector was dispatched to the site on May 8, 1979. Additionally, the Region II Senior Investigator, the Region II Security Section Chief and a Health Physics Inspector were onsite to assist the NRC Resident Inspector and to provide onsite assistance to the FBI. NRC IE Security Inspectors have examined the corrective measures taken by the licensee.

NRC IE Information Notice No. 79-12, "Attempted Damage to New Fuel Assemblies" was issued on May 11, 1979, to alert all NRC licensees who store new fuel assemblies of this problem.

NRC IE Bulletin No. 79-16, "Vital Area Access Controls" was issued on July 26, 1979 to require specific actions by the licensees, including a report by September 9, 1979 of actions taken and planned.

Dated at Washington, D.C., this 22d day of August 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-27163 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

Abnormal Occurrence Event; Indication of Low Water Level in a Boiling Water Reactor

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the *Federal Register* on February 24, 1977 (42 FR 10950). Appendix A (Example I.A.1) of the Policy Statement notes that exceeding a safety limit of license Technical Specifications. (10 CFR 50.36(c)) can be considered an abnormal occurrence. The following description of the event also contains the remedial actions taken.

Date and Place—On May 2, 1979, the NRC was notified by the licensee (Jersey Central Power and Light Company) of an event at their Oyster Creek facility. The Oyster Creek Nuclear Plant utilizes a boiling water reactor and is located in Ocean County, New Jersey.

Nature and Probable Consequences

Summary

A loss of feedwater transient at the Oyster Creek facility on May 2, 1979, resulted in a significant reduction in water inventory above the reactor core area as measured by one set of water level instruments (triple-low level), while the remaining two sets of level instrumentation in the reactor annulus indicated water levels above any protective feature setpoint (Figure 1). The water level measured within the core shroud area fell below the triple-low level setpoint, a safety limit, of 5-feet, 6-inches above the top of the fuel. Subsequent analyses by the licensee have conservatively determined that the minimum water level over the top of the fuel was 1 to 1½ feet. Coolant sample analyses and offgas release rates support the conclusion that no fuel damage occurred.

Sequence of Events

Oyster Creek is a non-jet pump BWR¹ with a licensed power of 1930 MWt. Immediately prior to the transient, the reactor was operating at 98% power with the reactor vessel water level at 13-feet, 4-inches above the top of the fuel. The "D" reactor recirculation loop was out-of-service because of a recirculation pump seal cooler problem and the "S" startup transformer was out-of-service for inspection of the associated 4160 volt cabling.

The initiating event was a false high reactor pressure scram. The pressure spike that led to the scram signal was generated by the way an instrument technician was performing surveillance testing on isolation condenser pressure switches. The signal resulted in a simultaneous reactor scram and the tripping of all operating recirculation pumps. The tripping of all operating recirculation pumps is a safeguard to mitigate the consequences of anticipated-transients-without-scram events.

Thirteen seconds after the reactor scram, the turbine tripped at the low load setpoint. The turbine trip initiated a transfer of power from the auxiliary transformers to the startup transformers. Because one startup transformer "SB" was out of service, two feedpumps and two condensate pumps (pumps 1B and 1C) on the associated 4160v bus (2B) lost power. The third feedpump (1A) tripped due to low suction pressure during the

feedwater transient. An immediate attempt to restart the 1A feedwater pump, powered by the live 4160v bus (1A), was unsuccessful because of failure of an auxiliary oil pump to start. The lube oil pump is interlocked in the feedpump start sequence. This was the only equipment failure during the transient.

Subsequent to the reactor scram, reactor water inventory initially decreased due to steam flow through the turbine bypass valves to the main condenser. This loss together with the void collapse associated with decreased temperature of the core inlet coolant and the subsequent loss of feed flow, resulted in a rapid reactor water level reduction to the low water level alarm setpoint of 11-feet, 5-inches above the top of the fuel at 13.6 seconds. The operator manually initiated closure of all main steam line isolation valves (MSIV) at about 43 seconds into the transient to conserve water. The minimum indicated water level in the annulus was 9-feet, 8-inches above the top of the fuel (the low-low setpoint is 7-feet, 2-inches above the top of the fuel).

After closure of the MSIV, an isolation condenser was manually placed in service for core decay heat removal. The isolation condenser was condensing steam from the core and returning the condensate to the reactor annulus through a connection to a recirculation loop pump suction line (Figure 1). At approximately a minute and a quarter after the reactor scram, the discharge valves in "A" and "E" recirculation loops were closed in accordance with a Standing Order that was in effect. Closing the "A" and "E" loop discharge valves had been necessary to prevent inadvertent stopping of the isolation condenser due to forced flow from operating recirculation pumps being sensed as if it were an isolation-condenser line break. (This Standing Order was no longer appropriate since an ATWS modification had been made that tripped the recirculation pumps coincident with high-pressure or low-level scrams. The necessary procedure change had not been performed following the plant modification.) At the same time, the "B" and "C" loop discharge valves were apparently closed, in anticipation of restarting the recirculation pumps. The "D" loop discharge valve had been closed prior to the event because the associated pump was out of service.

The reactor triple low water level (5-feet, 6-inches above the top of the fuel) setpoint was reached at 172 seconds into the transient. The triple low level setpoint activates one of the permissives

on the automatic depressurization system and alarms in the control room to alert the operator.

The triple-low level in the core shroud area resulted from the restriction of the flow path between the annulus and the core region by closure of all recirculation pump discharge valves. With the recirculation pump discharge valves closed (discharge piping is over 2 feet in diameter), the only flow path back to the core region was via the 2-inch bypass lines around the discharge valves. The effect of this flow restriction was to reduce the water level in the core region and to increase the level in the reactor annulus area.

Reactor pressure was controlled by intermittent manual operation of the two isolation condensers. At about half an hour into the transient, a recirculation pump was started. The operator tripped the recirculation pump within 2 minutes when he noted a rapid decrease in the annulus level (the recirculation pumps take suction from the annulus). About 5 minutes later, a feedpump was started. At about 40 minutes into the event, a primary recirculation pump and a reactor feedpump were restarted for continued cooldown of the reactor. From about 40 minutes onward, the water level within the core region was normal. The plant attained cold shutdown condition within 9 hours.

Review of the occurrence by the licensee and NRC established that although the water level in the core shroud area went below the triple low level setpoint, the core remained covered and consequently no fuel damage would be expected.

Cause or Causes—A spurious reactor high pressure scram was initiated by a pressure spike on the reactor high pressure scram switches, caused by an instrument technician while performing surveillance testing. However, the fundamental causes of the resulting sequence of events were:

(1) The operators essentially isolated the reactor annulus and core region from each other by shutting all recirculation pump discharge valves.

(2) Notes or Cautions against closing all suction and discharge valves in the recirculation loops were not adequate.

Actions Taken To Prevent Recurrence

Licensee—The licensee performed a thorough evaluation of the event to determine whether any fuel damage had occurred and developed follow up actions. As a result of the evaluation and discussions with the NRC, the licensee took the following significant actions:

¹ The non-jet pump BWR is of an older design. The newer designs incorporate jet pumps within the reactor pressure vessel to improve the coolant recirculation system performance. The jet pump concept reduced the number of external coolant recirculation loops to two.

1. The triple-low level was established as a Safety Limit for all modes of reactor operation.²

2. A requirement was added to the Technical Specifications that the suction and discharge valves in at least two recirculation loops be open at all times. The procedures were changed to implement this requirement.

3. Operator training sessions were held, the event was thoroughly discussed and the revised procedures reviewed.

NRC—Following notification from the licensee of the event, an NRC inspector was dispatched to the site. Additional NRC personnel arrived at the site on May 3, 1979 to review the situation and determine the status of the plant. Fact finding by the NRC was supplemented by information obtained from the licensee, the reactor vendor (General Electric) and fuel supplier (Exxon). A safety evaluation report (SER) of the event was prepared which discusses the minimum water level experienced in the reactor vessel and the fuel conditions. The following three requirements were added to the Technical Specifications:

1. The triple-low level was made a Safety Limit for all mode-switch positions.

2. At least two recirculation loop discharge and suction valves must remain in the full open position.

3. The time duration of the low-low level signal was required to be not greater than that used in the safety analysis for the limiting loss-of-inventory transient.

The NRC staff also recommended that the licensee consider the surveillance program and level instrument improvements.

It was concluded that no evidence of fuel damage was apparent, and that the facility could be safely returned to operation.

Based on the satisfactory actions taken by the licensee, on May 30, 1979 the NRC authorized the licensee to resume operation.

The possible generic implications of the Oyster Creek event have been considered. Nine Mile Point Unit 1 (operated by Niagara Mohawk Power Corporation and located in Oswego County, New York) and LaCrosse (operated by Dairyland Power

Cooperative and located in Monroe

County, Wisconsin) are the only reactors presently operating which are susceptible to a similar event.

Immediate requirements similar to those which were required for Oyster Creek (Technical Specification changes 1 and 2) were implemented at these facilities prior to their start-up (they were both in a shutdown condition at the time of the Oyster Creek event). The third requirement will be implemented as soon as practicable.

Two other plants (Dresden Unit 1 and Big Rock Point), which are presently in extended shutdowns, would also be susceptible to a similar event. However, it is planned to impose appropriate requirements on these two plants prior to their startup.

In addition, on May 29, 1979 the NRC issued IE Information Notice No. 79-13, detailing this event, to all holders of operating licenses and construction permits.

Dated at Washington, D.C. this 22nd day of August 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

BILLING CODE 7590-01-M

² At the time of the event, the licensee's technical specifications defined the triple-low water level as a Safety Limit when the reactor mode switch was in the "SHUTDOWN" mode only. A limiting safety system setting was also associated with the double low water level when the mode switch was in the "RUN" position. Even though the mode switch had been placed in the "REFUEL" position by the operator shortly after initiation of the transient, the event was regarded by the licensee as if a Safety Limit had been violated.

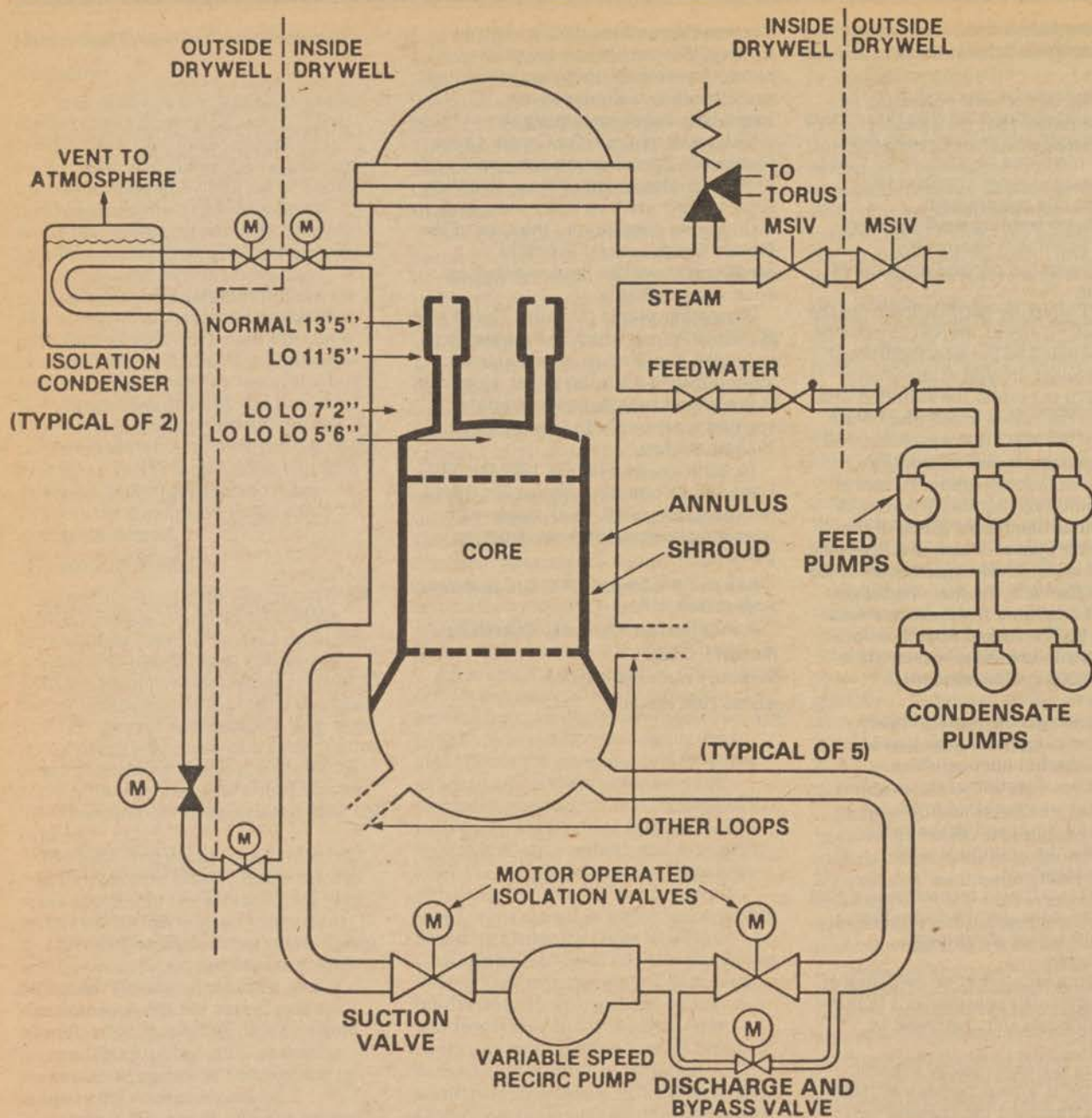


Figure 1. RECIRCULATION, STEAM AND ISOLATION CONDENSER SCHEMATIC

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.41, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the

following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Dated this day August 22, 1979, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director for Export/Import and International Safeguards, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, 07/31/79, 08/01/79, XSNM01552	3.15% Enriched Uranium	73,556.4	1,816.23	Initial core for Koeberg Unit 2	South Africa.
Transnuclear, 07/31/79, 08/01/79, XSNM01553	3.15% Enriched Uranium	73,556.4	1,816.23	Initial core for Koeberg Unit 1	South Africa.
Mitsubishi Internat'l, 07/31/79, 08/06/79, XSNM01556	2.25% Enriched Uranium	17,578	396	Reload for Mihama Unit 1	Japan.
U.K. Treasury & Supply, 07/31/79, 08/01/79, XU08455 (01)	Depleted Uranium	Increase Quantity from 750 KGS to 1,200 KGS.		For manufacture of penetrator munitions.	United Kingdom.

[FR Doc. 79-27175 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, RS 050-2, is proposed Revision 1 to Regulatory Guide 1.131 and is entitled "Qualification Tests of Electric Cables and Field Splices for Light-Water-Cooled Nuclear Power Plants." It describes a method for qualification testing of electric cables and field splices for service in light-water-cooled nuclear powerplants to ensure that the cables and field splices can perform their safety-related functions. The guide will endorse IEEE Std 383-1974, "IEEE Standard for Type Test of Class IE Electric Cables, Field Splices, and Connections for Nuclear Power Generating Stations."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not

received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by October 22, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 21st day of August 1979.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 79-27172 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, RS 705-4, is entitled "Lightning Protection for Nuclear Power Plants" and is intended for Division 1, "Power Reactors." It describes criteria for the design, application, and testing of lightning protection systems to ensure that electrical transients resulting from lightning phenomena do not render systems important to safety inoperable or cause spurious operation of such systems.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and

do not represent an official NRC Staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington D.C. 20555, Attention: Docketing and Service Branch, by October 17, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717, H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 20th day of August 1979.

For the Nuclear Regulatory Commission.
Guy A. Arlotto,
*Director Division of Engineering Standards,
Office of Standards Development.*

[FR Doc. 79-27173 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409 (SFP License Amendment)]

Dairyland Power Cooperative; Change of Location of Prehearing Conference

August 23, 1979.

In the matter of Dairyland Power Cooperative (La Crosse Boiling Water Reactor).

Notice is hereby given that the location of the prehearing conference scheduled for September 20 and 21, 1979, in this proceeding has been changed from Room 303 of the Cartwright Center to Room 219, Wing Communication Center, of the

University of Wisconsin at La Crosse, 1705 State Street, La Crosse, Wisconsin.

Dated at Bethesda, Maryland, this 23rd day of August, 1979.

For the Atomic Safety and Licensing Board.
Charles Bechhoefer,
Chairman.

[FR Doc. 79-27165 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, OH 717-4, is entitled "Radiation Protection Training for Light-Water-Cooled Nuclear Power Plant Personnel" and is intended for Division 8, "Occupational Health." It describes a radiation protection training program to help ensure that the radiation exposure of individuals who enter restricted areas at light-water-cooled nuclear power plants will be kept as low as is reasonably achievable.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by October 24, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently

being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 22nd day of August 1979.

For the Nuclear Regulatory Commission.
Karl R. Goller,
*Director, Division of Siting, Health and
Safeguards Standards, Office of Standards
Development.*

[FR Doc. 79-27174 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket 50-335]

Florida Power & Light Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-67, issued to Florida Power and Light Company which amended the license for operation of the St. Lucie Plant, Unit No. 1, located in St. Lucie County, Florida. This amendment will become effective twenty days after its date of issuance provided no hearing is requested.

The amendment adds license conditions relating to the completion of facility modifications and implementation of administrative controls for fire protection.

The licensee's filings 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 had 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 the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 the amendment.

For further details with respect to this action, see (1) the licensee's filings dated March 31, 1977, as revised July 18, December 14, and December 22, 1977, February 23, March 6, April 13, June 23, August 28 and September 29, 1978, January 26, April 3 and July 27, 1979, (2) Amendment No. 33 to License No. DPR-67 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 Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. 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 17th day of August 1979.

For The Nuclear Regulatory Commission.
Robert W. Reid,

*Chief, Operating Reactors Branch #4,
Division of Operating Reactors.*

[FR Doc. 79-27166 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

Philadelphia Electric Co. et al.; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 56 and 56 to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Technical Specifications relating to heavy metal sampling.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1976, (2) Amendment Nos. 56 and 56 to License Nos. DPR-44 and DPR-56, and (3) the Commission's letter dated ——. 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 Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. 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 22 day of August 1979.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,

*Chief, Operating Reactors Branch No. 3,
Division of Operating Reactors.*

[FR Doc. 79-27167 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-568A and 50-569A]

Massachusetts Municipal Wholesale Electric Co. et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated August 20, 1979, with respect to the construction permit application for New England Power Units No. 1 and No. 2:

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase by Massachusetts Municipal Wholesale Electric Company (MMWEC) and

Maine Public Service Company of ownership interests in the above captioned nuclear units. In addition, you have informed us that Bangor Hydro-Electric Company (Bangor-Hydro) will increase its existing ownership share by 3.13%.

"Maine Public Service's proposed interest would be less than 20 MW per unit, and Bangor-Hydro was reviewed in my letter of April 11, 1977 in connection with its current ownership interest in these units. MMWEC, which will be purchasing a 6.008% ownership share, while not previously reviewed in connection with these units, was recently reviewed in my letter of December 19, 1978, pertaining to Seabrook Nuclear Power Station, Units 1 and 2, NRC Docket Nos. 50-443A and 50-444A.

"Our review of the information submitted in connection with the present application, as well as other relevant information, has disclosed no evidence that the proposed participation by Maine Public Service, Bangor-Hydro and MMWEC in the New England Power Units would either create or maintain a situation inconsistent with the antitrust laws under Section 105(c). We do not, therefore, believe it is necessary for the Commission to hold an antitrust hearing in this matter."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 1, 1979, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch.

For the Nuclear Regulatory Commission.
Jerome Saltzman,
*Chief, Antitrust and Indemnity Group, Office
of Nuclear Reactor Regulation.*

[FR Doc. 79-27160 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[NUREG 75/087]

Proposed Revision to the Standard Review Plan; Issuance and Availability

As part of the continual maintenance of the standard Review Plan (SRP), the Nuclear Regulatory Commission has issued a proposed Revision 1 to SRP Section 9.3.1, "Compressed Air System." A value/impact statement has been prepared in support of the proposed changes.

Public comments on this revision to the SRP and the supporting value/impact statement are solicited. Comments should be sent to the Secretary of the Commission, U.S.

Nuclear Regulatory Commission,
Washington, D.C. 20555, Attention:
Docketing and Service Branch.

This proposed revision, the supporting value/impact statement, and all comments that have been received by October 24, 1979 will be considered by the Regulatory Requirements Review Committee (RRRC). A summary of the RRRC meeting at which these changes are considered, the committee recommendations, and all of the associated documents and comments considered by the committee will be made publicly available prior to a decision by the Director of the Office of Nuclear Reactor Regulation on whether to implement these changes.

Copies of this proposed revision to the SRP and the supporting value/impact statement are available for public inspection at the NRC Public Document Room at 1717 H Street NW., Washington, D.C. Requests for single copies of this material or for placement on an automatic distribution list for single copies of future proposed revisions to the SRP 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.

Dated at Rockville, Maryland this 24th day of August 1979.

For the U.S. Nuclear Regulatory Commission,

Guy A. Arlotto,

Director, Division of Engineering Standards,
Office of Standards Development.

[FR Doc. 79-27169 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric & Gas Co.; (Salem Nuclear Generating Station, Unit No. 2); Request for Action

Notice is hereby given that by petition dated August 3, 1979, Alfred and Eleanor Coleman of Pennsville, New Jersey, requested that the issuance of the operating license for Salem Unit 2 be stayed until questions concerning need for the plant, operating costs of the plant and the necessity for design changes are resolved. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W.,

Washington, D.C. 20555 and in the local public document room at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08240.

Dated at Bethesda, Md., this 21st day of August 1979.

For the Nuclear Regulatory Commission,
Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-27161 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

Research Report; Issuance and Availability

The Nuclear Regulatory Commission has released a research report on a study of possible relationships between cancer and exposure to mill tailings in Mesa County, Colorado. The report was prepared by the Colorado Department of Health under a contract to NRC.

The report, NUREG/CR-0635, "Excess Cancer Incidence in Mesa County, Colorado", describes an epidemiological investigation conducted by the Colorado Department of Health to determine (1) if there is a significant excess of leukemia and/or lung cancer in Mesa County, Colorado, and (2) if there is an association between leukemia and radiation exposure from uranium mill tailings used for construction purposes.

The results of the investigation indicated that there is a two-fold excess of leukemia incidence for all ages in Mesa County. The greatest excess was observed among residents over 65 years of age who developed leukemia at two and one half times the expected rate. No excess incidence of lung cancer was identified. No association between radiation exposure from tailings structures and leukemia excess was observed.

NUREG/CR-0635 is available for public inspection at the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Services, Springfield, VA 22161, on or about July 31, 1979.

Dated at Rockville, MD, this 24th day of August, 1979.

For the Nuclear Regulatory Commission,

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 79-27171 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280]

Virginia Electric & Power Co. (Surry Power Station, Unit No. 1)

Order

I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License No. DPR-32 which authorizes operation of the Surry Power Station, Unit No. 1 at power levels up to 2441 megawatts thermal (rated power). The facility, which is located at the licensee's site in Surry County, Virginia, is a pressurized water reactor used for the commercial generation of electricity.

II

Because certain safety related piping systems at the facility had been designed and analyzed with a computer code which summed earthquake loads algebraically, the potential existed for compromising the basic defense-in-depth provided by redundant safety systems in the event of an earthquake. This potential compromising resulted from the possibility that an earthquake of the type for which the plant must be designed could cause a pipe rupture as well as degrade the emergency cooling system designed to mitigate such an accident. Therefore, by Order of the Director of Nuclear Reactor Regulation (the Director) for the Nuclear Regulatory Commission (NRC), dated March 13, 1979 (44 FR 16511, March 19, 1979), the licensee was ordered to show cause:

(1) Why the licensee should not reanalyze the facility piping systems for seismic loads on all potentially affected safety systems using an appropriate piping analysis computer code which does not combine loads algebraically;

(2) Why the licensee should not make any modifications to the facility piping systems indicated by such reanalysis to be necessary; and

(3) Why facility operation should not be suspended pending such reanalysis and completion of any required modifications.

In view of the importance to safety of this matter, the Order was made immediately effective and the facility was required to be placed in the cold shutdown condition and remain in that mode until further Order of the Commission.

III

The facility is currently in the cold shutdown condition. Pursuant to the March 13, 1979 Order, the licensee filed

a written answer to the Order by letter dated April 2, 1979. In this response the licensee stated that it is reanalyzing all potentially affected safety systems for seismic loads using an appropriate method which does not sum loads algebraically.

By letter dated August 1, 1979, the licensee requested the startup of Surry Power Station, Unit 1. This request is based on the completion of all pipe stress analyses for the Design Basis Earthquake (DBE), the completion of all analyses for those pipe supports inside containment for the DBE, the completion of all modifications to the supports inside containment, and a commitment to complete the analyses of pipe supports outside containment within 60 days from the date of plant startup. Technical Support for these conclusions is provided in the "Report on the Reanalysis of Safety-Related Piping Systems, Surry Power Station, Unit 1" dated June 5, 1979 and letters from the licensee dated March 30, April 23, 24, 27, May 2, 22, 24, 30, June 4, 8, 12, 15, 19, 25, August 1 and 21, 1979, and letters from Stone and Webster dated March 22, 30, April 3, 6, 11, 13, 18, 27 and May 11, 14, 18, 1979. The licensee has committed to (1) shut down the facility if a seismic event occurs, which results in accelerations greater than an acceleration level of 0.01 g, the setpoint of the facility's accelerometers, and (2) inspect those piping systems and supports which have not been shown to be fully acceptable for the Operating Basis Earthquake (OBE) case (ground acceleration of 0.07 g). This commitment is required only until such time that the reanalysis for the OBE loading condition, and any necessary modifications, is completed. Based on the above, the licensee contends that good cause has been shown why the suspension of facility operation should not be continued in effect while the reanalysis of the remaining pipe supports are completed.

The licensee's analyses were performed using the NUIPIPE computer code, which combines stresses in a manner acceptable to the NRC staff. The reanalyses resulted in the calculation of some stresses above allowable. In these cases, the licensee recalculated the stresses using soil structure interaction (SSI) methodology with a 50 percent increase in the inertia forces which the staff required to be applied to each pipe run after computer calculation of stress and support loads. This methodology with a 50 percent increase was approved by the NRC staff in its letter dated May 25, 1979. In those cases when stresses on the piping from the

calculations using SSI indicated that support loadings were above original design values, the licensee was required to reanalyze the support.

The licensee reanalyzed 63 pipe stress problems which required reanalysis as a result of the March 13, 1979 Show Cause Order. Nineteen problems required hardware modifications. Of these 19 problems, four required modifications to supports as a result of seismic overstresses. Other modifications were required because of verification of "as-built" conditions, thermal stresses, and modeling differences. The licensee has also evaluated 492 pipe supports inside containment. Of these supports, 51 required modifications, and only a few of these modifications were because of significant load increases. The other modifications resulted from as-built conditions.

The NRC staff has reviewed the licensee's submittals. This review included, among other things, an evaluation of the codes which compute pipe stresses resulting from the facility's response to an earthquake. The means by which piping responses are combined in the codes that are currently a basis for the facility design are summarized below:

NUIPIPE

This code combines intramodal ¹ responses by a modified the square root of the sum of the squares (SRSS) and combines intermodal ¹ responses by SRSS or absolute sum for closely spaced modes.

The NRC staff has determined that an algebraic summation of responses was not incorporated into the NUIPIPE code. The NRC staff has further concluded that this code provides an acceptable basis for analyzing the facility piping design.

Based on the NRC Staff's Safety Evaluation dated August 22, 1979, the staff finds the piping affected by the March 13, 1979 Show Cause Order and all piping supports inside containment have been acceptably reanalyzed.

Out of a total of 538 supports outside containment, 170 had been reanalyzed as of August 21, 1979. Of these 170 supports, 14 required modification.

The remaining pipe supports outside containment will be analyzed and any modifications identified within sixty (60) days of startup. Based on the results of the analysis of supports inside containment (i.e., 4 of 492 have a safety

factor of less than 2 with respect to ultimate capacity), it is expected that very few, if any, supports outside containment have a safety factor of less than 2 with respect to ultimate capacity. All supports outside containment associated with high and low head safety injection, containment and recirculation spray, and auxiliary feedwater systems have been reanalyzed insuring operability of these priority systems.

The remaining supports outside containment are less on systems critical to safe shutdown than those inside containment, such as the component cooling water system. There is no potential for a loss-of-coolant accident because the reactor coolant pressure boundary is inside containment. In addition, the modifications will be completed within sixty (60) days of startup and an earthquake approaching the DBE in this time period is very unlikely. In the event a support is found to be above design load, a determination will be made of the significance of the load, and modifications will be made. Those supports that fall in this category may, depending on the load level, be declared inoperable as defined in the Technical Specifications.

The licensee to date has not completed the actions identified in paragraph number 2 of the Order to Show Cause dated March 13, 1979 and this Order does not affect that portion of the March 13, 1979 Order. The licensee has, pursuant to paragraph 3 of the Order, shown cause why operation of the facility should not remain suspended pending the completion of reanalyses and completion of any further required modifications.

The licensee's answer to the Order did not request a hearing no did any other person request a hearing.

IV.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and Regulations in 10 CFR Parts 2 and 50, it is determined that: The public health, interest or safety does not require the continued shutdown of the facility, and it is hereby ordered that:

1. Effective this date the suspension of facility operation required by the Order to Show Cause of March 13, 1979 is lifted.

2. All modifications to correct piping system overstress and all modifications to supports inside containment and those support modifications outside containment identified in Table 4.1.B of the licensee's August 1, 1979 report as supplemented August 21, 1979, shall be completed prior to startup.

¹ Modes are defined as dynamic piping deflections at a given frequency. Intramodal responses are the components of force, moment and deflection within a mode. Intermodal responses are the components of force, moment and deflection of all modes.

3. The licensee shall complete reanalysis of the remaining pipe supports outside containment and shall propose a schedule for implementation of all identified modifications, both within sixty (60) days of the date of plant startup.

4. For each modification identified as a result of reanalysis of the supports outside containment after resumption of facility operation, when the overall margin of safety of the support to ultimate capacity is determined to be less than 2, the NRC shall be notified within 24 hours after making each such determination. The affected system shall be considered inoperable as that term is used in the facility Technical Specifications until the necessary modifications are implemented within the time frame allowed by the facility Technical Specifications unless a reanalysis of the affected piping system is performed with the overstressed support removed from the system to demonstrate that the system is operable.

5. The Surry Power Station Unit No. 1 shall be shut down if an earthquake with an acceleration greater than 0.01 g occurs (site accelerometers exceed 0.01 g) and the licensee shall inspect all safety-related piping systems which have not been reanalyzed and shown to be acceptable at the 0.07 g level of the OBE. Prior to resuming operations following an earthquake the licensee shall demonstrate to the Commission that no functional damage has occurred to those features necessary for continued operation without undue risk to the health and safety of the public.

Dated at Bethesda, Maryland this 22nd day of August, 1979.

For the Nuclear Regulatory Commission,
Harold R. Denton,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-27168 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-35]

Accident Reports, Responses to Safety Recommendations; Availability Marine Accident Reports

Collision of U.S. Bulk Carrier SS Yellowstone and Algerian Freighter M/V IBN Batouta, Mediterranean Sea, June 12, 1978 (NTSB-MAR-79-11).—The National Transportation Safety Board has determined that the probable cause of this accident was the failure of the master of the *Yellowstone* to properly use the ship's radar, which led to his

crossing the bow of the *IBN Batouta* in an effort to prevent a collision in a close-quarters situation. Contributing to this accident were the excessive speed of both vessels in a dense fog; their failure to avoid a close-quarters situation; and the failure of the *IBN Batouta* to sound fog signals, to have the engine ready for immediate maneuver, and to use the bridge-to-bridge radiotelephone to establish a safe passing maneuver.

The Safety Board's formal investigation report, released August 21, indicates that the *Yellowstone* and the *IBN Batouta* collided about 14 miles southeast of Gibraltar. Five crewmen on the *Yellowstone* died and two were injured. On the following morning the ships were separated, and after the remaining crew of the *Yellowstone* were deployed to rescue ships at the scene, the ship was put under tow. Shortly thereafter, the ship sank stern first. Although the *IBN Batouta* sustained major bow damage, none of the crew was injured.

As a result of its investigation, the Safety Board made a series of recommendations (Nos. M-79-72 through 75) to the U.S. Coast Guard: Require more frequent examinations of deck officers to keep them proficient in the techniques of solving radar target problems; propose to the Intergovernmental Maritime Consultative Organization (IMCO) that a study be initiated to determine the need for establishing an effective Vessel Traffic Service facility at the east end of the Strait of Gibraltar to improve safety in this heavily-trafficked area; expedite action to promote adoption by IMCO of a requirement for using bridge-to-bridge radiotelephone in collision avoidance; and require periodic gauging of bulkheads on bulk carriers that are more than 15 years old—in particular, gauging the lower portions of bulkheads in cargo holds, bilge wells, saltwater ballast tanks, and machinery spaces for timely renewal due to corrosion and wastage. (See also 44 FR 48001, August 16, 1979.)

Collision of the M/V Star Light (Greek) and the USS Francis Marion (LPA-249) at the Entrance to the Chesapeake Bay, near Norfolk, Virginia, March 4, 1979 (NTSB-MAR-79-12).—Also made available to the public on August 21 were copies of this accident investigation report. Investigation showed that the outbound cargo ship *Star Light* and the inbound U.S. Navy amphibious assault ship *Francis Marion* collided at the entrance of Chesapeake Bay about 15 nmi east of Norfolk. 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 found 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.

Following the investigation, the Board recommended to Coast Guard that a Vessel Traffic Service (VTS) be established at the entrance of Chesapeake Bay. The Board believes that an active, manned VTS with adequate surveillance—usually radar—would have advised each vessel of the position, speed, course, and intended action of the other in the congested Bay entrance, and could have prevented the March 4 collision as well as others occurring in October and December 1978. The Safety Board also urged Coast Guard to (1) record and preserve radiotelephone navigation messages in the Bay entrance as an aid to accident investigation; (2) relocate the demarcation line separating the inland and international rules of the road away from the precautionary area at the entrance to Chesapeake Bay; and (3) establish an additional designated area, away from where pilots may embark and disembark vessels in good weather. (See also 44 FR 48001, August 12, 1979, for complete text of recommendations M-79-76 through 79.)

Railroad Accident Reports

Derailment of Amtrak Train No. 8, The Empire Builder, on Burlington Northern Track, Lohman, Montana, March 28, 1979 (NTSB-RAR-79-7).—Forty-eight persons were injured and property damage was estimated at \$333,500 when nine cars of the Amtrak derailed. The Safety Board's formal investigation report on the accident was released August 17.

The Safety Board determined that the probable cause of this accident was the cracking from overheating of the right rear wheel on the trailing truck of baggage car 1248. The cracked wheel moved inward off the axle seat and decreased the wheel-to-wheel gauge. Contributing to the accident was the inadequate maintenance and inspection of the car, which allowed it to continue in service in violation of minimum safety standards.

As a result of its investigation, the Safety Board on August 9 issued two recommendations (Nos. R-79-57 and 58)

to the Burlington Northern concerning equipment inspection procedures and one joint recommendation (No. R-79-59) to the Burlington Northern and Amtrak to insure that inspection and maintenance schedules are maintained, and to be certain that they are accomplished efficiently. (See also 44 FR 48003, August 16, 1979.)

Derailement of New York City Transit Authority Subway Train, New York, New York, December 12, 1978.—About 4:30 p.m. the sixth and seventh cars of the subway train, designated "CC" 4:06 p.m., derailed within moments after departing 59th Street station. Twenty-two persons were injured, and property damage was estimated to be \$667,500. While the Safety Board was investigating this accident, three other trains derailed from what appeared to be similar causes. Therefore, the investigation was expanded to include all four accidents. The Board's report was made public on August 20.

The other derailements were: (1) At 8:08 a.m. on January 15, 1979, when the fourth car of an "A" train derailed north of Rockaway Avenue; (2) at 7:23 p.m. on February 14 when the seventh car of an "E" train derailed at 53rd Street; and (3) at 7:04 a.m. on March 21 when the first car of a "C" train derailed at 14th Street. Following this fourth accident, the Safety Board convened a public hearing in New York to explore what action would be taken to avert wheel damage from overheating due to partially applied brakes.

As a result of its investigation, the Safety Board determined that the probable cause of each of the four accidents was a cracked wheel which had resulted from extensive overheating. Contributing to the cause of the overheating of the wheels was the partial application of a handbrake. Because of a lack of adequate inspection procedures, the New York City Transit Authority (NYCTA) employees failed to detect the partially applied handbrake and the thermally damaged wheels before they cracked.

During its investigation of the first two accidents, the Safety Board on January 19 urged the Metropolitan Transportation Authority to immediately inspect all NYCTA rapid transit cars to determine if their wheels have been subjected to above normal heat and remove from service any wheel that shows evidence of thermal damage (recommendation R-79-1), and to immediately equip handbrakes on NYCTA rapid transit cars with a positive indicator so that an operator can determine if the brake is applied or fully released (R-79-2). (See 44 FR 6537, February 1, 1979.)

As a result of its completed investigation, the Safety Board on August 9 recommended that the Metropolitan Transportation Authority require NYCTA to establish an inspection procedure that will detect overheated wheels before failure (R-79-56). (See 44 FR 48003, August 16, 1979.)

The subject accident report notes that the Safety Board also reiterates the following recommendation, which was made to the U.S. Department of Transportation on March 6, 1978, after the Board's investigation of the head-on collision of two Greater Cleveland Regional Transit Authority trains in Cleveland, Ohio, on July 8, 1977:

Develop oversight capability to insure that the safety of rail rapid transit systems will be regulated and endorsed by a responsible State or Federal Agency. Within the Department of Transportation, accountability for oversight should be assigned to the Administration that controls Federal grants to aid rail rapid transit. (Class II, Priority Action) (R-78-10)

Responses to Safety Recommendations

Aviation. A-79-31.—The Federal Aviation Administration on August 9 responded to a recommendation issued following investigation of the Antilles Air Boats, Inc., Grumman G-21 crash which occurred last September 2 near St. Thomas, V.I. The recommendation called on FAA to strengthen surveillance and enforcement programs directed toward Part 135 operators to: (1) Provide adequate staffing for FAA facilities charged with surveillance of Part 135 operators; (2) assure uniform application of surveillance and enforcement procedures; and (3) upgrade enforcement procedures and actions in order to provide a viable deterrent to future violations. (See 44 FR 28897, May 17, 1979.)

In response to requirement (1), FAA reports that implementation of revised 14 CFR Part 135 has generated increased manpower requirements and resulted in realignment at the headquarters, regional, and district office levels to use air carrier and general aviation personnel to accomplish this program more efficiently. Responsibility for the air taxi program at headquarters was transferred to the Air Carrier Division from the General Aviation Division on December 1, 1978; responsibility at the regional level now rests with the air carrier or combined air carrier/general aviation branches. Notice N 8000.176, "Increased Surveillance for Operators Under New Part 135," dated April 25 directs field division chiefs and district office managers to use all available resources to ensure continuing emphasis on the air taxi/commuter program.

Regarding requirement (2) of the recommendation, FAA reports that the Air Taxi Operations Handbook has been rewritten and is in final review. The Air Taxi Maintenance Handbook has been incorporated into the Air Carrier Maintenance Inspector's Handbook. FAA Enforcement Handbooks are being combined into one. Headquarters personnel have met with personnel from regional and district offices to discuss uniform application of surveillance and enforcement procedures during FY 1979.

The FAA Administrator, with reference to requirement (3) reports he has recently reemphasized and reoriented FAA enforcement policy. He met with the Chiefs of all Flight Standards Field Offices on March 15 to personally express this policy in order to achieve nationwide understanding and acceptance and, on April 26, issued Order 1000.9C, "Enforcement Policy," which instructs the Regional Directors to keep personally informed on regional enforcement policies and to review all major cases. This policy will upgrade enforcement actions as a deterrent to future violations.

Copies of Order 1000.9C and Notice N 8000.176 are attached to the FAA response.

Highway. H-75-25 and 26.—The National Highway Traffic Safety Administration on August 7 responded to the Safety Board's letter of May 15, 1979, asking for a reconsideration of NHTSA's position on the after-market modification of highway use vehicles. This position was established in a letter from NHTSA in response to these recommendations, dated January 2, 1976. The recommendations resulted from investigation of the March 8, 1974, collision near El Centro, Calif., involving a van-type vehicle carrying passengers and a large tractor trailer unit, and asked NHTSA to issue a Federal Motor Vehicle Safety Standard which will set guidelines, based on human factors research, for seat installation for after-market installers (H-75-25), and to conduct research on crash dynamics for sideward sitting occupants and develop and issue adequate standards for their protection (H-75-26).

The Safety Board's May 15 letter notes that NHTSA's January 2, 1976, response states that NHTSA statutory jurisdiction was limited in two ways. The National Traffic and Motor Vehicle Safety Act authorized the setting up to the points of first purchase for purposes other than resale, and the 1974 amendments to that Act prohibited the willful rendering inoperative by a manufacturer, distributor, dealer, or motor vehicle repair business of any

device or element of design in conformity with a safety standard. This means that under Federal law, when a user purchases a vehicle, any safety device can be altered, removed, or disconnected at will, as long as it is not done by any of the persons described in the 1974 amendments, or the user can purchase a stripped model and install whatever is desired regardless of the impact on safety. The NHTSA response further implies that sideward sitting seat installations are not as safe as front or rear facing seats and NHTSA is reluctant to develop standards that might be seen as encouraging this type of installation.

In the belief that this problem warrants further discussion and action, the Safety Board then offered for NHTSA's consideration alternative solutions to the problem of unsafe modifications to vehicles by users:

A first possibility, involving major enforcement problems, would be to seek a legislated increase in NHTSA's regulatory authority to envelop the safety aspects of vehicle design and construction for the life of the vehicle. NHTSA could then lock in the safety standards and enforce maintenance of same regardless of how many times the vehicle is resold.

A second alternative would be the development and publication of design guidelines that would stress the positive aspects of the safest methods for modifying a vehicle and that would strongly discourage the use of unsafe equipment and installation procedures. The Board disagrees with the posture that the issuance of guidelines will only encourage more installations of nonstandard equipment. The Board believes that such guidelines, depicting safe methods of installing added equipment, would encourage those who are performing vehicle modifications to do it in the safest possible manner. This possibility is the most desirable in the opinion of the Safety Board.

A third possibility for coverage of the problem, although much less effective than the previous two suggestions, would be to publish consumer warning bulletins describing unsafe equipment items and installation procedures as these are determined through accident investigation. This would at least provide some guidance on how not to modify a vehicle.

The Board further noted in its May 15 letter that vehicle users are installing equipment for which there are no safety standards. This was shown by the Safety Board's special study "Safety of Multipurpose Vans," NTSB-HSS-79-1 dated March 22, 1979 (44 FR 24656, April 26, 1979), and by the investigation and report of the ambulance rollover accident near Littleton, N.H., August 22, 1978 (44 FR 34221, June 14, 1979). The

Board notes that these operations, although proven unsafe, are legal due to limitations in the regulatory authority of the Department of Transportation established by statute. Given these two items, the fact that unsafe modifications are being made and the fact that there is nothing to discourage or prevent them, the Board believes that it is incumbent upon NHTSA to provide some guidance as to how to safely modify a vehicle.

In response, NHTSA states that the statutory limitations on its regulatory authority have not changed since 1975, no changes are expected to occur, and NHTSA still does not have the authority to restrict the activities of the individual vehicle owner. NHTSA has considered the Board's suggestion of developing and publicizing design guidelines, and feels that, without an effective State Inspection Program, such guidelines would not be an effective tool. Currently, less than 50 percent of the individual States have an effective inspection program. Secondly, development of design guidelines for the multitude of probable modifications requires resources, both personnel and budgetary, which NHTSA does not have. This problem also exists to a large degree for the Board's third suggestion—publishing consumer warning bulletins describing unsafe equipment items and installation procedures on a great variety of items. However, NHTSA states, to the extent possible as a result of a defect investigation, accident investigation work, or consumer complaints, NHTSA issues consumer bulletins or warnings with remedial advice and will continue to do so. Examples are enclosed with the response letter for the Safety Board's consideration.

H-79-36 through 39.—On August 6 the California Department of Transportation (Caltrans) responded to recommendations, issued June 18 to the Governor of California, which developed from Safety Board investigation of a traffic accident involving a station wagon penetration of bridge rail on I-10 near Alhambra, Calif., November 11, 1978. (See 44 FR 37702 June 28, 1979.)

Recommendation H-79-36 asked Caltrans to install, until the accident site is improved, "Slippery When Wet" warning signs at the Ramona Boulevard entrance ramp and the branch connection ramp from I-10 and a 25-mph speed advisory sign at the Ramona Boulevard entrance ramp. Caltrans reports that these signs were installed in early July 1979.

In response to H-79-37, which recommended that Caltrans establish a policy and program consistent with

Federal Highway Administration guidelines and safety standards that will provide for upgrading substandard bridge railing that has been crash damaged, Caltrans notes that when bridge rail is damaged, temporary repairs must be made immediately. Upgrading substandard rail is done by contract and the repairs cannot be delayed for the amount of time it takes to prepare plans and process contracts for upgrading. Caltrans has a program for upgrading substandard bridge rail with a priority system for selecting projects which considers accident experience as well as roadway and traffic factors. Caltrans says the cost to upgrade all State highway bridges exceeds \$160 million. Since bridge rail deficiencies represent a small part of Caltrans' total highway safety needs, bridge rail upgrading must compete with all other safety needs on the basis of cost-effectiveness for the State's limited resources.

Recommendation H-79-38 asked Caltrans to expedite action to complete and adopt its safety improvement project for accident location and make recommend safety improvements to comply with current safety guidelines. Caltrans reports that this project is expedited to extent possible and advertising for bids is currently scheduled for November 1979.

Recommendation H-79-39 called for a program to retrofit, on a priority basis, bridge railing that does not meet Federal performance guidelines, which provide that bridge railings be designed to minimize severity of impact, retain the vehicle, redirect the vehicle so that it will move parallel to the roadway, and minimize danger to traffic flow. As noted in its comments under recommendation H-79-37, Caltrans has a program, on a priority basis, for upgrading substandard bridge rail. Caltrans also notes that a policy to remove all "unsafe" features from the highway system leads to almost limitless cost.

Intermodal. The Safety Board on August 13 wrote to the Materials Transportation Bureau, U. S. Department of Transportation, concerning recommendations H-71-27 and 28, HM-75-1 and 2, I-76-1 and 2, and I-78-9, issued over the past 8 years, which were designed to insure that transportation operations involving hazardous materials are properly analyzed to identify risks and that action is taken to minimize or eliminate risks judged to be unacceptable. The following related recommendations are being held in an open status by the

Safety Board pending further action by DOT:

H-71-27—Develop and adopt a risk-based framework for planning and evaluating dangerous goods transportation safety regulations and programs.

H-71-28—Require application of such a framework by modal administrations in regulatory programming.

HM-75-1—Establish a standard format for safety analysis statements to accompany exemption applications.

HM-75-2—Require submission of a safety analysis statement by applicants for exemption.

I-76-1—Require applicants to examine conditions for detonation risks when filing transportation proposals for detonable materials.

I-76-2—Describe methods available for conducting safety analyses that would facilitate the discovery of detonation risks and describe standards to be followed when preparing the proposal.

I-78-9—Develop and implement a plan that will utilize the best safety analysis technology to plan hazardous materials transportation regulatory programs.

Safety analysis as viewed by the Safety Board is a generic term for all analytical methodologies used to identify, evaluate, control, and/or eliminate safety problems and hazards. It includes use of techniques such as fault free analysis, failure mode, and effects analysis, preliminary hazards analysis, and other analysis methods.

The first of these recommendations, *H-71-27*, was released by the Board on April 12, 1971; the last, *I-78-9*, was issued on June 29, 1978. In addition to the seven recommendations listed, the Board has reiterated its interest in safety analysis in special studies, accident investigation reports, Congressional testimony, and in reviews of regulations proposed by MTB. MTB has proposed studies, rulemaking activity, educational programs, and carrier accountability procedures—none of which has met the need for the analysis advocated by the Safety Board.

Under the Hazardous Materials Transportation Act of 1974, the Secretary is expected to evaluate hazardous materials transportation operations, identify unreasonable risks, and cause those risks determined to be unreasonable to be minimized. The thrust of the Board's seven recommendations has been to assure the use of the best available safety analysis methods in DOT's hazardous materials transportation safety program.

The Board believes it is essential that the best safety analysis techniques be used to evaluate hazardous materials transportation operations to identify and control the risks posed by such operations. To do this, the Board is

consolidating the seven existing recommendations into one.

Recommendations *H-71-27*, *H-71-28*, *HN-75-1*, *HN-75-2*, *I-76-1*, and *I-76-2* will be closed as no longer applicable; *I-78-9* will be kept open and all responses to this recommendation will be evaluated in part against the criteria of the superseded recommendations.

In the view of the Safety Board, an acceptable response by the MTB to *I-78-9* would require that it fully address the use of the best available safety analysis methods as they affect (1) risk identification, (2) regulatory program planning, (3) regulation development, (4) exemption application, and (5) exemption processing.

The Board believes that this consolidation will permit a greater effort to be brought to bear on the overall problem with less time spent addressing separate recommendations covering individual portions of the analytical tasks. Also, the Board will consider the issue of hazardous materials transportation safety analysis during future hazardous materials accident investigations, special studies, and safety effectiveness evaluations.

Marine. M-79-17 through 30.—The U.S. Coast Guard on August 6 responded to recommendations issued following investigation of the collision between the USCGC *Cuyahoga* and M/V *Santa Cruz* which occurred in the Chesapeake Bay last October 20. (See 44 FR 15815, March 15, 1979.)

In response to *M-79-17*, which recommended that Coast Guard install VHF radiotelephones on Coast Guard cutters which will constantly monitor channel 13, Coast Guard notes that all of its cutters including the *Cuyahoga*, except those on the Great Lakes, are already equipped with VHF radiotelephones that can constantly monitor channels 13 and 16 except when the vessel is transmitting on any other VHF channel. In order to constantly monitor both channels 13 and 16, two guard receivers must be available on each cutter. Coast Guard says a program is now underway to do this for medium and high endurance cutters, and patrol boats. On other classes of cutters, the second receiver has been or will be made optional at the discretion of the District Commander.

Recommendation *M-79-18* asked Coast Guard to determine in quantitative terms at what minimum distance navigational information should be transmitted by bridge-to-bridge radiotelephone in passing, crossing, or meeting situations, and promulgate regulations accordingly. Coast Guard states that quantifying a useful and workable minimum distance

for exchanging navigational information over the bridge-to-bridge radiotelephone is idealistic. The large number of variable factors to be considered would result in a complex and ponderous regulation which would increase unnecessary message traffic. This would be at the expense of information necessary for the safe navigation of vessels. Coast Guard believes that the present language of 33 CFR 26.04 is succinct, workable, and reasonable and does not consider it necessary to amend the existing Vessel Bridge-to-Bridge Regulations. No further response is considered necessary.

With respect to *M-79-19*, which recommended that Coast Guard review its personnel assignment policy to insure that the experience and training level of critical personnel is high and that their time on board is adequate for familiarization with the vessel, Coast Guard notes with respect to afloat command assignments that a thorough review and selection process already exists, with various specific qualifications such as previous afloat assignments being mandatory. The present command selection process has been for the most part very effective; a few additional requirements such as a review of the individual's security jacket have been added. Coast Guard reports that commencing with 1979 assignments, all Commanding Officers/Officers in Charge will be required to have a physical within 6 months of the date of their orders (and prior to assuming command) and annually thereafter while in command. Prior experience and performance will remain Coast Guard's most reliable predictors of professional qualification in the screening process. Regarding deck watch officer (DWO) qualifications, the new officer is basically qualified to assume the role of an apprentice DWO, with full qualification being achieved only after completion of Personnel Qualification Standards (CG-415-1) (PQS) and a sufficient period of supervised on-the-job training. Coast Guard times its assignments so that an adequate number of qualified DWO's remain aboard a unit at any given time. Also, steps are being taken to insure that Coast Guard Headquarters monitors the completion of PQS's by DWO's. The Commanding Officer will be depended upon to exert the effort necessary to make the PQS an effective training tool.

Further in response to *M-79-19*, with reference to the experience level of enlisted personnel, Coast Guard says it carefully coordinates personnel transfers to ensure that the experience level aboard a unit is not depleted;

particular attention has been placed on key personnel. Sea duty tours have been lengthened from 2 to 3 years aboard buoy tenders and tugs, and similar lengthening of sea duty tours is being considered aboard medium and high endurance cutters. Coast Guard notes, however, that lengthening tours can also have an adverse effect on retention, which could ultimately lower the experience level. With respect to training, Coast Guard personnel receive various degrees of formal resident, job entry-level training, depending upon the requirements of an individual's job or rating and are exposed to a variety of training situations while actually assigned afloat. These include refresher training, area training teams, advanced/specialized resident training, and on-the-job training under the tutelage of more experienced personnel. Coast Guard is now studying ways to improve "pipeline" training for key officer and petty officer billets on floating units by perhaps requiring completion of a number of mandatory courses before reporting to a floating unit for duty. Further response to the Safety Board is anticipated by November 1979.

Recommendation M-79-20 asked Coast Guard to review the manning level of its vessels, particularly training vessels, to insure that an adequate number of experienced persons are assigned to stand watches, and that trainees are not required to stand critical watches. In response, Coast Guard states that a recent study, "Assessment of Afloat Training," constitutes a review of the manning level of Coast Guard training vessels. Actions taken as a result of the Assessment include:

(1) *Reliance*: Fourteen additional billets have been issued to provide a full 210 MEC complement.

(2) *Eagle*: Permanent crew is being augmented by personnel assigned TAD, as is current policy, and are being assigned earlier than usual to allow more pre-cruise preparation. Nine additional permanent crew billets are planned. After the billets are issued, these additional personnel will be assigned on a permanent basis as expeditiously as possible.

(3) *Recruit Training Small Boats*: More qualified personnel are needed and Coast Guard is making efforts to provide necessary budgetary relief. As soon as these billets are issued, personnel will be assigned on a permanent basis. To clarify the term "trainees standing critical watches," Coast Guard notes that such a person is one who has not yet achieved a standard of skill or performance as determined by competent authority to be qualified to independently stand that watch or position. There is a progression of steps involved in any lengthy training process involving gradually diminishing degrees of supervision. Coast

Guard recognizes the need to improve servicewide procedures and standards for qualifying these personnel.

In response to recommendation M-79-21, which called for requirements to insure that all training vessels have enough instructors aboard so that safe navigation of the vessel is not adversely affected by the training program, Coast Guard notes that with respect to officer candidates and cadet afloat training, Operation Orders currently specify that Reserve Training Center and the Academy are to provide members of their instructor staffs for training cruises involving officer candidates or cadets. These instructors are to be among the most highly qualified and effective available, and more specific direction will be given to the commands to ensure sufficient numbers of instructors. Such guidance will be provided within the next month. With respect to small boat training, similar guidance will be given to the training commands on the required number of qualified personnel to be assigned to small boats during training cruises. Further responses to this recommendation will be made by November 1979.

Recommendation M-79-22 sought a servicewide policy to provide guidance to Commanding Officers of vessels concerning necessary qualifications for personnel assigned the duties of OOD, lookout, helmsman, quartermaster, and other important positions. Coast Guard notes in response that Article 3-F-13 of the Coast Guard Personnel Manual (CG-207) outlines a program to be utilized in connection with DWO qualification. The purpose of the publication is to identify the minimum skills and knowledge of all DWO's. Since it is the Commanding Officer's responsibility to certify qualification of DWO's, he should use every means available to do so, including CG-415-1. Coast Guard is also evaluating other programs dealing with OOD qualification, one being the use of the Merchant Marine Third Mate License Examination which would be used in connection with OOD qualification. U.S. Coast Guard Regulations (CG-300) and the Shipboard Lookout Manual (CG-414) provide policy and guidance for qualification of lookout. Quartermaster's duties are covered in the Enlisted Qualification Manual (CG-311). Utilizing guidelines of the Coast Guardsman's Manual and again a shipboard training program, the Commanding Officer should be able to qualify helmsmen. Coast Guard believes that these ongoing programs already provide the procedures that include the recommended action and that no further response is considered necessary.

With respect to recommendation M-79-23, which asked Coast Guard to evaluate the installation of radar equipment on Coast Guard vessels and insure that indicators are so located that the equipment can be easily and properly used by personnel on watch in the wheelhouse, Coast Guard notes that the *Cuyahoga* was the only Coast Guard cutter 65' or longer without a wheelhouse radar display. The *Cuyahoga* would have received such equipment with the installation of the AN/SPS-64 (V) radar. This installation was scheduled for *Cuyahoga* upon return from her training cruise.

In response to M-79-24, which asked Coast Guard to establish a policy concerning the use of radar equipment and the plotting of radar data, Coast Guard states that its regulation CG-300 establishes policy concerning use of radar. Article 4-2-2 of these regulations states that the Commanding Officer is responsible for the safe navigation of his vessel and he shall:

(1) Require all officers eligible to succeed to command to qualify and maintain competency in the operations and use of the devices, including electronic devices on board, which may be used in navigation of the vessel (Art. 4-2-2(5)).

(2) Require the position of the vessel to be known at all times insofar as it is possible to do so by the utilization of navigational methods, devices, and equipment in accordance with the highest standards of navigation and seamanship (Art. 4-2-2(6)).

(3) Require the use of radar when the vessel is underway in or near areas of reduced visibility, or when it is necessary for the safety of the vessel (Art. 4-2-2(14)).

Recommendation M-79-25 called for standards for the taking of medication by watchstanders on Coast Guard vessels to insure that the medication does not impede the individual's ability to perform his duties. Coast Guard states that such standards will be established, the estimated date for publication being November 1, 1979, at which time further response will be made.

Coast Guard reports, with reference to M-79-26, that all watchstanders who have a vision impairment will be required to wear their corrective lenses while on duty, as recommended. Estimated date for publication is November 1, 1979, at which time further response will be made.

In answer to M-79-27, asking Coast Guard to amend the Inland Rules and the Pilot Rules for Inland Waters to provide mariners the flexibility to initiate early action in crossing situations to prevent dangerously close situations, as in the International Rules for Preventing Collisions at Sea, 1972,

Coast Guard notes that Rule 17(a)(ii), which allows the stand-on vessels to take early action, has been incorporated into draft unified inland rules which will be implemented as legislation replacing the existing Inland, Western Rivers, and Great Lakes Rules.

Recommendation M-79-29 called for locating lifejackets on Coast Guard cutters so that they are readily accessible to all crewmen. Coast Guard states that the positioning of lifejacket lockers on *Cuyahoga* at the time of her construction and the guidelines used to determine this positioning cannot be determined. Where possible, lifejacket lockers are now installed on all Coast Guard cutters in accord with General Specifications for Ships of the United States Navy (NAVSHIPS 0902-001-5000), Section 671, Special Storage Arrangements. Coast Guard says a review of present shipboard locations will be made and if discrepancies are discovered arrangement alterations will be made. Further response will be made prior to December 1979.

Concerning M-79-29, which recommended automatic emergency lighting for egress from all manned spaces on all Coast Guard cutters, Coast Guard endorses the standards for emergency lighting specified in Naval Ships' Technical Manual. A survey of all Coast Guard cutters will be conducted to determine their status with regard to this requirement. Ship Alterations will be prepared to correct any deficiencies discovered. The survey will be completed by August 1979 and Class A (urgent) alterations issued by December 1979. Coast Guard's response, in tracing the status of emergency lighting on the *Cuyahoga*, indicates that most documentation on alterations performed on the *Cuyahoga* is no longer available. The *Cuyahoga* was not routinely inspected by refresher training facilities which rigorously check many Coast Guard cutters for emergency lighting requirements, Coast Guard stated.

In response to M-79-30, calling for examination of all Coast Guard cutters and removal of drawers from any inclined ladders, Coast Guard states that there are no authorized installations of drawers next to inclined ladders or any cutters. District inspectors will be directed to pay particular attention to this condition and require correction of any discrepancies.

Railroad. R-77-38 and 39.—The Federal Railroad Administration on July 24 again responded to recommendations issued following investigation of the railroad/highway grade crossing collision at Marland, Okla., December 15, 1976. FRA's letter is in response to the Safety Board's comments of March

12 concerning FRA's earlier response dated February 8 (44 FR 17609, March 22, 1979).

FRA reports that it has supplied the Federal Highway Administration with copies of the Grade Crossing Sight Distance Hazard Analysis study conducted by the Transportation Systems Center (TSC) staff. The strategy developed by TSC for selecting potentially hazardous crossings due to inadequate sight distance may be used as a tool for setting grade crossing improvement priorities, according to FRA. In accordance with present FHWA regulations, such a tool can only be offered to the States for their consideration. In no case, however, would FHWA require that priorities for grade crossing improvements be based solely on sight distance restrictions, FRA stated. Insofar as the program to protect grade crossings is the responsibility of the FHWA, they will coordinate with the FRA relative to the impact on train operations.

FRA, though funding the Grade Crossing Sight Distance Hazard Analysis study, feels that it has fulfilled its responsibility to identify those grade crossings where inadequate warnings do not permit the prudent and careful driver to travel without risk of injury or death.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(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, 1907)).)

Margaret L. Fisher,
Federal Register Liaison Officer.
August 24, 1979.

[FR Doc. 79-27054 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

August 27, 1979.

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 USC, 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

Forest Service

Changing Use Patterns in the Boundary Waters Canoe Area Wilderness

Single time

1,000 Rec. Users of the boundary waters canoe area wild., 1,000 responses, 330 Hours

Charles A. Billet, 395-5080

Forest Service

Study Plan and Questionnaire for Estimating Recreation Use-Mount Rogers National Recreation Area

Single time

Recre. visitors to the Mt. Rogers Nat. Rec. Area, 7,575 responses, 505 Hours
Charles A. Billet, 395-5080

Forest Service

National Directory of Forest Tree Seed Orchards

FS-3300-2

Single time

200 owners of forest tree seed orchards, 200 responses, 50 hours
Charles A. Billett, 395-5080

Department of Commerce

Agency Clearance Officer—Edward Michaels—377-4217

New Forms

Economic Development Administration
Application for Title IX SSED
M-4 Suppl.

On occasion

Providers of family planning services, 1,000 responses, 80 hours
Budget Review Division, 395-4775

Economic Development Administration
Application for Title IX SSED
M-4 Suppl.

On occasion

State & local governments; nonprofit organizations, 25 responses, 125 hours
Budget Review Division, 395-4775

Revisions

Bureau of the Census

Sheets, Pillowcases, and Towels
(Production, Shipments, Inventories, and Unfilled Sales Orders)

MQ-23X

Quarterly

Manufacturers of sheets & towels, 200 responses, 400 hours
Off. of Federal Statistical Policy & Standard, 673-7974

Economic Development Administration
Application for Technical Assistance
From Non-Government Applicant

ED-357NG

On occasion

Nonprofit & community based organization, 250 responses, 1,750 hours

Richard Sheppard, 395-3211

Economic Development Administration
Application for Financial Assistance—Private Sector

ED-201

On occasion

For profit business firms, 240 responses, 39,840 hours

Richard Sheppard, 395-3211

Economic Development Administration
Application for Public Works

ED-101A, 1C1P

On occasion

State & local governments, 275 responses, 22,000 hours

Budget Review Division, 295-4775

Economic Development Administration
Application for Technical Assistance
From Government Applicant

ED-357A

On occasion

State & local governments, 500 responses, 5,000 hours

Budget Review Division, 395-4775

Extensions

Bureau of the Census

Annual Trade Survey: 1978

B-45O, E-451

Annually

Merchant wholesalers, 12,500 responses, 3,125 hours

Richard Sheppard, 395-3211

Reinstatements

National Oceanic and Atmospheric Administration

*Recreational Fisheries Investigations
Fishing Log

NCAA 88-904

Recreational fishermen & boat captains, 10,000 responses, 333 hours

Richard Sheppard, 395-3211

Department of Energy

Agency Clearance Officer—John Gross—252-5214

New Forms

Permanent Exemption for New Installations Necessary To Meet Scheduled Outages

ERA 315

Single time

Major fuel burning installations, 10 responses, 10 hours

Jefferson B. Hill, 395-5867

*Faculty Development Survey

IR-167

Annually

Participants in energy workshops, 700 responses, 58 hours

Jefferson B. Hill, 395-5867

Alternate Fuel Price Monitoring Report
EIA-194

Monthly

Sellers of No. 2 & No. 6 fuel oils, 24,000 responses, 600,000 hours

Jefferson B. Hill, 395-5867

Permanent Exemption for New Powerplants Necessary To Maintain Reliability of Service

ERA-312

Single time

Electric utilities, 10 responses, 3,200 hours

Jefferson B. Hill, 395-5867

Schedule (B), General and Special Cost Tests for New Installations

ERA-318

Single time

Major fuel burning installations, 88 responses, 880 hours

Jefferson B. Hill, 395-5867

Use of Mixtures—General Requirement for Permanent Exemptions for New Installations and Powerplants

ERA-320

Single time

Utilities and major fuel burning installations, 163 responses, 163 hours

Jefferson B. Hill, 395-5867

No Alternate Power Supply (Schedule C)
ERS-319

Single time

Electric utilities, 47 responses, 94 hours

Jefferson B. Hill, 395-5867

General For for New Installations

ERS-301B

Single time

Major fuel burning installations, 156 responses, 312 hours

Jefferson B. Hill, 395-5867

General Form for New Powerplants

ERS-301A

Single time

Electric Utilities, 47 responses, 470 hours

Jefferson B. Hill, 395-5867

Temporary Exemption for the Future Use of Synthetic Fuels for New Powerplants and Installations

ERA-302

Single time

Powerplants & major fuel burning installations, 10 responses, 50 hours

Jefferson B. Hill, 395-5867

Lack of Alternate Fuel Supply

ERA-304

Single time

Powerplants & major fuel burning installations, 103 responses, 257,500 hours

Jefferson B. Hill, 395-5867
 General and Special Cost Tests for New Powerplants
 ERA-317
 Single time
 Electric utilities, 10 responses, 100 hours
 Jefferson B. Hill, 395-5867
 Temporary and Permanent Site Limitation Exemption
 ERA-305
 Single time
 Powerplants & installations, 10 responses, 25 hours
 Jefferson B. Hill, 395-5867
 Permanent Exemption for Cogeneration for New Powerplants and Installations
 ERA-309
 Single time
 Powerplants & installations, 15 responses, 450 hours
 Jefferson B. Hill, 395-5867

Revisions

Emergency Product Price Telephone Survey
 EIA-126
 Other (See SF-83)
 Refiners & large resellers, 6,480 responses, 6,480 hours
 Jefferson B. Hill, 395-5867

Department of Health, Education, and Welfare

Agency Clearance Officer—Peter Gness—245-7488

NEW FORMS

Alcohol, Drug Abuse and Mental Health Administration
 Survey of Youth at Risk for Alcohol Problems
 Single time
 1,500 youths (12-18 year olds) in households, 1,500 responses, 1,125 hours
 Off. of Federal Statistical Policy & Standard, 673-7974
 Office of Human Development
 *An Evaluation of the Head Start Bilingual Bicultural Curriculum Development Projects; Parent Questionnaire
 Semi-annually
 Parents of Head Start children, 1,440 responses, 720 hours
 Barbara F. Young, 395-6132
 Public Health Service
 *Agency Reporting System for Updating the National Inventory of Family Planning Service Sites
 Other (see SF-83)
 Providers of family planning services, 1,000 responses, 80 hours
 Off. of Federal Statistical Policy & Standard 673-7974
 Public Health Service
 Generic Drug Information in CMEC's
 Single time

All federally funded community mental health centers, 585 responses, 98 hours
 Richard Eisinger, 395-3214
 Public Health Service
 Pilot Study for Study of Social Interaction Between Staff and Patients in VD Clinics
 Single time
 Staff, patients of VD clinics, 279 responses, 140 hours
 Richard Eisinger, 395-3214
 Public Health Service
 Survey of Services Provided By Adolescent Pregnancy Programs
 Single time
 Special programs for pregnancy adolescents, 2,500 responses, 1,250 hours
 Richard Eisinger, 395-3214

Department of Housing and Urban Development

Agency Clearance Officer—Robert G. Masarsky—755-5184

Extensions

Housing Production and Mortgage Credit
 Survey of Current Wage Rates
 FHA 2320
 On Occasion
 Building constr. contractors & sub-contractors, 1,000 responses, 500 hours
 Arnold Strasser, 395-5080

Reinstatements

Housing Management
 Report of Family Characteristics for the Section 8 Housing Assistance Payments
 HUD—52675
 Semi-annually
 PHA's operating section 8 existing projects, 2,800 responses, 4,200 hours
 Arnold Strasser, 395-5080
 Housing Production and Mortgage Credit Application for Project Mortgage Insurance
 FHA 2013, 2013-nh-ICF 2013 Hosp
 On occasion
 Project sponsors, 4,200 responses, 13,000 hours
 Arnold Strasser, 395-5080

Department of Justice

Agency Clearance Officer—Donald E. Larue—633-3526

New Forms

Offices, Boards, Division
 Department of Justice Electric Utility Survey
 ATR-172
 Single time
 55 electric utilities, 55 responses, 55 hours
 Laverne V. Collins, 395-3214

Department of Labor

Agency Clearance Officer—Philip M. Oliver—523-6341

Revisions

Employment Standards Administration
 *Complaint of Discrimination in Employment Under Government Contracts
 CC-1 & CC-1A
 On occasion
 Women & minority workers, 1,400 responses, 700 hours
 Arnold Strasser, 395-5080
 Employment Standards Administration
 Employer's Report of Injury or Occupational Illness
 LS-202, 202A & 210
 On occasion
 Employers, 259,184 responses, 107,015 hours
 Arnold Strasser, 395-5080

Department of Transportation

Agency Clearance Officer—Bruce H. Allen—426-1887

New Forms

Federal Railroad Administration
 Northeastern U.S. Freight Transportation Survey
 Single time
 Freight shippers & receivers in northeast U.S., 50 response, 38 hours
 Susan B. Geiger, 395-5867

Department of the Treasury

Agency Clearance Officer—Floyd I. Sandlin—376-0436

Revisions

Bureau of Customs
 Entry and Manifest of Merchandise Free of Duty
 7523
 On occasion
 Personal and Commercial Importers, 720,000 responses, 144,000 hours
 Off. of Federal Statistical Policy & Standards, 673-7974

Railroad Retirement Board

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Statement Showing Whether Widow or Widower Was Living With Employee (At Time of Date)
 G-288
 On occasion
 Applicants for benefits, 300 responses, 75 hours
 Barbara F. Young, 395-6132
 *Medical Reports
 G-3EMP, 250, 253A, & 257
 On occasion
 Physicians, 21,650 responses, 3,616 hours

Barbara F. Young, 395-6132

*Report Concerning Employment
G-377

On occasion

Survivor annuitants, 2,000 responses,
166 hours

Barbara F. Young, 395-6132

Stanley E. Morris,

*Deputy Associate Director for Regulatory
Policy and Reports Management.*

[FR Doc. 79-27185 Filed 8-29-79; 8:45 am]

BILLING CODE 3110-01-M

THE PRESIDENT'S MANAGEMENT IMPROVEMENT COUNCIL

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the first meeting of the President's Management Improvement Council will be held on Friday, September 14, 1979. The meeting will convene at 11:30 a.m. in the 6th floor Board Room of the Federal Home Loan Bank Board Building at 1700 G Street, N.W., Washington, D.C. Members of the public must use the entrance at the corner of 17th and G Streets to attend the meeting.

The President announced the creation of the President's Management Improvement Council in his May 3, 1979 Memorandum on "Improving Management and Combating Fraud and Waste in Federal Programs." In that directive, the President stated that the Council would "support efforts to improve Federal management and program performance and to further the governmentwide management improvements envisioned in the Civil Service Reform Act of 1978." The Council will advise the President and Federal managers on management problems and issues affecting Executive agencies and Federal programs. The Council will be co-chaired by the Director of the Office of Management and Budget and the Director of the Office of Personnel Management. Membership of the Council will consist of individuals from Federal, State, and local governments, private industry, universities, and organized labor. Formal establishment of the Council by Executive Order was pending at the time this notice was prepared.

The September 14, 1979 meeting will be devoted largely to presentations and discussions related to management improvement issues and problems in specific Federal agencies and programs. Formal meetings of the President's Management Improvement Council will be open to the public in accordance with section 10 of the Federal Advisory Committee Act.

Members of the public are invited to submit material in writing to the Executive Director of the Council concerning specific management improvement matters felt to be deserving of the Council's attention. Additional information concerning the Council and its first meetings may be obtained by contracting the Executive Director, the President's Management Improvement Council, Room 5315, 1900 E Street, N.W., Washington, D.C. 20415 (202-632-6104).

Charles F. Bingman,

*Executive Director, The President's
Management Improvement Council.*

August 28, 1979.

[FR Doc. 79-27345 Filed 8-29-79; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[R&L No. 16128; SR-Amex-79-8]

August 21, 1979.

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

On June 8, 1979, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would add Government National Mortgage Association ("GNMA") securities to its United States Government odd-lot program. Under the proposal, all outstanding GNMA securities would be listed for trading. The Amex's United States Government securities dealers would be required to maintain bid and offer quotations on all current production GNMA coupons¹ which meet the good delivery standards of the Mortgage-Backed Dealers' Association. Trades would be cleared on an ex-clearing basis² and be settled in Federal Funds on a normal five-day delivery basis (*i.e.*, regular way), except that if a trade should settle in the first ten days of a month, delivery would be made on the next business day following the tenth of the month.

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

¹The proposal defines "current production GNMA coupons" as those bearing the current GNMA coupon rate, which is mortgage ceiling rate of the Federal Housing Association and the Veterans Administration.

²The term "ex-clearing basis" refers to clearing that is effected outside of a regular clearing agency, as broker to broker.

(Securities Exchange Act Release No. 34-15946, June 25, 1979) and by publication in the *Federal Register* (44 FR 38032, June 29, 1979). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 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.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-27023 Filed 8-29-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21195; 70-6341]

August 22, 1979.

Louisiana Power & Light Co.; Proposed Issuance and Sale of Preferred Stock at Competitive Bidding

Notice is hereby given that Louisiana Power & Light Company ("Louisiana") 142 Delaronde Street, New Orleans, Louisiana 70174, an electric utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana proposes to issue and sell, subject to the competitive bidding requirements of the Act, not in excess of 1,600,000 shares of a new series of its class of preferred stock, \$25 par value ("Stock"). The Stock is to be established by appropriate corporate action and, except as to the number of shares and designation, divided rate, the date from which dividends commence to accumulate, the amounts payable upon redemption, the terms and amount of the sinking fund and matters relating to par value and certain voting rights (including matters relating to quorums and adjournments), will have the same rank and the same relative rights as the

presently outstanding preferred stock of the company.

The dividend rate of the Stock (which will be a multiple of 4/25ths of 1%) and the price to be paid to the company for the Stock (which will be not less than \$25 nor more than \$25.70 per share, plus accumulated dividends, if any) will be determined by competitive bidding. The terms of the Stock will include a prohibition until October 1, 1984, against refunding the Stock, directly or indirectly, with funds derived from the issuance of securities at a lower effective interest or dividend cost. Louisiana presently expects that the terms of the stock will include provisions for a sinking fund designed to redeem at \$25 per share, plus accumulated dividends, 80,000 shares on each October 1 commencing in the year 1984, with the company having a non-cumulative option to redeem an additional 80,000 shares on each October 1 during the sinking fund redemption period. In the event, however, that market conditions change so that, in the opinion of the company, the market for non-sinking fund preferred stock is more favorable, the company may amend the declaration to provide therefor.

The declaration states that in the event that market conditions change so that, in the opinion of the company, the market for \$100 par value preferred stock is more favorable than that for \$25 preferred stock, Louisiana may amend the declaration to propose the issuance and sale of not in excess of 400,000 shares of its \$100 par value preferred stock in lieu thereof.

Louisiana will apply the net proceeds derived from the issuance and sale of the preferred stock to the payment in part of short-term borrowings estimated to total \$70,000,000 at the time the sale proceeds are received, to the financing in part of the company's construction program, and to other corporate purposes.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$150,000, including legal fees of \$47,000 and auditors' fees of \$14,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 17, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the

Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-27025 Filed 8-29-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21191; 70-6340]

August 20, 1979.

**Indiana & Michigan Electric Co.;
Proposed Issuance and Sale of
Preferred Stock at Competitive
Bidding**

Notice is hereby given that Indiana & Michigan Electric Company ("I&M") 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b) and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M proposes to issue and sell at competitive bidding up to 1,600,000 shares of a new series of its cumulative preferred stock ("Preferred Stock"), par value \$25 per share. The price to be paid to I&M shall be \$25 per share, which shall also be the price at which the Preferred Stock shall be initially offered

to the public. The dividend rate (which will be expressed in a multiple of \$.01) and the amount per share to be paid by I&M as compensation to the purchasers will be determined by competitive bidding. None of the shares of the Preferred Stock may be redeemed prior to a date five years from the first day of the month in which such shares are issued if such redemption is for the purpose of refunding them, directly or indirectly, through the incurring of debt or the issuance of stock ranking equally with or prior to the Preferred Stock at an effective interest cost or dividend cost less than the effective dividend cost of the Preferred Stock.

The terms of the Preferred Stock may also include a sinking fund provision pursuant to which I&M would retire at \$25 per share, commencing no earlier than five years from the first day of the month in which such shares are issued, not more than 5% annually of the number of shares initially issued, with the non-cumulative option on any sinking fund date of redeeming at \$25 per share an additional like number of shares, and with the option to credit against any sinking fund requirement the shares of Preferred Stock theretofore purchased or otherwise acquired by I&M. It is proposed that I&M will decide upon the necessity for a sinking fund provision at a subsequent date and notify prospective bidders of its decision reasonably in advance of, but not less than 72 hours prior to, the bidding date.

It is stated that the Preferred Stock will not be issued and sold unless I&M shall have received, subsequent to June 30, 1979, and prior to such sale, one or more cash capital contributions in an aggregate amount of \$20,000,000 from AEP. The making of such cash capital contributions by AEP was authorized by order dated December 29, 1978 (HCAR) No. 20865).

The proceeds from the sale of the Preferred Stock will be used by I&M to repay its unsecured short-term indebtedness, which was approximately \$126,165,000 at July 26, 1979, and is expected to be approximately \$150,000,000 at the time of sale of the Preferred Stock.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Public Service Commission of Indiana and the Michigan Public Service Commission have jurisdiction over the proposed transaction, and that no other state commission and no federal commission, other than this Commission, has jurisdiction thereover.

Notice is further given that any interested person may not later than

September 17, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such Rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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

Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-27024 Filed 8-29-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-79-18]

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: Comments on petitions received must identify the petition docket number involved and must be received on or before September 19, 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 24, 1979.

Carl B. Schellenberg,
Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19472	Big Apple Balloons	14 CFR § 91.79(b)	To permit the petitioner to operate its hot air balloons down to a minimum altitude of 500 feet over congested areas.
19474	Eastman Kodak Company	14 CFR § 61.57(d)	To permit the petitioner to substitute six-month proficiency checks in Flight Safety International's Gulfstream I and II visual cue simulators for the recent night experience prescribed in Section 61.57(d).
19477	Metropolitan Enterprises, Inc.	14 CFR § 135.185(a)	To permit the petitioner to operate its Beech Baron Aircraft N201UC without a weight and balance established by actual weighing of the aircraft.
19470	Airwest Helicopters, Inc.	14 CFR § 135.136(b)	To permit the petitioner to provide standby pilots with a seven consecutive hour rest period while on duty in lieu of the required 10 consecutive hours during the twenty-four hour period preceding assignment.
19471	Mr. Raymond J. Bailey	14 CFR § 135.243(a)	To allow petitioner to serve as Captain for Alaska Aeronautical Industries until he has reached his 23rd birthday, without holding an airline transport certificate.
19475	Flight Safety International	14 CFR §§ 61.63 and 61.157	To permit petitioner's trainees to accomplish the maneuvers required by FAR Part 61, Appendix A for an airline transport certificate or an associated class or type rating in a simulator.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
12227	National Business Aircraft Association, Inc.	14 CFR § 91.169 and Parts 121, 123, 129, 135, and 137.	To permit petitioner an extension of Exemption No. 1637F which will expire October 23, 1979. <i>Granted 8/15/79.</i>
16607	Trans Mediterranean Airways	14 CFR Parts 21, 61, and 91	To amend Exemption No. 2405E to add Mr. Tor Wilmann to the list of those exempted from Subparts A and F of Part 61 of the FAR. <i>Granted 8/16/79.</i>
18950	Summit Airlines	14 CFR Section 121.351(a)	To permit Summit Airlines to conduct extended over water operations of CV-580 aircraft with only one high frequency transceiver. <i>Granted 8/16/79.</i>
19280	Rotafly, Inc.	14 CFR §§ 141.35(d)(2) and 141.35(d)(3)(i).	To allow petitioner to designate as a chief flight instructor a person who does not have 2,000 hours PIC, 3 years flight instruction experience or 1,500 hours of pilot instruction. <i>Denied 8/16/79.</i>
19308	Philippine Airlines (PAL)	14 CFR Parts 21, 61, 63, and 91	To amend Exemption No. 2783 and to correct the job title of two PAL flight crewmembers listed in the appendix. <i>Granted 8/16/79.</i>

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19165	Executive Jet Aviation	14 CFR §§ 135.89(b)(3) and 121.333(c) (2), (3), and (4).	To permit operation of its Learjet aircraft to maximum certificated altitude without one pilot having to wear and use an oxygen mask above FL 350. <i>Partial grant 8/21/79.</i>
79-NW-27-AD	United Airlines, Inc.	14 CFR Part 39	To permit an adjustment to the annual inspection requirement of Paragraph B, to permit petitioner to accomplish the required inspection at intervals not to exceed 13 months. <i>Granted 8/15/79.</i>

[FR Doc. 79-27045 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration**Model 344788 Jack, Original Equipment on Chevrolet and GMC Light Duty Truck; 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 a safety related defect exists in the Model 344788 jack provided as original equipment on 1975-1976 Chevrolet C-10, P-10, G-20, and GMC C-15, P-15, and G-25 light duty trucks.

A public proceeding will be held at 10 a.m., October 4, 1979, in Room 2230, Department of Transportation Building, 400 Seventh Street, SW., Washington, D.C. 20590, at which the General Motors Corporation will be afforded an opportunity to present data, views and arguments to establish that there is not safety related defect in the Model 344788 jack supplied on those 1975-76 Chevrolet and GMC light duty trucks.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Joann Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Room 5326, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (telephone 202-426-2850) before close of business on September 28, 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, SW., 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 27, 1979.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 79-27137 Filed 8-27-79; 3:30 pm]

BILLING CODE 4910-59-M

[Docket No. IP79-11; Notice 1]

General Motors Corp.; Receipt of Petition for Determination of Inconsequentiality

General Motors Corp. of Warren, Michigan ("GM" herein), has petitioned 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 an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, *Tire Selection and Rims for Passenger Cars*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Approximately 137 1979 model Chevrolet Malibu passenger cars equipped with bucket seats may carry tire inflation placards (required by Standard No. 110) with an incorrect seating capacity and vehicle capacity weight. The placards indicate that the front seating capacity is three persons when the correct capacity is two, that the occupant capacity is six when actually it is five, and that the total vehicle capacity weight is 1,060 pounds when it is 910 pounds.

GM argues that the incorrect seating capacity noncompliance is inconsequential because it is obvious to anyone comparing the tire placard to the actual front seating accommodations that the placard must be in error. Further, even if the vehicle were loaded with an additional 150 pounds, its tire load limits would not be exceeded, because "they are identical to Malibu series vehicles equipped with bench seats and six-passenger capacity." The vehicles involved are special option police vehicles whose production release inadvertently failed to contain instructions to modify tire placard information. The error has now been corrected.

Interested persons are invited to submit written data, views, and arguments on the petition of General Motors Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C.

20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petitions are granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: October 1, 1979.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on August 22, 1979.

A. C. Malliaris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 79-26919 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-59-M

Fiat Model 124 for Model Years 1970-74 Imported by Fiat Motors of North America, Inc.; Public Proceeding

The National Highway Traffic Safety Administration (NHTSA) has reinstated the initial determination issued to Fiat Motors of North America, Inc. on January 16, 1979, that a defect relating to motor vehicle safety exists in the frame and under body of the Fiat model 124 automobile for model years 1970 through 1974 because these critical vehicle components are susceptible to weakening and failure due to excessive rust or corrosion which can result in accidents, injuries, deaths and property damage. The determination with respect to model 124 vehicles issued January 16 was suspended following an agreement between Fiat and the NHTSA that Fiat would recall 1970-71 model 850 Spider (Racer) automobiles. The agreement was reached after assurances were made to the NHTSA that the rust problem was concentrated in the 1970-71 model 850 due to assembly problems. The agency has subsequently learned that Fiat has repurchased some 124 models from owners who have complained of rust. It appears that Fiat's repurchase campaign

does not meet the agency's statutory requirements of notification and remedy.

Pursuant to § 152 and § 156 of the National Traffic and Motor Vehicle Act of 1966, as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974, 15 U.S.C. § 1412 and § 1416), a public meeting will be held at 10 a.m., on September 26, 1979, in Room 2230, Department of Transportation Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590, at which time Fiat Motors of North America, Inc. will be afforded an opportunity to present data, views and arguments regarding the initial determination and the alleged inadequacy of the repurchase campaign.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joann Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, telephone 202-426-2850 before the close of business on September 18, 1979. A transcript will be kept and exhibits may be accepted. There will be no cross-examination of witnesses.

The agency's investigative file in this matter is available for public inspection during the regular working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 152 ad 156, Pub. L. 93-492, 88 Stat. 1470, 15 U.S.C. 1412 and 1416); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on: August 22, 1979.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 79-28613 Filed 8-24-79; 12:47 pm]

BILLING CODE 4910-59-M

Fiat Model 850 Rust and Corrosion Defect Investigation; Public Proceeding Regarding Adequacy of Manufacturer's Notification and Remedy Campaign on Rust and Corrosion

Pursuant to Section 156 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1416) the Administrator has granted the petitions of Jay Luskin of Baltimore, Maryland, James F. Morris of Marietta, Georgia, Richard P. Fredetta of Huntington Beach, California, and Roger Engalla of Houston, Texas requesting a hearing to determine whether Fiat Motors of America, Inc., has reasonably met its obligations to notify owners of Fiat model 1971 850 Spyder (Racer) automobiles, and either remedy a declared safety related defect or refund

the purchase price less a reasonable amount of depreciation.

The defect exists in the critical structural components of the vehicles due to their susceptibility to failure resulting from rust and corrosion. Fiat entered an agreement with the NHTSA to recall the 1970-71 850 Spyder (Racer) model after the NHTSA issued a finding of a defect for 1970-74 124 model and 1970-74 850 model. Fiat filed its defect report pursuant to 49 CFR 573.4 on March 27, 1979, and the recall was assigned the number 79V-078. Fiat's remedy plan was to repair if possible three areas affected by rust and to repurchase cars found to be structurally corroded beyond the repair areas. The repair consisted of installation of upper front shock absorber enforcement plate, installation of a battery support and installation of a central jack bracket reinforcement. Under the plan, only owners showing proof of current registration could participate in the recall campaign. After Fiat filed its remedy plan, the NHTSA notified Fiat that certain aspects of the plan appeared not to meet statutory requirements. In addition, the agency has received an unusually large number of complaints from owners participating in the campaign. Those complaints have dealt primarily with repurchase offers, the repair policy, the current registration requirement, and alleged coercive tactics of Fiat toward participants in the campaign.

The agency has notified Fiat of these complaints, and the manufacturer's response has been unsatisfactory.

An initial public proceeding will be held at 10 a.m., September 26, in Room 2230, Department of Transportation Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590, at which any interested person (including the manufacturer) may make oral or written presentations of data, views, and arguments on the question of whether Fiat has reasonably met its obligation to notify owners, purchasers, and dealers of a safety-related defect under 15 U.S.C. 1411, and to remedy such defect under 15 U.S.C. 1414. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses. Persons who wish to make oral presentations are requested to notify Mrs. Joann Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2850) before the close of business on September 18, 1979.

(Sec. 9 Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 102, Pub. L. 93-

492 (Sec. 156), 88 Stat. 1470 (15 U.S.C. 1416); delegation of authority at 49 CFR 1.50)).

Issued on: August 22, 1979.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 79-28612 Filed 8-24-79; 12:47 pm]

BILLING CODE 4910-59-M

[Docket No. IP79-10; Notice 1]

Mack Trucks, Inc.; Petition for Determination of Inconsequential Noncompliance

Mack Trucks, Inc. of Allentown, Pennsylvania ("Mack" herein) has petitioned 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 an apparent noncompliance with 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and 49 CFR Part 556 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Standard No. 108 requires that motor vehicle headlamps be mounted not more than 54 inches above the road surface, measured from the center of the headlamp, on the vehicle at its curb weight. Mack has determined that, on 19 of its RM series chassis produced between June 1977 and June 1979, headlamp mounting height may exceed the 54-inch limit by as much as 1.7 inches. The height increase creating the noncompliance is attributable to use of a larger tire size that raised the height of the chassis when larger brake drums were installed in order to comply with Standard No. 121, *Air Brake Systems*.

The vehicles in question are "4 x 4 snow plow-dump chassis." Mack deems the noncompliance inconsequential because the vehicles are operated primarily during day light hours and when used in snow removal service, auxiliary headlamps are required due to the positioning of the plow.

Interested persons are invited to submit written data, views and arguments on the petition of Mack Trucks described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: October 1, 1979.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417) delegation of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on August 22, 1979.

A. C. Malliaris,
Acting Associate Administrator for Rulemaking.

[FR Doc. 79-26920 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-59-M

National Highway Traffic Safety Administration Safety, Bumper, and Consumer Information Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on Wednesday, October 10, 1979, to answer questions from the public and industry regarding the Agency's safety, bumper, and consumer information programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Motor Vehicle Environmental Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the October meeting, representatives of DOT will answer questions received in writing from the industry and the public relating to NHTSA's vehicle safety, bumper, or consumer information programs which are technical, interpretative or procedural in nature. The questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions.)

Questions for the October 10 meeting must be submitted in writing by September 24 to William Marsh, NHTSA Executive Secretary, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the September 24 date may be answered at the meeting if sufficient time is available and a

person from DOT knowledgeable in the subject matter is present. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of questions submitted by September 24 will be available at the meeting and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will be available in four to five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on: August 27, 1979.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 79-27157 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administrations, 810 Vermont Avenue, N.W., Washington, DC 20420, September 24, 1979, at 10 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs in order to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Wars.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may only direct questions in writing to the Chairman, Paul A. L. Haber, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Summary minutes of the meeting and rosters of the committee members may be obtained from the Vice-Chairman, Gerrit W. H. Schepers, M.D., Medical Service (III), Department of Medicine and Surgery, Veterans Administration,

Washington, DC 20420 (Phone 202-389-2550).

Dated: August 23, 1979.

By direction of the Administrators.

John J. Leffler,

Associate Deputy Administrator.

[FR Doc. 79-27068 Filed 8-29-79; 8:45 am]

BILLING CODE 8320-01-M

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 October 3, 1979, at 10:00 a.m., the San Francisco Regional Office Station Committee on Educational Allowances shall at Room 1700, 211 Main Street, San Francisco, California 94105, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Rainbow Flyers, Incorporated, 100 Airport Road, Yuba City, California 95991, 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 23, 1979.

H. H. Villalobos,

VA Regional Office, 211 Main Street, San Francisco, CA 94105

[FR Doc. 79-27092 Filed 8-29-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decision; Decision-Notice

Correction

In FR Doc. 79-23841, appearing at page 45525 in the issue for Thursday, August 2, 1979, make the following corrections:

(1) On page 45526, in the middle column, immediately above the paragraph for "MC 26377 (Sub-25F)" insert the following:

Volume No. 123

Decided: July 13, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

(2) On page 45527, in the first column, immediately above the paragraph for "MC 25798 (Sub-362F)" insert the following:

Volume No. 124

Decided: July 13, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-23840, appearing at page 45527 in the issue for Thursday, August 2, 1979, make the following corrections:

(1) On Page 45528, in the middle column, immediately above the paragraph for "MC 18459 (Sub-10F)" insert the following:

Volume No. 94

Decided: June 21, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

(2) On page 45531, in the first column, immediately above "MC 4405 (Sub-596F)" insert:

Volume No. 101

Decided: June 14, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

(3) On page 45535, in the first column, immediately above the paragraph for "MC 908 (Sub-3F)" insert:

Volume No. 115

Decided: July 6, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

BILLING CODE 1505-01-M

Permanent Authority Decisions

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's rules of practice (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience

and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 CFR 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 October 1, 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.

Volume No. 139

Decided: August 3, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill

MC 29079 (Sub-104F), filed April 17, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler Van Orman, 1729 H Street, NW, Washington, DC 20006. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting (1) *iron and steel articles*, from the facilities of Connors Steel Company, at Huntington, WV, to points in IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, PA, SC, VA, WI, and DC; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 29079 (Sub-105F), filed April 17, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Ohio Valley Metals, at Bridgeport, OH, to points in IL, IN, KY, MD, MI, MO, NJ, NY, NC, PA, SC, TN, VA, WV, WI, and DC; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 50069 (Sub-544F), filed April 18, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, in tank vehicles, from West Branch, MI, to points in OH. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 52709 (Sub-358F), filed April 9, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum and petroleum products* (except commodities in bulk), from Kansas City, MO, to points in CO, UT, and WY. (Hearing site: Denver, CO.)

MC 56679 (Sub-117F), filed April 18, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Company,

at or near Pittsburgh, PA, to points in AL, LA, MS, MI, and TN. (Hearing site: Washington, DC.)

MC 82079 (Sub-75F), filed April 12, 1979. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, S.W., Grand Rapids, MI 49503. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. 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 Hershey Foods Corporation, at Taylor, MI, to points in Allen, De Kalb, Elkhart, Kosciusko, Lagrange, La Porte, Marshall, Noble, St. Joseph, Starke, Steuben, and Whitley Counties, IN. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 106398 (Sub-879F), filed April 17, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Vincennes Steel Division, at Vincennes, IN, to points in the United States (except AK and HI). Hearing site: Indianapolis, or Terre Haute, IN.)

MC 106398 (Sub-880F), filed April 18, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Raritan River Steel Company, at Perth Amboy, NJ, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 106398 (Sub-884F), filed April 17, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pre-cast concrete products*, from the facilities of Concrete Panel Systems, Inc., at Charlotte, NC, to points in TN, KY, VA, SC, GA, FL, and AL. (Hearing site: Washington, DC.)

MC 108119 (Sub-143F), filed April 17, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building,

Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *self-propelled vehicles, trailers, buildings, building components*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Forest City, IA, Riverside, CA, and Asheville, NC, 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 or destined to the facilities of Winnebago Industries. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 108119 (Sub-144F), filed April 17, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *counterbalances*, from Opelika, AL, to those points in the United States in and east of MN, IA, MO, AR, and LA, (except ME, VT, NH, MA, RI, CT, NY, and WV). (Hearing site: Birmingham, AL.)

MC 108119 (Sub-145F), filed April 18, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *boats* and (2) *parts and accessories* for boats, from points in Los Angeles and Orange Counties, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles or San Francisco, CA.)

MC 108119 (Sub-146F), filed April 18, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cast iron pipe, fittings, valves, and hydrants*, from the facilities of Mueller Company, at Albertville, AL, and Chattanooga, TN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 108119 (Sub-149F), filed April 18, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000

First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used construction machinery and used construction equipment*, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Al J. Goodman & Sons, Inc. (Hearing site: Charlotte or Raleigh, NC.)

MC 108119 (Sub-150F), filed April 19, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trucks and truck chassis*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, between Oshkosh, WI, 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. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 109818 (Sub-49F), filed April 17, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, to points in Lake and Porter Counties, IN, and IL and IA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 110098 (Sub-175F), filed April 12, 1979. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* except commodities in bulk, from the facilities of General Foods Corporation, at Houston, TX, to points in CA and OR, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations.

(Hearing site: San Antonio or Houston, TX.)

MC 110988 (Sub-385F), filed April 19, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *acids and chemicals*, in bulk, between St. Louis, MO-East St. Louis, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 111729 (Sub-755F), filed April 5, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in FL, restricted (1) against the transportation of packages weighing more than 50 pounds, and (2) against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location, to one consignee at one location, in any one day. (Hearing site: Washington, D.C.)

Note.—Dual operations may be involved.

MC 112989 (Sub-95F), filed April 17, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum sheet and aluminum plate*, from the facilities of Kaiser Aluminum & Chemical Corporation, at Ravenswood, WV, to points in OR, WA, CA, ID, AZ, UT, WY, MT, NV, and TX. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 113678 (Sub-794F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-*

packing houses, (except commodities in bulk), from the facilities of Thies Packing Co., at or near Great Bend, Topeka, and Wichita, KS, to points in AL, AZ, AR, CO, FL, GA, ID, KY, MS, NV, NC, OK, SC, TN, TX, UT, and WY. (Hearing site: Kansas City, KS.)

MC 113678 (Sub-795F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from points in Jefferson County, CO, to points in AZ, CA, ID, IA, KS, MO, MT, NE, NV, TX, UT and UT, and (2) *empty used beverage containers for recycling, and materials and supplies* dealt in or used by breweries, in the reverse direction. (Hearing site: Denver, CO.)

MC 113678 (Sub-804F), filed April 19, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *agricultural commodities* exempt from economic regulation under 49 U.S.C. 10526(a)(6) (formerly Section 203(b) of the Interstate Commerce Act), when transported in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in NE, ND, SD, and WY, restricted to the transportation of traffic having a prior movement by water.

MC 113678 (Sub-807F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). 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, between the facilities of Packers Cold Storage, Inc., at or near Laramie, WY, on the one hand, and, on the other, points in AL, GA, IL, KS, MN, NE, TN, TX, and WI, restricted to the transportation of traffic originating at and destined to the above described territory. (Hearing site: Omaha, NE.)

MC 113678 (Sub-808F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats*,

meat products, meat by products, and articles distributed by meat-packing houses (except commodities in bulk), (1) from the facilities of Dold Foods, Inc., at Wichita, KS, to points in AZ, CA, CO, ID, MT, NV, OR, UT, and WA, and (2) from Chicago, IL, to Wichita, KS. (Hearing site: Kansas City, KS.)

MC 117068 (Sub-115F), filed April 19, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction, earth-moving, and material-handling equipment*, and (2) *parts and accessories* for the commodities in (1) above, from White Marsh, MD, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 117119 (Sub-732F), filed April 17, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials and plastic products* (except commodities in bulk), from South Brunswick, Perth Amboy, Franklin, and Clyde, NJ, to points in WA and OR. (Hearing site: New York NY, or Washington, DC.)

MC 117119 (Sub-736F), filed April 17, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of The Pillsbury Company, at Denison, TX, to points in AZ, CA, NV, OR, and WA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 118318 (Sub-44F), filed April 12, 1979. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (1) from Clearfield, UT, and points in ID, OR, and WA, to points in AZ, CA, ID, OR, NV,

and WA, (2) from Hermiston and Ontario, OR, and points in ID, to points in UT, and (3) from points in CA, AZ, WA, and OR, to Hermiston, OR, and Clearfield, UT, and points in ID. (Hearing site: Boise, ID.)

MC 119789 (Sub-574), filed April 16, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery, hardware, and drug business houses (except commodities in bulk), between Canton, OH, on the one hand, and, on the other, Dallas, TX, and Los Angeles, CA. (Hearing site: New York, NY.)

MC 124078 (Sub-961F), filed April 19, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *barite*, in bulk, from Brownsville, Houston, and Galveston, TX, to points in LA. (Hearing site: Houston, TX.)

MC 124328 (Sub-130F), filed April 12, 1979. Applicant: BRINK'S INCORPORATED, Thornadal Circle, P.O. Box 1225, Darien, CT 06820. Representative: Richard H. Streeter, 1729 H Street, NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, securities, stocks, bonds, negotiable and non-negotiable instruments, and rare or valuable documents and objects*, between Louisville, KY, on the one hand, and, on the other, points in IN, under continuing contract(s) with banks, and banking institutions. (Hearing site: Louisville, KY, or Washington, DC.)

MC 125708 (Sub-163F), filed April 17, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles and insulation*, between Dallas, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 125708 (Sub-162F), filed April 17, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 397 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, wood products, paint, and varnish*, between Jacksonville, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 126118 (Sub-151F), filed April 19, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *park and playground equipment*, and (2) *materials, equipment, and supplies* used in the sale and installation of the commodities in (1) above, from Litchfield, MI, to points in FL, and those points in the United States in and west of MN, IA, MO, OK, and TX (except AK and HI). (Hearing site: Detroit, MI, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 126118 (Sub-152F), filed April 19, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Paper*, from Morrilton, AR, to Kaukauna, WI, and (2) *talc*, from Three Forks, MT, to Kaukauna, WI. (Hearing site: Milwaukee, WI, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 126679 (Sub-11F), filed April 11, 1979. Applicant: DENNIS TRUCK LINE, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hot rolled steel products, steel roof deck, and barjoist*, from points in AL, PA, MD, and SC, to points in Burke County, GA, and (2) *fabricated structural steel and steel articles*, from Burke County, GA, to points in AL, FL, GA, DE, NC, SC, MS, TN, NY, NJ, PA, MD, and VA. (Hearing site: Atlanta, GA.)

MC 126899 (Sub-125F), filed April 17, 1979. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, KY 42001.

Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, in containers, from Evansville, IN, to points in KY. (Hearing site: LaCrosse or Milwaukee, WI.)

MC 133119 (Sub-158F), filed April 19, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vacuum systems, and attachments and parts for vacuum systems*, from Ponca City, OK, and Morristown, NJ, to the port of entry on the international boundary line between the United States and Canada at or near Portal, ND. (Hearing site: Fargo, ND, or Omaha, NE.)

MC 133689 (Sub-267F), filed April 17, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles* (except in bulk), from Townsend, MA, to points in VA, GA, AL, OH, IN, MI, WI, IA, MN, TN, NC, SC, ND, SD, NE, KS, and MO, restricted to the transportation of traffic originating at the named origin. (Hearing site: St. Paul, MN.)

MC 134369 (Sub-14F), filed April 16, 1979. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bentonite and bentonite products*, in bulk, from the facilities of Federal Bentonite Company, at or near Colony, WY, to the facilities of A. E. Schultz Corporation, at or near Neenah, WI. (Hearing site: Chicago, IL.)

MC 135078 (Sub-47F), filed March 22, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *wine* in vehicles equipped with mechanical refrigeration, from Kansas City, MO, to points in AR, CO, FL, IA, ID, IL, IN, KS, MD, ME, NJ, NM,

NY, PA, SD, TX, and DC. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135568 (Sub-3F), filed April 17, 1979. Applicant: CHRISTIE RIGGING & TRUCKING CO., a corporation, 182 Oakwood Drive, Glastonbury, CT 06033. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical generating equipment, power plants, and sound reducing equipment*, the transportation of which requires the use of special equipment, (2) *parts for the commodities* in (1) above, and (3) *materials and supplies* used in the installation and operation of the commodities in (1) and (2) above, (except commodities in bulk), between the facilities of Turbo Power & Marine Systems, Inc., at or near Hartford, CT, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Hartford, CT.)

MC 138198 (Sub-11F), filed April 9, 1979. Applicant: SPD TRUCK LINE, INC., 401 Cottage Street, Abilene, KS 67410. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods* as defined by the Commission, between points in AR, CO, IL, IA, KS, MN, MO, NE, NM, OK, SD, TX, and WY, under continuing contract(s) with Duckwall-Alco Stores, Inc., of Abilene, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 138328 (Sub-87F), filed April 17, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tires and tubes*, (a) from Jackson and Natchez, MS, to Hanford, CA, and (b) from Madison, TN, to points in AZ, CA, OR, and WA; (2) *tire fabric*, from Laurinburg and Laurel Hill (Scotland County), NC, to Hanford, CA, Des Moines, IA, and Madison, TN; and (3) *synthetic rubber*, (a) from Baton Rouge, LA, and Borger, TX, to Hanford, CA, and Des Moines, IA. (Hearing site: Washington, DC, or Omaha, NE.)

MC 138438 (Sub-44F), filed April 17, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740.

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, from Baltimore, MD, and Fairfax, Newington, and Manassas, VA, to points in MD, VA, and WV. (Hearing site: Hagerstown or Baltimore, MD.)

Note.—Dual operations may be involved.

MC 138469 (Sub-137F), filed April 13, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *office and household furnishings and fixtures*, (2) *parts of the commodities* in (1), and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, from the facilities of Triangle Pacific Corporation, at or near Elizabeth City, NC, to those points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK and HI). (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 139879 (Sub-3F), filed February 5, 1979. Applicant: LASALLE CARTAGE COMPANY, INC., 2707 Territorial Road, St. Paul, MN 55114. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *industrial solvents, epoxy resins, lubricating oil, industrial soap, and polymers*, from the facilities of Worum Chemical Co., Inc., at St. Paul, MN, to Fargo, Grand Forks, and Devils Lake, ND, Sioux Falls, Mitchell, and Brookings, SD, Houghton, MI, points in WI, and those points in IA on and north of U.S. Hwy 18, and (2) *materials and supplies* used in the manufacture of fiberglass, from the facilities of Worum Fiberglass Supply Co., Inc., at St. Paul, MN, to the destinations named in (1) above. (Hearing site: Minneapolis, MN.)

MC 140389 (Sub-52F), filed April 17, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and filters*, (except commodities in bulk, in tank vehicles), (a) from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AL,

FL, GA, KY, and, TN, and (b) from points in AL, GA, and KY, to the facilities named in (1)(a) above; and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, (except commodities in bulk), from points in AL, GA, and KY, to the facilities named in (1) (a) above, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Pittsburgh, PA, or Atlanta, GA.)

MC 140389 (Sub-57F), filed April 17, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. 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 grocery and food business houses, (except commodities in bulk), (1) between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN, and (2) between points in the territory described in (1) above, on the one hand, and on the other, points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Atlanta, GA.)

MC 140829 (Sub-225F), filed April 19, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from the facilities of Wilson Foods Corporation, at Omaha, NE, to points, in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 141889 (Sub-5F), April 2, 1979. Applicant: RONALD DE BOER, d.b.a. DE BOER TRUCKING, Route 1—Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 Gilman Street, Madison, WI 53703. 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 converters, and printers of paper and paper products (except commodities in bulk), from points in Portage and Wood Counties, WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Madison or Stevens Points, WI.)

MC 142368 (Sub-22F), filed April 22, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel wire*, (1) from Houston, TX, and points in NJ, NY, OH, and PA, to City of Industry, CA, (2) from City of Industry, CA, to Elk Grove Village, IL, and Houston, TX, and (3) from Los Angeles, CA, to points in AR, IN, KS, OH, and TX. (Hearing site: Los Angeles, CA.)

Note.—The person or persons who appear to be engaged in common control with another carrier 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. Affidavits or the application under 49 U.S.C. 11343(a) is due 20 days from the date of publication hereof.

MC 142539 (Sub-5F), filed April 19, 1979. Applicant: B.W.T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, petroleum, and petroleum products*, (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and sale of the commodities in (1) above, (except commodities in bulk), between Paterson and Perth Amboy, NJ, and Chicago, IL, 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, under continuing contract(s) with Witco Chemical Corp., of New York, NY. (Hearing site: Newark, NJ.)

MC 143059 (Sub-76F), filed April 19, 1979. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials*, (except commodities in bulk), from the facilities of Bird & Sons, Inc., at or near Shreveport, LA, to points in AR, IL, KS, KY, MS, NM, OK, TN, and TX,

restricted to the transportation of traffic originating at the named origin. (Hearing site: Louisville, KY, or Washington, DC.)

MC 144209 (Sub-6F), filed April 16, 1979. Applicant: ERWIN TRUCKING, INC., 9100 "F" Street, Omaha, NE 68127. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *telephone equipment and switchboard parts*, (2) *materials and supplies* used in the installation and maintenance of telephone equipment and telephone lines, and (3) *supplies* used by manufacturers of the commodities in (1) and (2) above, from Kearny, NJ, to Goddard, KS. (Hearing site: Omaha, NE.)

Note.—Rates are involved in this proceeding.

MC 145099 (Sub-3F), filed April 17, 1979. Applicant: MARLOR ENTERPRISES, LTD., 2950 Altamont Crescent, West Vancouver, British Columbia, Canada V7V 1C3. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pipe coating*, from Fontana, CA, to those ports of entry on the international boundary line between the United States and Canada in WA, under continuing contract(s) with Shaw Pipe Protection (Pacific) Ltd., of Surrey, British Columbia, Canada. (Hearing site: Seattle, WA)

MC 145099 (Sub-4F), filed April 17, 1979. Applicant: MARLOR ENTERPRISES, LTD., 2950 Altamont Crescent, West Vancouver, British Columbia, Canada V7V 1C3. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from those ports of entry on the international boundary line between the United States and Canada at or near (a) Blaine, Sumas, Oroville, Ferry, and Danville, WA, (b) Eastport, ID, and (c) Eureka, MT, to points in AZ, CA, NV, and TX, under continuing contract(s) with Marlor Industries, Ltd., of West Vancouver, British Columbia, Canada. (Hearing site: Seattle, WA.)

MC 145338 (Sub-3F), filed April 19, 1979. Applicant: MEDICAL EMERGENCY TRANSPORTATION CORPORATION d.b.a. METCOR, P.O. Box 8, Califo, NJ 07830. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *radiopharmaceuticals and mecid medical isotopes*, from Newark International Airport, at Newark, NJ, to points in Adams, Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Schuylkill, Sullivan, Wyoming, and York Counties, PA, restricted to the transportation of traffic having a prior movement by air, and further restricted against the transportation of packages or articles weighing in the aggregate more than 40 pounds from one consignor to one consignee on any one day, under continuing contract(s) with New England Nuclear Corporation, of North Bellerica, MA. (Hearing site: New York, NY.)

MC 145539 (Sub-1F), filed March 22, 1979. Applicant: OHIO NORTHERN TRANSIT CO., a corporation, 2871 West 130th St., Hinckley, OH 44233. Representative: James C. White (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities* which because of size or weight require special equipment, (1) between points in Lorain and Medina Counties, OH, on the one hand, and, on the other, those points in the United States east of the Continental Divide (except OH), and (2) between Mathiston, MS, on the one hand, and, on the other, points in the United States (except AK, HI, and MS). (Hearing site: Cleveland or Columbus, OH.)

MC 145818 (Sub-1F), filed April 17, 1979. Applicant: AMERICAN TRANSPORT, INC., 305 West 14th Street, Sioux Falls, SD 57102. Representative: M. Mark Menard, P.O. Box 480, Sioux Falls, SD 57101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel buildings, grain bins, grain drying systems, and elevator leg systems*, from Atlantic and Houghton, IA, Assumption, IL, and Madison, WI, to points in AR, CO, IA, KS, MN, MO, ND, NE, OK, SD, TX, and LA, under continuing contract(s) with (a) Agra Sun Systems, Inc., and (b) Wholesale Farm Supply, Inc., of Sioux Falls, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC 146419 (Sub-2F), filed April 18, 1979. Applicant: RAYMOND J. SCHWANBECK AND LEE ALLEN SCHWANBECK, a partnership d.b.a. SCHWANBECK BROS., Route 1 Box 187 C, Pittsville, WI 54466. Representative:

Wayne E. Wilson, 150 E. Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers converters, and printers of paper and paper products, (except commodities in bulk), from points in Portage and Wood Counties, WI, to points in AZ, CO, CA, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Madison or Stevens Point, WI.)

MC 146599 (Sub-2F), filed April 19, 1979. Applicant: HANNAN TRUCKING, INC., 11208 Sherman, Dallas, TX 75229. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. 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 grocery and food business houses, between Grand Prairie, TX, on the one hand, and, on the other, points in KS and OK. (Hearing site: Ft. Worth or Dallas, TX.)

MC 146608 (Sub-1F), filed April 17, 1979. Applicant: BOARD TRUCKING COMPANY, INC., Bli Big Springs, KY 40106. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40601. 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 wholesalers and retailers of building materials and supplies, (except commodities in bulk, in tank vehicles), between points in KY, on the one hand, and, on the other, points in IN, restricted to the transportation of traffic originating at or destined to the facilities of The Wickes Corporation, under continuing contract(s) with The Wickes Corporation, of Saginaw, MI. (Hearing site: Louisville or Frankfort, KY.)

MC 147139F, filed April 18, 1979. Applicant: A-1 MOVERS, INC., 11557 Darryl Drive, Baton Rouge, LA 70815. Representative: Howard Taylor (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, between Baton Rouge, LA, on the one hand, and, on the other, points in LA, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of

such shipments. (Hearing site: Baton Rouge or Lafayette, LA.)

Volume No. 140

Decided: August 3, 1979.

By the Commission, Review Board Number 2, Members Liberman, Eaton, and Boyle

MC 4484 (Sub-8F), filed March 26, 1979. Applicant: CROWN TRANSPORT, INC., Rural Delivery No. 2, Wampum, PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery*, between Charlotte, NC, and points in Delaware and Philadelphia Counties, PA, on the one hand, and on the other, points in the United States in and east of WI, IA, MO, AR, and LA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 8535 (Sub-76F), filed March 28, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles, and materials, equipment, and supplies* used in the manufacture of aluminum (except commodities in bulk), between the facilities of Alumax, Inc., in Berkley County, SC, on the one hand, and, on the other, points in AL, CT, DE, GA, IL, IN, KY, MD, MI, NJ, NC, NY, OH, PA, SC, TN, VA, WV, and DC. (Hearing site: Charleston, SC, or Atlanta, GA)

MC 8535 (Sub-81F), filed March 28, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in DE, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, TN, VA, WV, and DC. (Hearing site: Columbus, OH, or Pittsburgh, PA.)

MC 8535 (Sub-82F), filed March 28, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. 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 Kentucky Electric Steel Co., at Coalton, (Boyd County), KY, to points in IL, IN, IA, and TN. (Hearing site: Columbus, OH, or Pittsburgh, PA.)

MC 22195 (Sub-178F), filed March 27, 1979. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Ave., Sioux Falls, SD 57105. Representative: F. Fred Fischer (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molasses*, in bulk, in tank vehicles, (a) from Drayton and Hillsboro, ND, to points in MN, SD, IA, and WI, and (b) from East Grand Forks, Crookston, and Moorhead, MN, to points in ND, SD, IA, and WI. (Hearing site: Fargo, ND, or Sioux Falls, SD.)

MC 44605 (Sub-50F), filed April 6, 1979. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. 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 Reno and Las Vegas, NV: from Reno over Interstate Hwy 80 to junction Alternate U.S. Hwy 95, then over Alternate U.S. Hwy 95 to junction U.S. Hwy 95, then over U.S. Hwy 95 to Las Vegas, and return over the same route, serving no intermediate points. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier 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. (Hearing sites: Reno, NV, and Phoenix, AZ.)

MC 50935 (Sub-27F), filed March 28, 1979. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 999 West Big Beaver Rd., Suite 1002, Troy, MI 48064. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages* (1) from Newark, NJ, to points in MI, and (2) between Newark, NJ, on the one hand, and, on the other, Milwaukee, WI and Peoria, IL. (Hearing site: Detroit or Lansing, MI.)

MC 52704 (Sub-215F), filed April 6, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box 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 *dry milk products* (except in bulk), from the facilities of DMI, Inc., at or near Louisville, KY, to points in AL, FL, GA, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-237F), filed April 9, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box 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) *pet foods*, from the facilities of Mavar Shrimp & Oyster Co., at or near Biloxi, MS, to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MO, NC, SC, TN, TX, and VA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: New Orleans, LA, or Atlanta, GA.)

MC 60014 (Sub-128F), filed April 9, 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 *glass making machinery*, between the facilities of Maul Bros., at or near (a) Winchester, IN, and (b) Millville, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 95084 (Sub-133F), filed March 28, 1979. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. 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 *such commodities* as are dealt in or used by agricultural equipment, industrial equipment, and lawn care and leisure product manufacturers and dealers (except commodities in bulk), between the facilities of International Harvester Company, at (a) Canton, East Moline, and Rock Island, IL, and (b) Memphis, TN, on the one hand, and, on the other,

points in CT, DE, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, WV, and DC, restricted, except for movements in foreign commerce, to the transportation of traffic originating at the named origins, and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 105045 (Sub-101F), filed April 5, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Tennessee Forging & Steel Corp., at or near Newport, AR, to those points in the United States in and east of CO, MN, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 106674 (Sub-381F), filed April 5, 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 *composition board*, from Blountstown, FL, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107515 (Sub-1216F), filed March 29, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. 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 grocery and food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Seneca-Lincoln Foods, Division of Seneca Food Corp., at or near Mountain Home, NC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, NE, KS, OK, and TX (except NC). (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1218F), filed March 26, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, in vehicles equipped with

mechanical refrigeration, from Falmouth, VA, to points in NH. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 109124 (Sub-70F), filed April 9, 1979. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 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 *iron and steel articles, and non-ferrous metal articles*, from Chicago, IL, to Buffalo, NY, and points in OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 109584 (Sub-192F), filed March 28, 1979. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid animal feed*, in bulk, in tank vehicles, from Clovis, NM, to points in Imperial County, CA. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) for approval of the common control, or file an affidavit indicating why such approval is unnecessary. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 111274 (Sub-42F), filed March 28, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel tubing, pipe tubing and alloy tubing*, and (2) *accessories*, for the commodities in (1) above, between Chicago, IL, on the one hand, and, on the other, (a) points in MO, OK, IA, KS, MN, NV, ND, SD, CO, KY, and TN, and (b) points of entry on the international boundary line between the United States and Canada in MT, ID, and WA. (Hearing site: Chicago or Springfield, IL.)

MC 112595 (Sub-85F), filed April 5, 1979. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, OH 45638. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products, and chemicals*, in bulk,

between the facilities of Ashland Oil, Inc., in (a) Boyd County, KY, (b) Lawrence County, OH, and (c) Wayne County, WV, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 113434 (Sub-128F), filed April 5, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5253—144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Kraft, Inc., at (a) Dunkirk, NY, and (b) Erie, PA, to points in IL, IN, OH, and MI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113855 (Sub-478F), filed March 22, 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) *such commodities as are dealt in or used by manufacturers of pollution control equipment*, (except commodities in bulk, in tank vehicles), (2) *such commodities as are dealt in or used by manufacturers of energy producing, reclamation and mining equipment*, (except commodities in bulk, in tank vehicles), and (3) *such commodities as are dealt in or used by manufacturers of self-propelled vehicles and self-propelled machinery*, (except commodities in bulk, in tank vehicles), between points in the United States (including AK, but excluding HI); restricted in (3) above, to the transportation of traffic originating at the facilities of Envirotech Corporation. (Hearing site: San Francisco, CA.)

MC 113855 (Sub-479F), filed March 22, 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) *utility bodies, machinery, and metal articles*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, between Reading, PA, 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-480F), filed April 2, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., 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) *heat exchangers and equalizers, and gas and liquid, washing, heating, cooling, humidifying, and moving equipment*; (2) *pollution control equipment*; (3) *piston ring valves*; (4) *material handling equipment*; (5) *foundry equipment*; (6) *fabricated metal articles*; (7) *parts, attachments, and accessories* for the commodities in (1) through (6) above; and (8) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) through (7) above, between points in York County, PA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC.)

MC 115654 (Sub-154F), 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 *charcoal briquettes*, from the facilities used by Husky Industries, at or near Meridian and Pachuta, MS, to points in AL, GA, and TN. (Hearing site: Atlanta, GA, or Nashville, TN.)

MC 116915 (Sub-78F), filed March 26, 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 (1) *dump bodies, axles, supports, hoists cylinders, fuel tanks, and mobile feed mixers*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of (a) Harsh Manufacturing, at or near Owensboro, KY, (b) Hydraulics Unlimited Manufacturing Co., at or near Eaton, CO, (c) Clark Truck Equipment Co., at or near Linden, IN, and (d) Harsh of Platte Valley Equipment Co., at or near Scotts Bluff, NE, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Louisville, KY.)

MC 119765 (Sub-86F), filed April 3, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk, in tank vehicles), from Harlan, IA, to Lodi, CA. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 121664 (Sub-63F), filed March 27, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coiled steel, flat sheet steel, steel tubing, mufflers, and tail pipes*, from Gadsden, AL, to Dexter, MO. (Hearing site: Birmingham, AL, or Indianapolis, IN.)

MC 121664 (Sub-67F), filed March 28, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing*, (a) from Holt, AL, to points in MO, TN, KY, GA, NC, SC, FL, AL, LA, AR, VA, MO, IL, and IN, and (b) from Doraville, GA, to points in TN, NC, SC, and FL. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-68F), filed April 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave., South, Birmingham, AL 35201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rotary cutters and components of rotary cutters*, from Selma, AL, to points in PA, VA, FL, MO, TX, KY, IL, IN, and SC; and (2) *materials and supplies used in the manufacture of the commodities named in (1) above, in the reverse direction*. (Hearing site: Birmingham or Montgomery, AL.)

MC 123294 (Sub-63F), filed April 5, 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 (1) *aluminum scrap*, between points in IL, IN, OH, MI, MO, IA, and KY, and (2) *aluminum ingots and aluminum wire*, from Coldwater, MI, and Toledo, OH, to points in IL, IN, OH, MI, MO, IA, and KY. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 127625 (Sub-33F), filed April 4, 1979. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *composition board and plywood*, and (2) *accessories and materials used in the installation and sale of the commodities named in (1) above, from the facilities of Abitibi Corporation*, at Toledo, OH, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, WI, and DC. (Hearing site: Detroit, MI, or Washington, DC.)

MC 127705 (Sub-87F), filed April 4, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from the facilities of Midland Glass Company, Inc., at Terre Haute, IN, to points in WI (Hearing site: Indianapolis, IN.)

MC 127834 (Sub-121F), filed April 2, 1979. Applicant: CHEROKEE HAULING & RIGGING, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. 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, and commodities in bulk), between Hickman, KY, and the facilities of Hickman-Fulton County Riverport, at or near Hickman, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Memphis, TN, or St. Louis, MO.)

MC 128205 (Sub-66F), filed March 28, 1979. Applicant: BULKOMATIC TRANSPORT COMPANY, a corporation, 12000 South Doty Ave., Chicago, IL 60628. Representative: Arnold L. Burke, 180 North La Salle St.,

Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cereal food products*, in bulk, from Battle Creek, MI, to Delvan, WI. (Hearing site: Chicago, IL.)

MC 133095 (Sub-247F), filed April 5, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products, and materials, and supplies used in the manufacture of paper and paper products* (a) from the facilities of Scott Paper Company, at or near Mobile, AL, to Huntington and Fairmont, WV, and points in IL, IN, DE, MN, MI, WI, and PA (except Philadelphia), and (b) from the facilities of Scott Paper Company, at or near Marinette, Oconto Falls, Green Bay, and Fond du Lac, WI, to Atlanta, GA, and Mobile, AL. (Hearing site: Mobile, AL, or Atlanta, GA.)

MC 133775 (Sub-19F), filed March 9, 1979. Applicant: REEFER TRANSIT LINE, INC., 1977 West 103rd St., Chicago, IL 60604. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. 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 *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Worthington, MN, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 134064 (Sub-24F), filed March 28, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Hwy. 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of Beatrice Foods Co., at or near Archbold, OH, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Columbus, OH, or Atlanta, GA.)

MC 134405 (Sub-66F), filed March 28, 1979. Applicant: BACON TRANSPORT COMPANY, a corporation, P.O. Box 1134, Ardmore, OK 73401.

Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean oil*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at or near Wichita, KS, to the Port of Catoosa, OK. (Hearing site: Oklahoma City, OK.)

MC 135884 (Sub-16F), filed March 15, 1979. Applicant: CALDWELL TRUCKING, INC., Holdman Route, Pendleton, OR 97801. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic foam insulation and insulation supplies*, from the facilities of Vertex, Inc., at Oakland and Los Angeles, CA, to points in WA and OR. (Hearing site: Portland, OR.)

MC 136384 (Sub-14F), filed April 6, 1979. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: W. W. Palmer, Jr. (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 *insulating materials*, and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of building materials, between the facilities of Johns-Manville Corporation at Savannah, GA, on the one hand, and, on the other, points in TN and VA. (Hearing site: Savannah or Atlanta, GA.)

MC 136384 (Sub-15F), filed April 6, 1979. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: W. W. Palmer, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products (except commodities in bulk)*, between the facilities of Union Camp Corp., at Savannah and Tifton, GA, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NY, NJ, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in AL, AR, CO, CT, DE, FL, GA, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NY, NJ, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, to the

facilities named in (1) above. (Hearing site: Savannah or Atlanta, GA.)

MC 136605 (Sub-97F), filed April 4, 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 *iron and steel articles*, from the facilities of Northwest Steel and Wire Company, at or near Sterling, IL, to those points in the United States in and west of MN, IA, MO, OK, and TX (except AK, and HI). (Hearing site: Chicago, IL.)

MC 136605 (Sub-125F), filed April 3, 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 *bentonite*, from the facilities of Wyo-Ben, Inc., in Big Horn and Hot Springs Counties, WY, to points in ID, WA, and OR. (Hearing site: Billings, MT.)

MC 138265 (Sub-2F), filed March 28, 1979. Applicant: W. A. BARNES TRUCKING CO., INC., Route 2, Box 234 D-1, Prince George, VA 23875. Representative: Calvin F. Major, 200 W. Grace Street, Suite 415, Richmond, VA 23220. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and building materials*, from points in VA, to points in NY, NJ, CT, MA, NH, VT, ME, DE, OH, RI, PA, MD, WV, TN, NC, and DC, under continuing contract(s) with (a) Roper Brothers Lumber Co., Inc., of Petersburg, VA, (b) Wrenn Lumber Corporation of Roanoke, VA, and (c) Continental Forest Industries, a division of The Continental Group, Inc., of Savannah, GA. (Hearing site: Richmond, VA.)

MC 138635 (Sub-88F), filed April 3, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., 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 *office furniture*, from Bell Gardens, CA, to Raleigh, NC, Miami and Fort Meyers, FL, Atlanta, GA, Mobile, AL, and Memphis, TN. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 139395 (Sub-3F), filed April 5, 1979. Applicant: BULK TRANSIT CORPORATION, 2040 North Wilson Rd., Columbus, OH 43228.

Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, in bulk, in tank vehicles, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Columbus, OH, on the one hand, and, on the other, points in the United States (except OH). (Hearing site: Columbus, OH, or Washington, DC.)

MC 140615 (Sub-35F), filed April 5, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Terrence D. Jones, 2033 "K" St., N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods*, from the facilities of Campbell Soup Company, at Chicago, IL, to points in WI, and the Upper Peninsula of MI. (Hearing site: Washington, DC, or Chicago, IL.)

MC 141804 (Sub-199F), filed March 23, 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 *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 points in VA, NC, SC, GA, TN, and AL, to points in UT, AZ, NV, WA, OR, and 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: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-200F), filed March 21, 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) *cabinets, range hoods, sanitation systems, ventilators, and mail boxes*, (2) *parts, supplies, and accessories* used in the installation of the commodities in (1) above, (3) *vehicle accessories*, and (4) *parts and supplies* for vehicle accessories from points in CA to those points in the United States in and east of

ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, or San Francisco, CA.)

MC 141804 (Sub-245F), filed April 4, 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 *adhesives*, between points in 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, restricted to the transportation of traffic originating at or destined to the facilities of Essex Chemical Corp. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142715 (Sub-62F), filed April 3, 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 *foodstuffs* (except commodities in bulk), from points in Cumberland, Dauphin, Lancaster, and Lebanon Counties, PA, to points in IA, IL, IN, KS, MO, MN, MI, NE, ND, SD, and WI. (Hearing site: Philadelphia, PA.)

MC 142715 (Sub-63F), filed April 3, 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 *iron and steel chilled shot*, (except in bulk), from Wadsworth, OH, to points in IL, IN, IA, KS, MN, MO, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Milwaukee, WI, or St. Paul, MN.)

MC 142844 (Sub-3F), filed March 28, 1979. Applicant: DON HAUSAUER, d.b.a. DON HAUSAUER TRUCKING, Route No. 5, Carufel Addition, Bismarck, ND 58501. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, (1) from points in CA, WY, SD, and UT, to points in MN, WI, ND, SD, NE, IA, MI, IL, and IN, (2) from points in WA, OR, MT, and ID, to points in ND, SD, NE, IA, IL, MI, and IN, and (3) from points in MN, WI, MI, IL, and IA, to points in ND, SD, MN, WI, MT, MI, ID, WA, and OR, under continuing contract(s) with Owens Forest Products, of Duluth, MN. (Hearing site: St. Paul or Duluth, MN.)

Note.—Dual operations may be involved.

MC 143775 (Sub-72F), filed March 28, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in CA, to points in ID, KS, LA, MT, NE, OK, OR, TX, UT, and WA, and (2) between AZ, CA, NV, and UT, on the one hand, and, on the other, points in CT, FL, GA, IL, DE, ME, MD, MA, MO, NJ, NY, NC, PA, SC, TN, and WI, 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: Los Angeles or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-81F), filed March 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pellets*, in packages, from the facilities of the Gulf Oil Chemical Company, at or near Houston and Beaumont, TX, to points in CT, DE, IL, IN, MA, MD, MI, MN, NJ, NY, OH, PA, RI, and WI. (Hearing site: Houston, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-82F), filed March 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (a) from the facilities of Southeastern Michigan Shippers Cooperative Association of Detroit, MI, at points in MI, to points in AZ, CA, CO, CT, FL, GA, IL, KS, MA, MO, NM, NC, OR, TN, TX, UT, and WA, and (b) between the facilities of Southeastern Michigan Shippers Cooperative Association of Detroit, MI, at points in MI, on the one hand, and, on the other, points in NJ, NY, and PA. (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-103F), filed April 4, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), (1) from the facilities used by West Coast Shippers Association, (a) at or near Philadelphia, PA, and (b) in NJ, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities, and (2) from Marinette, WI, to Philadelphia, PA, and New York, NY. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144075 (Sub-6F), filed March 27, 1979. Applicant: INDUSTRIAL TRANSPORT, INC., 11910 Harvard Ave., Cleveland, OH 44105. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 327, Arlington, VA 22201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electric stairways and electric walks*, and (2) *materials, equipment, and supplies* used in the manufacture, and installation of the commodities in (1) above, from Gettysburg, PA, Edison, NJ, and points in Randolph Township, (Morris County), NJ, to those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Westinghouse Electric Corporation, of Edison, NJ. (Hearing site: Newark, NJ, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144725 (Sub-2F), filed March 1, 1979. Applicant: MONROE DELIVERY AND DISTRIBUTION, INC., 7792 N.W. 72nd Ave., Miami, FL 33166. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138. 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 points in Dade, Broward, and Palm Beach Counties, FL. (Hearing site: Miami or Ft. Lauderdale, FL.)

MC 145454 (Sub-3F), filed March 26, 1979. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 2154 Green Valley Dr., Crown Point, IN 46301.

Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bananas*, and (2) *pineapples*, in mixed loads with *bananas*, from Tampa, FL, and Charleston, SC, to points in IN, OH, MI, IL, KY, MO, KS, IA, WI, and MN. (Hearing site: Chicago, IL.)

MC 145614 (Sub-2F), filed March 22, 1979. Applicant: TRIPLE A TRANSPORT, INC., Littlefield Rd. Springvale, ME 04083. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. 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 in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Palamera Beef Corp., and John Roth & Son, Inc., at Omaha, NE, to points in CT, ME, MA, NH, NJ, NY, and PA. (Hearing site: Portland, ME or Boston, MA.)

MC 145715 (Sub-2F), filed April 9, 1979. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Rd., Van Buren, AR 72956. Representative: Bernard J. Kompare, Suite 1600, 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 *canned goods*, from the facilities of Meeter Bros. & Co., at or near Union Grove, WI, to Ackley, IA, Dallas, TX, Evansville and Hammond, IN, Joplin, MO, Little Rock, AR, Los Angeles, CA, Memphis, TN, and Oklahoma City and Tulsa, OK, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL.)

MC 146055 (Sub-2F), filed March 26, 1979. Applicant: JOHN H. SCHUEMAN & DENNY SCHUEMAN d.b.a. DOUBLE "S" TRUCK LINE, 425 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats*, *meat products* and *meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk, in tank vehicles), from the facilities of Western Iowa Park, at or near Harlan,

IA, to points in CA. (Hearing site: Omaha, NE.)

MC 146245 (Sub-2F), filed April 6, 1979. Applicant: DIRECT CARRIERS, INC., 935 Millbury St., Worcester, MA 01607. Representative: Mary R. Desy (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles*, *rubber articles*, *games*, and *toys*, and (2) *materials*, *equipment*, and *supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between the facilities of Kiddie Products, Inc., at Avon, Leominster, and Worcester, MA, on the one hand, and, on the other, points in the United States (except AK, CT, HI, MA, ME, NH, RI, and VT), under continuing contract(s) with Kiddie Products, Inc., of Avon, MA. (Hearing site: Springfield or Boston, MA.)

MC 146465 (Sub-3F), filed April 6, 1979. Applicant: Lawrence Pilgrim d.b.a. PILGRIM TRUCKING COMPANY P.O. Box 77, Cleveland, GA 30528. Representative: Jeffrey Kohlman, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, between the facilities of Hoover Universal, Inc., Wood Preserving Division, at (a) Thomson, GA, and (b) Milford, VA, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—By this application, applicant proposes to convert, in part, contract carrier authority to common carrier authority. Dual operations may be involved.

MC 146625 F, filed March 9, 1979. Applicant: EDGAR TREMBLAY, Rural Route No. 6, Coaticook, Quebec, Canada J1A 2S5. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *lumber*, between the ports of entry on the international boundary line between the United States and Canada in ME, NH, NY, and VT, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV; and (2) *fencing*, from the ports of entry on the international boundary line between the United States and Canada in ME, NH, NY, and VT, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA. (Hearing site: Montpelier, VT, or Boston, MA.)

MC 146684, (Sub-1F), filed April 5, 1979. Applicant: Howard S. Davis d.b.a.

HOWARD S. DAVIS & SON TRUCKING, 1800 Laurel Hwy, Seaford, DE 19973. Representative: J. Michael May, 1447 Peachtree St., NE, Suite 508, Atlanta, GA 30309. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed ingredients*, in bulk, from the facilities of International Bakerage, Inc., at Carteret, NJ, to points in DE, MD, NC, PA, and VA, under continuing contract(s) with International Bakerage, Inc., of Atlanta, GA. (Hearing site: Atlanta, GA or Washington, DC.)

MC 146944 F, filed April 2, 1979. Applicant: LYKES PASCO PACKING CO., a corporation, P.O. Box 97, Dade City, FL 33525. Representative: Ansley Watson, Jr., 512 N. Florida Ave., P.O. Box 1531, Tampa, FL 33601. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats*, from points in AL, LA, MS, ND, SD, NE, KS, CO, OK, TX, MN, IA, MO, AR, WI, IL, TN, IN, KY, MI, OH, and GA, to the facilities of Lykes Bros., Inc., in GA and FL, under continuing contract(s) with Lykes Bros. Inc., of Tampa, FL. (Hearing site: Tampa, FL.)

Volume No. 141

Decided: August 1, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2245 (Sub-12F), filed April 9, 1979. Applicant: THE O. K. TRUCKING COMPANY, a corporation, 3000 E. Crescentville Rd., Cincinnati, OH 45241. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. 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), (1) between Charleston and Parkersburg, WV, over Interstate Hwy 77; and (2) between Athens and Columbus, OH, over U.S. Hwy 33, in (1) and (2) serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Cincinnati, OH.)

MC 2605 (Sub-7F), filed March 21, 1979. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 Adams Ave., Philadelphia, PA 19124. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107. 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), in containers, (A) over regular routes, (1) between Baltimore, MD, and Norfolk, VA, over Maryland Hwy 2 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Salisbury MD, then over U.S. Hwy 13 to Norfolk, VA; (2) between Wilmington, DE, and Norfolk, VA, over U.S. Hwy 13, in (A) above, serving no intermediate points, U.S. Hwy 13, (B) over irregular routes, between Norfolk, VA, Baltimore, MD, Wilmington, DE, Philadelphia, PA, and New York, NY, on the one hand, and, on the other, New Cumberland, Mechanicsburg, and Chambersburg, PA, restricted in (A) and (B) above, to the transportation of traffic having an immediate prior or subsequent movement by water. (Hearing site: Philadelphia, PA.)

MC 8535 (Sub-83F), filed April 10, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting materials and supplies used in the manufacture and distribution of iron products (except commodities in bulk), (1) between Florence, NJ, on the one hand, and, on the other, points in AZ, AR, CA, CO, GA, IL, IN, ID, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY; (2) between Lynchburg, VA, on the one hand, and, on the other, points in AZ, AR, CA, CO, GA, IL, IN, ID, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY; and (3) between Council Bluffs, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, MI, ME, NJ, NY, NH, NC, OH, PA, RI, SC, VA, VT, WV, WI, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 26825 (Sub-39F), filed April 6, 1979. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting pillows and padding, from Middletown, IN, to points in the United States (except AK and HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 14215 (Sub-36F), filed April 9, 1979. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo

Junction, OH 43938. 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, (1) from the facilities of Temson-Roby Steel Co., at Cleveland, OH, to points in AL and GA, and (2) from Detroit, MI, to New Cumberland, WV. (Hearing site: Columbus, OH.)

MC 44605 (Sub-51F), filed April 9, 1979. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Reno, NV, and Los Angeles, CA, (a) from Reno over U.S. Hwy 395 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, and return over the same route, serving the intermediate point of Carson City, and serving junction U.S. Hwy 395 and CA Hwy 14 for purposes of joinder only, and (b) from Reno over Interstate Hwy 80 to junction Interstate Hwy 5 at Sacramento, CA, then over Interstate Hwy 5 to Los Angeles, and return over the same route, serving the intermediate point of Carson City and serving junction Temporary Interstate Hwy 5 and Interstate Hwy 80 at Sacramento, CA for purposes of joinder only, (2) between junction U.S. Hwy 395 and CA Hwy 14, and Los Angeles, CA, from junction U.S. Hwy 395 and CA Hwy 14, over CA Hwy 14 to Los Angeles, and return over the same route, serving no intermediate points, and (3) between junction Temporary Interstate Hwy 5 and Interstate Hwy 80 at Sacramento, CA, and Los Angeles, CA, from junction Temporary Interstate Hwy 5 and Interstate Hwy 80 over Temporary Interstate Hwy 80 to junction Interstate Hwy 5 at Wheeler Ridge, then over Interstate Hwy 5 to Los Angeles, and return over the same route, serving no intermediate points. (Hearing sites: Los Angeles, CA, and Reno, NV.)

MC 52704 (Sub-218F), filed April 9, 1979. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Pkwy, Atlanta, GA 30345. To operate as a common

carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting sugar (except in bulk), from Kenner and Reserve, LA, to points in AL, FL, GA, KY, MS, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: New Orleans, LA, or Atlanta, GA.)

MC 53965 (Sub-157F), filed April 9, 1979. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Drawer 1387, Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. 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 John Morrell & Co., at or near St. Louis, MO, to points in IA, KS, MO, TX, OK, and AR. (Hearing site: St. Louis or Kansas City, MO.)

MC 72235 (Sub-12F), filed April 5, 1979. Applicant: IVORY VANLINES, INC., 5601 Corporate Way, Suite 107, West Palm Beach, FL 33407. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting zinc and zinc alloys, between Josephstown, Potter Township, Beaver County, PA, on the one hand, and, on the other, points in NJ, NY, CT, MA, and MD. (Hearing site: Washington, DC, or Miami, FL.)

MC 94635 (Sub-7F), filed March 8, 1979, previously noticed in the Federal Register of July 19, 1979. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting sand, gravel and stone, (1) from points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, NJ, to points in CT, DE, ME, MD, MA, NH, NY, OH, RI, VT, VA, WV, PA (except points in Bucks, Berks, Lehigh, Lebanon, Lancaster, Chester, Delaware, Montgomery and Philadelphia Counties), and DC, under continuing contract(s) with New Jersey Silica Sand Co., of Millville, NJ, and Unimin Corp., of Greenwich, TN, and (2) from Gore, VA, to points in MD, PA, and WV, under continuing contract(s) with Unimin

Corp., of Greenwich, CT. (Hearing site: Washington, DC.)

Note.—The purpose of this republication is to indicate the correct contracting shippers in (1) above.

MC 106195 (Sub-25F), filed April 9, 1979. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Madison, NE, to points in KS. (Hearing site: Phoenix, AZ, or Omaha, NE.)

MC 107295 (Sub-913F), filed April 9, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *adhesives and caulking compounds* (except commodities in bulk), from Mattawan, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 112304 (Sub-185F), filed April 9, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, couplings, pilings, well casings, well screens, and tubing*, from the facilities of Stranron Supply, Inc., at or near Lubbock TX, to points in the United States (except AK and HI); (2) *pipe, pilings, well screens, and well casings*, from Fontana and Long Beach, CA, Valley, NE, Pueblo, CO, Houston, TX, and ports of entry on the international boundary between the United States and Canada in MT and ND, to points in the United States (except AK and HI); and (3) *materials, equipment, and supplies* (except commodities in bulk, in tank vehicles) used in the manufacture and distribution of commodities in (1) and (2) above, in the reverse direction of (1) above. (Hearing site: Dallas, TX, or Washington, DC.)

MC 117765 (Sub-260F), filed April 11, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, vehicle body sealer and sound deadener compounds* (except commodities in bulk, in tank vehicles), and filters, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AR, IL, IA, KS, MN, MO, NE, ND, OK, SD, TX, and WI, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Oklahoma City, OK.)

MC 119765 (Sub-76F), filed April 8, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *packinghouse products* (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at or near (a) Carroll, Dension, Iowa Falls, Cherokee, Des Moines, Fort Dodge, and Sioux City, IA, and (b) Crete, Lincoln, and Omaha, NE, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Omaha, NE.)

MC 121664 (Sub-66F), filed April 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. BOX 846, Monroeville, AL 36460. Representative: W. E. GRANT, 1702 First Ave., South, Birmingham, AL 35201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from New Augusta, MS, to points in AL, FL, NC, GA, SC, TN, KY, PA, OH, MI, MN, WI, IA, IN, IL, MO, AR, and TX. (Hearing site: Birmingham or Mobile, AL.)

MC 127705 (Sub-72F), filed March 12, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. 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 manufacturing or distributors of containers, container ends and container closures, (except commodities in bulk, in tank vehicles), between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation

of traffic originating at or destined to the facilities of Brockway Glass Company, Inc. (Hearing site: Washington, DC.)

MC 129625 (Sub-14F), filed April 5, 1979. Applicant: ROBERT COLE TRUCKING COMPANY, a corporation, P.O. Box M, Falls Creek, PA 15840. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rock salt*, in bulk, in dump vehicles, from Erie, PA to points in Niagara, Erie, Cattaraugus, and Chautauqua Counties, NY. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 133095 (Sub-261F), filed April 9, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *traffic control products, pavement marking compounds, and materials, equipment, and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), from points in Cobb County, GA, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above, (except commodities in bulk), from (a) Baton Rouge, LA, (b) Brownwood and Paris, TX, (c) Jackson, MS, (d) Savannah, GA, (e) Apex, NC, (f) Keyser, WV, and (g) Cleveland, OH, to points in Cobb County, GA. (Hearing site: Dallas, TX, or Atlanta, GA.)

MC 134755 (Sub-183F), filed April 9, 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 *carbonated beverages* (except commodities in bulk), from Houston, TX, to points in LA and MS. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134755 (Sub-198F), filed April 8, 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 *fruit juice concentrates and fruit juices*, (except commodities in bulk), in vehicles equipped with

mechanical refrigeration, from Ontario, CA, to points in OH, MN, IA, MO, MI, GA, AL, IL, MA, MD, VA, NC, LA, and TX. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135364 (Sub-39F), filed April 10, 1979. Applicant: MORWALL TRUCKING, INC., P.O. Box 76 C, R.D. 3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with the Paper Printing and Forms Group, of Litton Business Systems, Inc., Fitchburg, MA. Condition: Issuance of this permit is subject to coincidental cancellation of MC 135364 Subs 2 and 23. (Hearing site: Washington, DC.)

MC 135895 (Sub-43F), filed April 9, 1979. Applicant: B & B DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal, charcoal briquettes, charcoal lighter fluid, hickory chips, barbeque articles, and wooden pallets* (except commodities in bulk, and those requiring special equipment), between the facilities of Husky Industries, Inc., at or near Meridian and Pachuta, MS, and Branson, MO, on the one hand, and, on the other, points in AL, AR, FL, GA, MS, LA, MO, NC, OK, SC, TN, and TX. (Hearing site: Jackson, MS, or Atlanta, GA.)

MC 136605 (Sub-126F), filed April 9, 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 foreign commerce only, over irregular routes, transporting *soy bean meal*, from points in MN, IA, IL, and SD, to the ports of entry on the international boundary line between the United States and Canada, in MT, ID, and WA. (Hearing site: Seattle, WA, or Billings, MT.)

MC 138635 (Sub-79F), filed April 11, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., 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 *non-alcoholic beverage*

mixes, from Byhalia, MS, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 141205 (Sub-13F), filed April 9, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 South Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crude oil, scrubber oil, and condensate oil*, from the Roughrider Oil Field, at or near Dickinson, ND, to the Portal Pipeline injection station, at or near Stanley, ND, the Donkey Creek Pipeline injection station, at or near Gillette, WY, the Butte Pipeline injection station, at or near Baker, MT, and the facilities of Husky Oil Co., at Cheyenne, WY, under a continuing contract with Husky Oil Co., of Denver, CO. (Hearing site: Denver, CO.)

MC 141804 (Sub-207F), filed April 10, 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 *milled talc*, in bags, from Grand Island, NE, and Three Forks, MT, to points in WV and KY. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142364 (Sub-9F), filed April 12, 1979. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (A) *iron, steel, zinc, and lead articles* (except commodities in bulk), and (B) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (A) above (except commodities in bulk), (1) between the facilities of Penn-Dixie Steel Corporation, at (a) Blue Island and Joliet, IL, (b) Cicero, Elkhart, Fort Wayne, and Kokomo, IN, (c) Newton, KS, (d) Jackson, MS, and (e) Columbus, and Toledo, OH, and (2) between the facilities named in (1) above, on the one hand, and, on the other, points in AR, IL, IN, KY, MO, MS, OK, TN, and TX. (Hearing site: Washington, DC, or Indianapolis, IN.)

MC 142715 (Sub-34F), filed April 5, 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) *foodstuffs* (except commodities in bulk), (a) from the facilities of Geo. A. Hormel & Co., at Beloit, WI, to points in AL, AR, CO, CT, DE, GA, FL, IN, IL, KY, LA, MD, ME, MA, MI, MN, MS, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC; (b) from the facilities of Geo. A. Hormel & Co., at Minneapolis-St. Paul, and Owatonna, MN, to points in CT, DE, GA, ME, MD, MA, NH, NY, OH, PA, RI, TN, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations (except in foreign commerce); and (2) *meats, meat products, meat byproducts, foodstuffs, and materials, equipment, and supplies* (except commodities in bulk), from points in AL, AR, CO, CT, DE, FL, IN, IL, KY, IA, MD, ME, MA, MI, MN, MS, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC, to the facilities of Geo. A. Hormel & Co., at Beloit, WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations (except in foreign commerce). (Hearing site: St. Paul, MN.)

MC 144345 (Sub-8F), filed April 12, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Way, Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furniture, and window covering*, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, from points in Los Angeles, Orange, Riverside, and San Bernardino Counties, CA., to points in Canyon County, ID. (Hearing site: Boise, ID, or Los Angeles, CA.)

MC 144844 (Sub-4F), filed April 9, 1979. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. 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 by metal processors (except commodities in bulk), from the facilities of Mid-State Metals Processing, Inc., at or near East Chicago, IN, to Birmingham, AL, Pocahontas, AR, Dexter, MO, and Oklahoma City and Stroud, OK, restricted to the transportation of traffic

originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 144964 (Sub-3F), filed April 11, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Rd., Pompano, FL 33060. Representative: Don A. Allen, 2550 M. Street, NW, Washington, DC 20037. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dried and frozen foodstuffs*, in cartons, from South Hackensack and Secaucus, NJ, to points in GA, NC, SC, and FL. (Hearing site: Washington, DC, or Miami, FL.)

Note.—Dual operations may be involved.

MC 145174 (Sub-4F), filed April 10, 1979. Applicant: NORTH FORTY LINES, INC., 6700 Driftwood Lane, Missoula, MT 59801. Representative: Bradley J. Luck, 127 E Main, Suite 214, Missoula, MT 59801. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood and wood products*, and *building materials, and supplies*, from points in WA, OR, ID, MT, and CA, to points in UT, AZ, CO, NM, and NV, under a continuing contract(s) with Hampton Affiliates, of Portland, OR. (Hearing site: Missoula or Helena, MT.)

MC 145374 (Sub-2F), filed March 21, 1979. Applicant: THOMAS E. FANELLI, d.b.a. AIR CARGO SERVICES, P.O. Box 30961, Raleigh, NC 27612. Representative: Thomas E. Fanelli (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and automobiles), between Raleigh-Durham Airport, NC, and Charlotte Airport, NC, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Raleigh or Charlotte, NC.)

MC 145744 (Sub-2F), filed April 9, 1979. Applicant: C. V. SOHN, INC., 142 Midland, Maryland Heights, MO 63043. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of (a) Seitz Foods, Inc., and (b) Terminal Warehouses of St.

Joseph, Inc., at or near St. Joseph, MO, to points in DE, MD, NC, NJ, NY, OH, PA, SC, VA, and DC. (Hearing site: Kansas City, MO.)

MC 146734 (Sub-1F), filed April 9, 1979. Applicant: BREITEN TRUCKING COMPANY, a division of Fred J. Breiten Lumber Company, a Michigan Corporation, 3155 West Big Beaver Rd., Suite 116, Troy, MI 48084. Representative: Frank J. Kerwin, 22725 Greater Mack Ave., P.O. Box 319, St. Clair Shores, MI 48080. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, posts, poles, ties, laminated wood products, chipboard, flakeboard, wood residuals, wooden boxes, and wooden crates*, between points in AL, AR, GA, IL, IN, KY, MI, MS, MO, NY, NC, OH, PA, SC, TN, VA, WV, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

Passenger Authority

MC 146955 (Sub-1F), filed April 9, 1979. Applicant: LAMERS BUS LINES, INC., 2407 South Point Rd., Green Bay, WI 54303. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in round-trip charter and special operations, beginning and ending at points in Door, Kewaunee, Manitowoc, and Brown Counties, WI, and extending to points in the United States (including AK but excluding HI). (Hearing site: Green Bay, WI.)

Volume No. 149

Decided: August 6, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2052 (Sub-21F), filed April 26, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles, and accessories* used in the floral industry, from Kent, OH, to points in AR, CO, IL, IA, KS, LA, MN, MO, NE, OK, TX, and WI. (Hearing site: Chicago, IL or Omaha, NE.)

MC 20722 (Sub-36F), filed April 30, 1979. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle,

in foreign commerce only, over irregular routes, transporting *motor vehicles* (except trailers), in secondary movements, in truckaway service, from Baltimore, MD, to points in CT, IN, KY, ME, MI, NH, NC, OH, RI, SC, VT, VA, and WV, restricted to the transportation of traffic having a prior movement in foreign commerce. (Hearing site: Detroit, MI, or Washington, DC.)

MC 82063 (Sub-105F), filed April 24, 1979. Applicant: KLIPSCH HAULING CO., A Corporation, 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, between the facilities of Dow Chemical U.S.A., at or near Plaquemine, LA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Baton Rouge, LA, or Memphis, TN.)

MC 82492 (Sub-233F), filed April 30, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Franksville, WI, to points in IL, IN, IA, KS, MI, MO, NE, and OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 82492 (Sub-234F), filed April 26, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk). (1) from St. Paul and Worthington, NM, and Sioux Falls, SD, to points in IN, MI, OH, those points in NY in and west of Broome, Cortland, Onondaga and Oswego Counties and those points in PA on and west of U.S. Hwy 219, (2) from Estherville, IA, to points in OH, on and south of U.S. Hwy 224, those points in NY, in and west of Broome, Cortland, Onondaga and Oswego Counties, and those points in PA on and west of U.S. Hwy 219, and (3)

from Sioux City, IA, to points in NY, in and west of Broome, Cortland, Onondaga and Oswego Counties, and those points in PA on and west of U.S. Hwy 219, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL or Washington, DC.)

MC 99653 (Sub-17F), filed April 30, 1979. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 2254, Birmingham, AL 35201. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cast iron pipe, valves, couplings, and gaskets, and fittings* for pipe, from the facilities of United States Pipe & Foundry Company, in Jefferson County, AL, to points in OH. (Hearing site: Birmingham, AL.)

MC 104523 (Sub-75F), filed April 30, 1979. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpet padding*, from the facilities of General Felt Industries, Inc., at or near Dallas, TX, to points in AR, IL, LA, MN, MT, NM, ND, WI, and WY. (Hearing site: New York, NY.)

MC 107012 (Sub-358F), filed April 30, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lawn mowers, rotary tillers, snow throwers, lawn and garden, equipment, tools, work benches, vises, vacuum cleaners, flashlights, air compressors*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Black & Decker (U.S.) Inc., at or near (a) Easton and Hampstead, MD, (b) Fayetteville and Tarboro, NC, and (c) Lancaster, PA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 107403 (Sub-1202F), filed April 26, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *well packing fluids*, in bulk, in tank vehicles, from the facilities of

Plastifax, Inc., Gulfport, MS, to points in LA and TX. (Hearing site: Washington, DC.)

MC 108393 (Sub-142F), filed April 30, 1979. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, IL 60521. Representative: Edward F. Schiff, 1333 New Hampshire Avenue, NW, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise as is dealt in or used by retail department stores and mail order houses*, (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), under continuing contract(s) with Sears, Roebuck and Co., of Chicago, IL.

Note.—Dual operations may be involved. (Hearing site: Chicago, IL.)

MC 110012 (Sub-54F), filed April 30, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, NW, Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and furniture parts*, from Appomattox, VA, to points in AR, IA, MI, MN, MO, and WI. (Hearing site: Washington, DC.)

MC 1100563 (Sub-269F), filed April 30, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles and accessories* used in the floral industry, from the facilities of Smithers Company, at or near Kent, OH, to points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

MC 110563 (Sub-272F), filed April 30, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bags, envelopes, and plastic film* (except commodities in bulk), from Garfield Heights, OH, to points in CA, CO, CT, GA, IL, IN, IA, MD, MA, MI, MO, NE, NJ, NY, NC, OR, PA, SC, VT, and WA. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 110563 (Sub-273F), filed April 30, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bagels*, from Buffalo, NY, to points in AL, AR, CO, FL, GA, IA, KS, LA, MD, MN, MI, NE, NC, OK, SC, TX, and VA. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 111812 (Sub-629F), filed May 1, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods* from Omaha, NE, to Modesto and Sacramento, CA, and points in IA, MN, ND, SD, and WI, restricted to the transportation of traffic originating at the facilities of Campbell Soup Co. at Omaha, NE. (Hearing site: Omaha, NE.)

MC 111812 (Sub-634F), filed April 30, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hard surface floor coverings and articles* used in the installation and maintenance of hard surface floor coverings (except commodities in bulk), from the facilities of Armstrong Cork Co., in Lancaster County, PA, to points in IA, MN, NE, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Philadelphia, PA.)

MC 111812 (Sub-640F), filed April 30, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AZ, GA, IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MT, ND, NE, NY, OH, PA, SD, UT, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities

of Kraft, Inc. (Hearing site: Washington, DC.)

MC 112713 (Sub-264F), filed April 30, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (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 Midland, MI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-589F), filed May 1, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural machinery*, and (2) *parts and accessories* for the commodities in (1) above, from Pella, IA, to points in IL, IN, OH, MI, PA, MD, NJ, DE, VA, NY, and WV. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-593F), filed April 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Heattilator fireplaces*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Heattilator, Division of Vega Industries, at or near Mt. Pleasant and/or Centerville, IA, to points in DE, IL, IN, MD, MA, MI, MN, NJ, NY, OH, PA, VA, WV, and WI. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-594F), filed April 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cast iron boilers* from Lancaster, PA, to Iowa City, IA. (Hearing site: Chicago, IL or Washington, DC.)

MC 114632 (Sub-219F), filed April 30, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, and *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, (except frozen foods and commodities in bulk, in tank vehicles), between the facilities of Stokely-Van Camp, Inc., at or near (a) Gibson City, Hoopeston, and Rochelle, IL, (b) Indianapolis and Tipton, IN, (c) Hart and Scottville, MI, (d) Fairmont and Lakeland, MN, (e) Norwalk and Paulding, OH, and (f) Appleton, Columbus, Cumberland, Frederic, and Plymouth, WI, 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, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearings site: Indianapolis, IN, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 115322 (Sub-175F), filed April 27, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Building, Pennsylvania and 13th St., NW, Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Foodstuffs*, (1) (a) from Hamlin and Williamson, NY, (b) Aspers, PA, (c) points in Berkeley and Jefferson Counties, WV, and (d) points in Frederick and Rockingham Counties, VA, to points in LA; (2) from points in Adams and Franklin County, PA, to points in LA and MS. (Hearing site: Washington, DC.)

MC 117072 (Sub-5F), filed April 30, 1979. Applicant: ARMORED TRANSPORT, INC., 1130 S. Flower Street, P.O. Box 15060, Los Angeles, CA 90015. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, securities, savings bonds, stock, and non-cash collection items*, between Los Angeles, CA, on the one hand, and, on the other, points in Clark and Nye Counties, NV, and Kern, Los Angeles, and San Bernardino Counties, CA, under continuing contract(s) with Federal Reserve Bank of San Francisco, San Francisco, CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 118142 (Sub-219F), filed April 30, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202. To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *agricultural 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 bananas, from the facilities of Best Banana, Inc., at or near Norfolk, VA, to points in IL, IN, MD, MA, MI, MO, NY, NC, OH, PA, SC, VA, WV, and DC, restricted to the transportation of traffic having an immediately prior movement by water. (Hearing site: Norfolk, VA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 123712 (Sub-1F), filed May 8, 1979. Applicant: STANLEY'S TRANSFER CO., INC., 950/1000 N. Marine Blvd., P.O. Drawer F, Jacksonville, NC 28540. Representative: George V. McCotter, P.O. Box 715, Lillington, NC 27546. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, between points in NC, SC, VA, MD, NJ, NY, PA, and DC. Condition: Issuance of this certificate is subject to prior or coincidental cancellation at applicant's written request, of Certificate No. MC-123712 issued January 24, 1963. (Hearing site: Jacksonville, NC.)

MC 125433 (Sub-255F), filed April 30, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cranes and excavators*, (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, and (3) *parts and accessories* used in connection with the commodities in (1) above, between the facilities of FMC Corp., at or near Cedar Rapids, IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125433 (Sub-256F), filed April 30, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles* (except commodities in bulk), from the facilities of CF&I Steel Corporation, at or near Pueblo, CO, to

points in AR, IA, KS, LA, MI, MO, NE, OK, TX, and WI. (Hearing site: Denver, CO.)

MC 127042 (Sub-264F), filed April 30, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coatings, adhesives, tapes, sound deadeners, caulking, sealing compounds, and paint*, (except commodities in bulk), from Kankakee, IL, to points in MN. (Hearing site: Chicago, IL.)

MC 127042 (Sub-266F), filed April 30, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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 Wilson Foods Corporation, at Monmouth, IL, to points in IA, KS, MN, MO, NE, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 127042 (Sub-267F), filed April 30, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by wholesale and retail food and drug stores* (except commodities in bulk), from Chicago, IL, to points in IA. (Hearing site: Cincinnati, OH.)

MC 127902 (Sub-11F), filed April 30, 1979. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tire racks, machinery, and machinery parts*, from Hickory, NC, to points in AL, AR, GA, KY, LA, MS, and TN. (Hearing site: Washington, D.C. or Hickory, NC.)

MC 128772 (Sub-17F), filed April 30, 1979. Applicant: STAR BULK TRANSPORT, INC., 821 North Front

Street, New Ulm, MN 56073.

Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *containers*, from New Ulm, MN, to Ridgeway and Hopkinton, IA, under continuing contract(s) with Pace Dairy Foods Corporation, of Rochester, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 129032 (Sub-84F), filed April 30, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 S. 49th West Avenue, Tulsa, OK 74107.

Representative: David R. Worthington (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese and cheese foods*, (except commodities in bulk, in tank vehicles), from the facilities of Borden's Inc., at or near Van Wert, OH, to points in CA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Cincinnati, OH, or Chicago, IL.)

MC 134922 (Sub-289F), filed April 30, 1979. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dehydrated banana chips, roasted nuts and seeds*, and (2) *commodities the transportation of 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 the commodities in (1) above, from Bakersfield, Indio, Kerman, and Sultana, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: San Francisco, or Los Angeles, CA.)

MC 139902 (Sub-6F), filed April 30, 1979. Applicant: MOWRY TRUCKING, INC., Box 125, Cambridge, NE 69022. Representative: Lavern R. Holdeman, 521 South 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *agricultural implements, equipment, and machinery*, and (b) *materials and supplies used in the manufacture and distribution of the commodities in (1)(a) above*, from the facilities of Valley Sales Co., at or near Lexington, NE, to points in the United States (except AK, HI, and NE); (2) *lumber*, from points in MO and those points in the United States in and west of ND, SD, WY, CO, and NM

(except AK and HI), to the facilities of Valley Sales Co., at or near Lexington, NE; (3) *iron and steel articles*, from Chicago, IL, Seymour, IN, Des Moines and Clinton, IA, Manhattan, KS, Minneapolis, MN, St. Louis and Kansas City, MO, Houston, TX, and Green Bay, WI, to the facilities of Valley Sales Co., at or near Lexington, NE; (4) *roofing materials*, from points in KS to the facilities of Valley Sales Co., at or near Lexington, NE, under continuing contract(s) in (1), (2), (3), and (4) above with Valley Sales Co., of Lexington, NE. (Hearing site: Omaha or Lincoln, NE.)

MC 140553 (Sub-12F), filed April 30, 1979. Applicant: ROGERS TRUCK LINE, INC., 801 Erie Street, Logansport, IN 46957. Representative: Thomas E. Leahy, Jr., 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 *such commodities as are dealt in by chain grocery and food business houses*, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, CT, GA, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, NC, ND, NE, NY, NJ, OH, PA, SD, TN, TX, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 141443 (Sub-17F), filed April 30, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by wholesale, retail, discount, and variety stores*, (except commodities in bulk), from points in CA to the facilities of Wal-Mart Stores, Inc., at or near Bentonville, Searcy, and Ft. Smith, AR. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 141913 (Sub-4F), filed April 30, 1979. Applicant: V. N. TRANSPORTATION CO., INC., 7 Ensign Girardot Place, Cape Girardeau, MO 63701. Representative: Richard D. Kinder, P.O. Box 643, Cape Girardeau, MO 63701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are used in the operation and maintenance of hospitals*, (1) from St. Louis, MO, to

those points in TN on and west of a line beginning at the KY-TN State line and extending along U.S. Hwy 79 to junction TH Hwy 13, then along TH Hwy 13 to the TN-AL State line, (2) from Kansas City, MO, to points in Cherokee, Atchison, Wyandotte, Leavenworth, Jefferson, Douglas, Johnson, Franklin, Lyon, Bourbon, Crawford, Shawnee, and Labette, Counties, KS, (3) from Peoria, IL, to St. Louis, MO, and points, in St. Louis, St. Charles, Jefferson, and Cape Girardeau Counties, MO, and (4) from points in Coles County, IL, to St. Louis, MO, and points in St. Louis County, MO. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 142743 (Sub-13F), filed April 30, 1979. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C, Tupelo, MS 38801. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, St. Louis, MO, Houston, TX, and Birmingham, AL, to points in AR, MS, and TN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 143173 (Sub-1F), filed April 27, 1979. Applicant: DEPENDABLE DELIVERY SERVICE, INC., 522 Twin Oaks Drive, Havertown, PA 19083. Representative: Edwin L. Scherlis, Suite 420, 1315 Walnut Street, Philadelphia, PA 19107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture, appliances, home furnishings* and such merchandise as is dealt in by retail stores between New York, NY, points in NJ, DE, MD, DC, Loudon, Prince William, Fairfax, Stafford, Fauquier and Accomac Counties, VA, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Lackawana, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Montgomery, Northampton, Northumberland, Monroe, Philadelphia, York, and Schuylkill Counties, PA. (Hearing site: Philadelphia, PA.)

MC 143452 (Sub-1F), filed April 30, 1979. Applicant: SUPREME EXPRESS & TRANSFER CO., a corporation, 3311 Chouteau Avenue, St. Louis, MO 63103. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *copper, copper products, and insulated tubing*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the

facilities of Cerro Cooper Products Company, at Sauget, IL, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, IA, KS, KY, MI, MN, MO, OH, OK, PA, TN, TX, and WI, under continuing contract(s) with Cerro Cooper Products Company, of East St. Louis, MO. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 144572 (Sub-15F), filed April 30, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages* (except commodities in bulk), from Phoenix, AZ, Los Angeles and Irvine, CA, Belleville and Peoria Heights, IL, Portland, OR, and Milwaukee, WI, to the facilities of Murray Bros. Distributing Company, at Denver, CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 144572 (Sub-16F), filed April 26, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic beverages and non-alcoholic beverage mixes*, from points in (1) CA, (2) Buffalo, NY, and (3) La Crosse, WI, to the facilities of C & C Distributing Company, at or near Denver, CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved in this proceeding.

MC 144592 (Sub-3F), filed April 26, 1979. Applicant: WAYDENS HEAVY HAULERS, INC., 251 Fifth Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *stone, gravel, ore and clay processing equipment*, and (2) *parts, materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between Des Moines, IA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Eagle Iron Works of Des Moines, IA. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 144842 (Sub-3F), filed May 1, 1979. Applicant: CLIFFORD L. RIGGINS d.b.a. RIGGINS TRUCKING, 1004 West Maple Street, Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th

St. N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs, animal feed supplements, chemicals, acids, sugar, and toilet preparations* (except commodities in bulk), from the facilities of Hoffmann-LaRoche, Inc., at Belvedere, Branchburg, and Nutley, NJ, to points in CA, IL, IA, and TX. (Hearing site: Newark, NJ, or Washington, DC.)

MC 144903 (Sub-1F), filed April 30, 1979. Applicant: RICHARD SANSOM, d.b.a. R. H. SANSOM TRUCKING, P.O. Box 8778, Stockton, CA 95208. Representative: Richard Sansom (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction equipment*, the transportation of which because of size and weight requires the use of special equipment, between points in CA, on the one hand, and, on the other, points in AZ and NM, under continuing contract(s) with Ball, Ball, and Brosamer, Inc., of Danville, CA. (Hearing site: San Francisco or Los Angeles, CA.)

MC 145102 (Sub-22F), filed May 1, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cleaning solutions*, and (2) *such commodities* as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products (except commodities in bulk), (a) from the facilities of Bay West Paper Company, a Division of Mosinee Paper Corporation, at or near Green Bay, WI, and (b) from the facilities of Mosinee Paper Corporation, at or near Mosinee and Columbus, WI, to points in AZ, CA, NV, NM, OR, UT, WA, MT, WY, CO, and ID. (Hearing site: Madison, or Milwaukee, WI.)

MC 145102 (Sub-24F), filed April 30, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree Street, NE, Atlanta, GA 30303. 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 John Morrell & Co., at or near Sioux City, IA, to points in CA, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Madison, WI, or Chicago, IL.)

MC 145593 (Sub-3F), filed April 30, 1979. Applicant: HAROLD SHULL TRUCKING, INCORPORATED, P.O. Box 1533, Hickory, NC 28601. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furniture and furniture parts*, from points in McDowell, Guilford, and Davie Counties, NC, to points in MI and OH; and (2) *returned shipments* of new furniture and furniture parts, and *materials, equipment, and supplies* used in the manufacture of new furniture and furniture parts, (except commodities in bulk), from points in MI and OH, to points in McDowell, Guilford, Davie, Catawba, Iredell, Caldwell, Wilkes, Burke, Rutherford, Cleveland, Alexander, and Lincoln Counties, NC. (Hearing site: Charlotte, NC.)

MC 146182 (Sub-2F), filed April 30, 1979. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07823. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gasoline and distillates*, in bulk, from Newark and Changewater, NJ, to points in Carbon, Schuylkill, Lackawanna, Lehigh, Luzerne, Lycoming, Northampton, and Monroe Counties, PA, and Orange and Rockland Counties, NY, under continuing contract(s) with Getty Refining and Marketing Company, of Tulsa, OK. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 146422 (Sub-3F), filed April 30, 1979. Applicant: DELBERT F. JOHNSTON, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *brick and building materials*, from the facilities of Summit Pressed Brick and Tile Co., at or near Pueblo and Trinidad, CO, to points in ID, IL, KS, NE, NM, OK, TX, UT, WI, and WY, under continuing contract(s) with Summit Pressed Brick and Tile Co., of Pueblo, CO; and (2) *refractories, and materials, equipment,*

and supplies used in the manufacture and installation of refractories, between the facilities of A. P. Green Refractories Company, at or near Pueblo, CO, on the one hand, and, on the other, points in AZ, CA, CO, ID, IL, IA, KS, MO, MT, NE, NM, OR, TX, UT, WA, and WY, under continuing contract(s) with A. P. Green Refractories Company, of Mexico, MO. (Hearing site: Pueblo or Denver, CO.)

MC 146573 (Sub-1F), filed April 30, 1979. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61365. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials* (except in bulk), between Ottawa, IL, on the one hand, and, on the other, points in DE, MD, IN, NJ, PA, MI, NY, and OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146583 (Sub-2F), filed April 24, 1979. Applicant: TERRAIN TAMERS, INC.—INTERSTATE TRANSPORT, 17 Clark Branch Road, Myrtle Creek, OR 97370. Representative: Thomas Y. Higashi, 2075 S.W. First Avenue, Suite 2N, Portland, OR 97201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lumber, lumber mill products, wood products, and pitchstick*, from points in OR to points in CA, AZ, NV, and ID; (2) *lumber, lumber mill products, and wood products*, between points in WA, on the one hand, and, on the other, points in OR; and (3) *building materials, contractors' materials and supplies, and steel strapping in coils*, from points in CA, AZ, and NV, to points in OR and WA. (Hearing site: Portland, OR.)

MC 146652 (Sub-2F), filed May 1, 1979. Applicant: FEDERAL PRODUCE TRANSPORTATION CO., a corporation, 8309 Tujunga Ave., Sun Valley, CA 91352. 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 *agricultural commodities*, the transportation of 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 bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, OR, and WA, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

Passenger Authority

MC 94742 (Sub-40F), filed April 13, 1979. Applicant: MICHAUD BUS LINES, INC., 63 Jefferson Avenue, Salem, MA 01970. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over regular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, between Boston, MA, and the port of entry on the international boundary line between the United States and Canada, at or near Derby, VT; from Boston over Interstate Hwy 93 to junction MA Hwy 110, then over MA Hwy 110 to Lawrence, MA, then over MA Hwy 110 to junction Interstate Hwy 93, then over Interstate Hwy 93 to junction U.S. Hwy 3 at or near Lincoln, NH, then over U.S. Hwy 3 to junction Interstate Hwy 93 at or near Franconia, NH, then over Interstate Hwy 93 to junction NH Hwy 18, then over NH Hwy 18 to the NH-VT State line, then over VT Hwy 18 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction Interstate Hwy 91, then over Interstate Hwy 91 to the port of entry on the international boundary line between the United States and Canada at or near Derby, VT, and return over the same route, serving the intermediate points of Lawrence, MA, and Manchester, Concord, and Littleton, NH. (Hearing site: Boston, MA, or Manchester, NH.)

Volume No. 150

Decided: August 6, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 1222 (Sub-46F), filed May 4, 1979. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 Tenth Street, Portsmouth, OH 45662. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. 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), between Louisville, KY and Chicago, IL: from Louisville over Interstate Hwy 65 to junction Interstate Hwy 465, then north over Interstate Hwy 465 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Chicago, and return over the same route, serving no intermediate points, as a alternate route for operating convenience only in connection with applicant's existing regular-route

operations. (Hearing site: Louisville, KY or Chicago, IL.)

MC 2253 (Sub-92F), filed May 4, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Highway 150 East, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *compressors and drills*, and (2) *compressor and drill parts*, from Michigan City, IN, to points in AL, AR, CT, DE, FL, GA, IL, KY, LA, MA, MD, ME, MI, MO, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WV, and DC. (Hearing site: Chicago, IL.)

MC 14702 (Sub-78F), filed May 7, 1979. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company, at or near Sterling and Rock Falls, IL, to points in OH, MI, and PA. (Hearing site: Columbus, OH.)

MC 14702 (Sub-80F), filed May 7, 1979. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Nucor Steel, at or near Jewett, TX to points in AL, FL, GA, IL, IN, KY, MO, OH, and TN. (Hearing site: Columbus, OH.)

MC 14252 (Sub-58F), filed May 3, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (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 West Lebanon, IN, as an off-route point in connection with carrier's presently authorized regular-route operations. (Hearing site: Columbus, OH, or Washington, DC.)

MC 16502 (Sub-20F), filed May 3, 1979. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Main Street, West Point, MS 39773. Representative: Thomas A. Stroud, 2008 Clark Tower,

5100 Poplar Avenue, Memphis, TN 38137. 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), (1) between junction Alt. U.S. Hwy 45 and U.S. Hwy 45 at or near Shannon, MS, and Columbus, MS, over U.S. Hwy 45; (2) between junction U.S. Hwy 45 and U.S. Hwy 278, and junction U.S. Hwy 278 and MS Hwy 25, over U.S. Hwy 278; (3) between Okolona, MS, and junction U.S. Hwy 45 and MS Hwy 41, over MS Hwy 41; (4) between junction Alt. U.S. Hwy 45 and MS Hwy 25, and junction MS Hwy 25 and U.S. Hwy 45, at or near Aberdeen, MS, over MS Hwy 25; (5) between Columbus, MS, and junction U.S. Hwy 82 and Alt. U.S. Hwy 45, over U.S. Hwy 82, serving all intermediate points on routes (1) through (5) above, and serving Columbus Mississippi Air Force Base, and Hamilton, MS, as off-route points. (Hearing site: Columbus, or Westpoint, MS.)

MC 47583 (Sub-98F), filed May 7, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of containers, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Midland Glass Company, Inc. (Hearing site: Kansas City, MO.)

MC 59583 (Sub-172F), filed May 3, 1979. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. 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 Irwin and Uniontown, PA, from Irwin over Interstate Hwy 76 to junction U.S. Hwy 119, then over U.S. Hwy 119 to Uniontown, and return over the same

route, serving all intermediate points. (Hearing site: Pittsburgh, PA.)

MC 82492 (Sub-232F), filed May 3, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AR, IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, NY, OH, PA, SD, TN, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 82492 (Sub-238F), filed May 4, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of (1) Lauridsen Foods, Inc., at or near Britt, IA, and (2) Armour Co., at or near Mason City, IA, on the one hand, and, on the other, Covington and Louisville, KY, and points in IL, IN, KS, MI, MN, MO, NE, OH, TN, those points in PA on and west of U.S. Hwy 219, and those points in NY in and west of Broome, Cortland, Onondaga and Oswego Counties, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Chicago, IL.)

MC 103993 (Sub-957F), filed May 3, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prefabricated steel articles* used in the erection and construction of electric substations and towers, from the facilities of Charles E. Schuller Engineering Co., at Newark, OH, to points in AR, CO, DE, GA, KS, KY, LA,

MD, NJ, NM, NY, NC, OH, OK, PA, SC, TX, VA, and WV. (Hearing site: Columbus, OH.)

MC 103993 (Sub-959F), filed May 3, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing materials*, (1) from the facilities of Warrior Roofing Manufacturing Co., at or near Tuscaloosa, AL, and (2) from the facilities of Warrior Sales & Distribution Co., at or near (a) Tuscaloosa, AL, and (b) Doraville, GA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Mobile, AL.)

MC 103993 (Sub-962F), filed May 7, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the manufacture and distribution of metal buildings, metal building parts, and metal building sections, (except commodities in bulk), from those points in the United States in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Cuckler Steel Division of Lear Siegler, Inc., at or near Monticello, IA. (Hearing site: Des Moines, IA)

MC 108403 (Sub-6F), filed May 1, 1979. Applicant: JACKSON AUTO TRANSPORT, INC., 1020 Port Austin Road, Port Austin, MI 48467. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wheels, rims, hubs and spindles*, from (1) Mendota and Quincy, IL, and (2) Davenport, IA, to Romeo and Detroit, MI. (Hearing site: Detroit MI, or Washington, DC)

MC 110563 (Sub-270F), filed May 2, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Indianapolis, IN, to points in AL, AR, CT, DE, FL, GA, IL, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV,

WI, and DC. (Hearing site: Indianapolis, IN, or Chicago, IL)

MC 110563 (Sub-271F), filed May 2, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. 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 John Morrell & Co., at or near Sioux City, IA, to points in IL, IN, MI, and OH, restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL, or Washington, DC)

MC 112223 (Sub-121F), filed May 4, 1979. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ben-tonite clay*, in bulk, from points in Phillips County, MT, Butte County, SD, and Big Horn, Crook, Hot Springs, Natrona, Washakie and Weston Counties, WY, to points in IL, IN, IA, MI, MN, and OH.

MC 112713 (Sub-268F), filed May 3, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records, P.O. Box 7270, Shawnee Mission, KS 66207. 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 Environmental Control Systems, Inc., at or near Whiteville, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis or Nashville, TN.)

MC 112713 (Sub-296F), filed May 4, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. De Land (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,

commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), serving the terminal facilities of Associated Truck Lines, Inc., at or near Coldwater, MI, as an off-route point in connection with carrier's otherwise authorized operations. (Hearing site: Kansas City, or Chicago, IL.)

MC 112713 (Sub-273F), filed May 3, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (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 Cities Service Company, North Bend Carbon Black Plant, at or near Franklin, LA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 114273 (Sub-604F), filed May 3, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pneumatic tires, tire tubes, and such commodities* as are used in the manufacture and repair of tires, from Des Moines, IA, to points in VA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114362 (Sub-15F), filed May 3, 1979. Applicant: ROBERT J. ECKLUND, d.b.a. ECKLUND TRUCKING, P.O. Box 151, Klester, MN 55051. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients*, (1) from Red Wing, MN, to points in IA and WI, and (2) from Minneapolis, MN, to points in IA. (Hearing site: Minneapolis or Mankato, MN.)

MC 114632 (Sub-215F), filed May 1, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second St., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles

equipped with mechanical refrigeration, between points in IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MT, NJ, ND, NE, NY, OH, PA, SD, TN, TX, UT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL, or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 114632 (Sub-216F), filed May 1, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second St., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *petroleum, petroleum products, vehicle body sealer, sound deadener compounds*, (except commodities in bulk), and *filters*, from (1) Emlenton and Farmers Valley, PA, and (2) Congo and St. Marys, WV, to points in CO, IL, IN, IA, KS, MN, MO, NE, ND, SD and WI. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114632 (Sub-226F), filed May 4, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from Buffalo, NY, to points in CO, DE, IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, ND, OH, PA, SD, WV, UT, WI, and DC. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 115092 (Sub-80F), filed May 3, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, from points in CA to points in OK and TX, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: San Francisco or Sacramento, CA.)

MC 115092 (Sub-87F), filed May 3, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic foam articles*, in packages, from Biola, CA, to points in AR, AZ, CO, ID, KS, MT, NE, NM, NV, OK, OR TX, UT, WA, and WY. (Hearing site: Denver, CO, or Fresno, CA.)

MC 115322 (Sub-178F), filed May 7, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Canajoharie, NY, to points in FL. (Hearing site: New York, NY, or Washington, DC.)

MC 115523 (Sub-184F), filed May 4, 1979. Applicant: CLARK TANK LINES, INC., P.O. Box 1985, Salt Lake City, UT 84110. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sugar, corn products, and blends of sugar and corn*, in bulk, from Nampa, Twin Falls, and Paul, ID, and Ogden, UT, to points in ID, MT, OR, UT, and WA. (Hearing site: Salt Lake City, UT.)

MC 116763 (Sub-510F), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are manufactured or dealt in by manufacturers of rubber products, (except commodities in bulk, in tank vehicles), from those points in the United States in and east of MN, IA, MO, OK, and TX, to the facilities of J. & L. Distributing Company, at or near (a) Chicago, IL, and (b) Milwaukee, WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI.)

MC 116763 (Sub-513F), filed May 3, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages and malt syrups*, (except commodities in bulk, in tank vehicles), from the facilities of Anheuser-Busch, Inc., at or near St. Louis, MO, to points in CT, DE, ME, MD, MA, NH, PA, NJ, NY, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Louis, MO.)

MC 116763 (Sub-539F), filed May 4, 1979. Applicant: CARL SUBLER

TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, CT, FL, GA, IA, IL, IN, KY, MA, MD, MI, MN, MO, MS, NC, NY, NJ, OH, PA, SC, TN, TX, VA, VT, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL.)

MC 119493 (Sub-293F), filed May 4, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Springfield, IL, on the one hand, and, on the other, points in AL, AR, IA, KS, MO, MS, NE, ND, OK, SD, and TN. (Hearing site: Chicago, IL or Kansas City, MO.)

MC 125433 (Sub-261F), filed May 3, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, pipe fittings, and irrigation equipment*, from York, NE, and Garden City, KS, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Omaha, NE.)

MC 125433 (Sub-262F), filed May 3, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *prefabricated buildings*, knocked-down or in sections, and *equipment, materials, and supplies* used in the construction, erection, and completion of prefabricated buildings, (except commodities in bulk, in tank vehicles), from the facilities of American Steel

Buildings, Inc., at or near Aurora, CO, to points in AZ, CA, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY; and (2) *equipment, materials, and supplies* used in the construction, erection, and completion of prefabricated buildings, (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to the facilities of American Steel Buildings, Inc., at or near Aurora, CO. (Hearing site: Houston, TX.)

MC 128343 (Sub-46F), filed May 3, 1979. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *stapling machines, stitching machines, hand tools, hardware, files, staples, nails, and wire*, from East Greenwich, RI, to points in CO, GA, IL, IN, KS, MN, MO, TX, and VA, under continuing contract(s) with Bostitch, a division of Textron, Inc., of East Greenwich, RI. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 129032 (Sub-87F), filed May 3, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AR, AZ, GA, ID, IL, IN, KS, KY, MI, MN, MO, NC, OH, TN, TX, UT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 138902 (Sub-12F), filed May 4, 1979. Applicant: ERB TRANSPORTATION CO., INC., P.O. Box 65, Crozet, VA 22932. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas* and (2) *agricultural commodities* the transportation of which is 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 bananas, from Norfolk, VA, to points in MD, OH, PA,

VA, WV, MN, IA, AL, GA, NC, SC, TN, IN, KY, IL, WI, MI, MO, and DC. (Hearing site: Norfolk or Richmond, Va.)

MC 139482 (Sub-124F), filed May 4, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs, toilet preparations and household products*, from Chicago, IL, to Indianapolis, IN, Kansas City and St. Louis, MO, Minneapolis, MN, and Omaha, NE. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 141532 (Sub-38F), filed May 1, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, Evergreen Building, 15 South Grady Way, Suite 525, Renton, WA 98055. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum products* from the facilities of Gold Bond Building Products, Division of National Gypsum Company, at or near Phoenix, AZ, to points in CA. (Hearing site: Los Angeles, CA.)

MC 144503 (Sub-15F), filed May 4, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box "F", Forest Park, GA 30050. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen boxed meat*, from the facilities of Coast Packing Co. of Omaha, Inc., at Omaha, NE, to points in AL, FL, GA, KY, MS, NC, SC, and TN. (Hearing site: Omaha, NE.)

MC 145152 (Sub-72F), filed May 3, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to the facilities of Campbell Soup Company, at or near Camden, NJ, Napoleon, OH, and Chicago, IL. (Hearing site: Dallas, TX, or Tulsa, OK.)

MC 145643 (Sub-2F), filed April 30, 1979. Applicant: BECKER'S TRUCKING, INC., 23 Railroad Street, South, Turtle Lake, WI 54889. Representative: Wayne

W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer and dry fertilizer ingredients*, from Pine Bend, Winona, and Duluth, MN, to those points in WI on and north of U.S. Hwy 10. (Hearing site: Minneapolis, MN, or Madison, WI.)

MC 145733 (Sub-2F), filed May 2, 1979. Applicant: AMERICAN AUTO SHIPPERS, a partnership, 152 W. 42nd Street, Suite 923, New York, NY 10036. Representative: C. Jack Pearce, 1000 Connecticut Avenue NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new motor vehicles*, in initial movements, and (2) *new and used motor vehicles*, in secondary movements in driveaway service, between points in the United States (except AK and HI). (Hearing site: Washington, DC, or New York, NY.)

MC 146442 (Sub-4F), filed May 1, 1979. Applicant: DELBERT F. JOHNSON, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building material*, from Acme, TX, Wichita, KS, and points in ID, MT, OR, and WA, to the facilities of Contractor Building Supply, Inc., at Pueblo, CO, under continuing contract(s) with Contractor Building Supply, Inc., of Pueblo, CO. (Hearing site: Pueblo, or Denver, CO.)

MC 147152F, filed April 27, 1979. Applicant: GENERAL CARRIERS CORPORATION, 12425 East Florence Avenue, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. 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 points in CA, on the one hand, and, on the other, points in FL, GA, IL, IN, LA, MA, MI, MN, MO, NC, NJ, NY, OH, PA, SC, TX, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Major Shippers Association or its members located at (1) Pacific Electriccord Company, Gardena, CA, (2) Henkel, Inc., Hawthorne, CA, (3) Polar Chip, Inc., Irvine, CA, (4) Bass & Sons,

Inc., Los Angeles, CA, (5) Miller Electric Cable, Inc., Los Angeles, CA (6) Twentieth Century Plastics, Inc., Los Angeles, CA, (7) Vylene Corporation, Long Beach, CA, (8) Fresco Tire Distributors, Lynwood, CA, (9) Cactus Mat Mfg. Company, South El Monte, CA, (10) Seasonings, Inc., Elk Grove, IL, (11) Miner Enterprises, Inc., Geneva, IL, (12) Briggs Company, Robinson, IL, (13) Rockford Products, Inc., Rockford, IL, (14) Wayne Novelty Company, Decatur, IN, (15) The Maytag Company, Newton, IA, (16) Burmah Castrol Company, Edison, NJ, (17) Douglas Foods, Inc., Johnson City, NY, (18) Malco Products, Inc., Barberton, OH, (19) Mooney Chemicals, Inc., Cleveland, OH, (20) Amchem Products, Inc., Ambler, PA, (21) Cerro Metal Products, Inc., Bellefonte, PA, and (22) American Insulated Wire Corporation, Pawtucket, RI. (Hearing site: Los Angeles, CA.)

MC 147313F, filed May 4, 1979.
Applicant: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, PA 19518.
Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Boulevard, McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural limestone and roasted dolomite*, in bulk, from the facilities of J. E. Baker Co., York, PA, to points in NJ. (Hearing site: Philadelphia, PA.)

Note.—Dual operation may be involved.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-27044 Filed 8-29-79; 8:45 am]
BILLING CODE 7035-01-M

Somerset Station Railroad Line Construction; Intent To Prepare Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the Interstate Commerce Commission and the New York State Department of Environmental Conservation as joint lead agencies intend to prepare an environmental impact statement (EIS) on the proposed Somerset Station railroad line. The EIS seeks to identify, examine and analyze the environmental consequences resulting from the construction and operation of a new line of railroad to the proposed Somerset electric power generating station. The proposed plant will use coal as an energy source.

The alternatives to be assessed in the EIS will be the feasible alternative routings for accessing the power generating facility.

All interested agencies, organizations, or persons are invited to participate in the scoping process as defined in current CEQ Regulations. Accordingly, a scoping meeting will be held on September 13, 1979 at 7:30 PM at the Trolley Building, Orleans County Junior Fairgrounds, Knowlesville, New York.

As joint lead agency with the New York State Department of Environmental Conservation, the Interstate Commerce Commission has initiated actions to allocate assignments to cooperating agencies for the preparation of the EIS.

The environmental analyses contained in the EIS will be considered as an integral component of the lead agencies' decision-making process. The preparation of the EIS is being so coordinated to insure timely and appropriate consideration of crucial environmental issues identified by the final document.

The Commission's contact person for this action is Mr. Glen D. Bottoms, Energy and Environment Branch, RM 5380, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423 (telephone 202-275-7916).

Upon completion of the Draft EIS, its availability will be announced in the *Federal Register* at which time public comments will be solicited. It is also contemplated that a public hearing will be held to consider the proposed action. The time and place of this hearing will also be announced in the *Federal Register*.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-27040 Filed 8-29-79; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29078; Docket No. AB-7 (Sub-No. 86F)]

Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Request for Expected Handling of Abandonment; and Abandonment—Portions of Pacific Coast Extension in Montana, Idaho, Washington, and Oregon

AGENCY: Interstate Commerce Commission.

ACTION: In Finance Docket No. 29078, adoption of expedited abandonment procedure. In Docket No. AB-7 (Sub-No. 86F), institution of investigation, consolidation with certain other proceedings, requirement to provide certain information, and establishment of hearing schedule.

SUMMARY: On July 19, 1979, the Commission published notice of its proposal to establish an expedited procedure to decide an abandonment application anticipated from the Trustee in Reorganization for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee), 44 Fed. Reg. 42368 (1979). Interested persons submitted comments to the proposed procedure, and on August 8, 1979, the Trustee filed the expected application to abandon most of the Milwaukee's lines west of Miles City, Montana. The Commission has adopted the expedited procedure and expects to decide the abandonment application by January 10, 1980.

DATE: This decision shall be effective on the date it is served.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202-275-7245.

SUPPLEMENTARY INFORMATION: On June 27, 1979, Stanley E. G. Hillman, Trustee in Reorganization for the Milwaukee, submitted waiver petition and request for expedited handling in Docket No. AB-7 (Sub-No. 86F). In response to the request of expedited handling, we proposed the establishment of a procedure to decide the abandonment application within 155 days after filing. We solicited public reaction to the proposed expedited procedure, and have received a large number of comments in response.

As anticipated, the Milwaukee filed its application in Docket No. AB-7 (Sub-No. 86F) on August 8, 1979. The applicant seeks authority to abandon all of the railroad's lines and discontinue all of its operations west of Miles City, Montana, with the exception of trackage rights between Miles City and Billings, Montana. The proceeding involves nearly 2500 route miles of trackage which the Milwaukee operates through ownership, joint ownership, or trackage rights.

We have decided to adopt the proposed expedited procedure. We shall institute an investigation of the application in Docket No. AB-7 (Sub-No. 86F); void the requirement of an initial decision; consolidated that proceedings with those pending in Docket Nos. AB-7 (Sub-Nos. 64 F, 69 F, and 78 F); require the Milwaukee submit certain additional information; and establish a hearing schedule for the matter.

Finance Docket No. 29078

Acceptance of application. Some commentators maintain that failure to designate a time by which we would accept or reject the application indicates that acceptance is automatic. That is not correct. The proposed procedure

presumes the filing of an acceptable application, but does not presume that whatever the Milwaukee files will in fact be acceptable. Should the applicant not comply with our regulations, as waived in part by our decision of July 12, 1979, in Docket No. AB-7 (Sub-No. 86F), we would reject its application.

We have examined the submissions and have found no defects warranting rejection of the application. As discussed below, however, we shall require the Milwaukee to provide certain additional information which we believe is important to complete the initial record.

Period for comment. One commentator believes that we should not have shortened to 30 days the standard 35-day period for filing comments. Interested persons should file as soon as possible, in order to become parties of record eligible to receive copies of the studies and other material which the applicant proposes to submit into evidence. We proposed shortening the comment period to prompt potential parties into filing sufficiently early to receive those data before hearings (which would begin on the 33d day following filing). Given the broad scope and effect of the proposed abandonment, we shall be lenient in permitting intervention in the proceeding after expiration of the comment period. Leniency does not, however, suggest that late-comers should be permitted to disrupt the progress of this adjudication.

Initial decision. Our proposal to void the requirement of an initial decision has also generated adverse comment. We continue to believe that the proposed abandonment proceeding would be of general transportation importance and that timely execution of our functions require voiding the requirement of an initial decision and setting the matter for consideration by the entire Commission. Compare Finance Docket No. 28799 (Sub-No. 1), *St. Louis-Southwestern Railway Company-Purchase (Portion)-William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company, Debtor* (not printed), decided July 16, 1979. We can always reopen a proceeding or reconsider or change our action because of material error, new evidence, or substantially changed circumstances. 49 U.S.C. § 10327(g)(1). Where, as here, time is of the essence, an administratively final decision in the first instance would permit the parties to move more rapidly toward ultimate resolution of the matter.

Due process and the need for expedition. In our notice of proposed expedited handling, we pointed out that

the exigency presented by the Milwaukee's acute financial problems necessitated special procedures for deciding the abandonment application in Docket No. AB-7 (Sub-No. 86F). The continuing reports of the Early Warning Branch of our Bureau of Accounts, the findings of the Reorganization Court, and the Milwaukee's own filings in the proceeding substantiate our prior determination that an early resolution of the matter is in the best interest of the public.

Regardless of the merits of the abandonment proposal, we must act quickly. For example, an early decision to deny would enable the Trustee and others to formulate reorganization plans incorporating continued operations west of Miles City. An early decision to grant would permit the Trustee to consolidate the railroad's operations and reduce operating expenses, and thus might increase the survival opportunities for the balance of the system. Our decision to expedite the proceeding represents not an abrogation of established procedural protections, nor a prejudgment on the merits, but rather a maximum effort to preserve as much Milwaukee service as possible.

We do not intend and shall not allow our pursuit of an expeditious resolution of Docket No. AB-7 (Sub-No. 86F) to impair the procedural rights of the participants, and thereby contaminate the decisional process. We shall not act with undue haste, but we must move with all deliberate speed toward a decision in the proceeding. The administrative law judge designated for the primary hearing shall have discretion to act upon discovery motions and, if absolutely necessary, to continue hearings beyond the scheduled period and adjust the briefing schedule. We emphasize, however, that a timely decision is essential to the public interest. We believe that the timetable and procedure adopted here will provide a full and fair opportunity to be heard.

Several commentators contend that the proposed timetable would violate due process by failing to afford a meaningful opportunity for parties to be heard. They argue that the schedule permits inadequate time for discovery, preparation of response, or presentation of alternatives. The hearings schedule set forth below, however, provides that interested persons will have nearly two weeks after seeing and hearing the applicant's evidence before being called upon to test it by cross-examination. Further, the order of Chairman O'Neal dated August 16, 1979, required the applicant to serve copies of its technical studies upon a large number of persons

known or anticipate to have a substantial interest in the proceeding by August 27, 1979, and upon all subsequent protestants. In addition, 49 CFR 1121.34(d) (1978) requires the applicant to furnish upon request a copy of its application to any interested person proposing to file a written comment. We believe that our proposal provides interested persons with sufficient time to prepare, present and argue their evidence, and to evaluate and test that of the Milwaukee.

Some of the commentators assert that the secondary hearings are improper unless they afford a full opportunity to test the applicant's evidence. The secondary hearings shall not be scheduled to conflict with the primary hearing, however, and no person would be precluded from participating in the primary hearing merely because he or she participates in a secondary hearing. However, the evidence offered by a party in secondary hearing should not be duplicative of that offered in the primary hearing of any other secondary hearing. The secondary hearings shall be adjudicative in nature, and are intended to provide those who are unable to attend the primary hearing with an opportunity to place on the record evidence and comments relating to abandonment. All evidence presented at the secondary hearings would be subject to admissibility requirements and cross-examination.

A number of commentators submit that the proposed briefing schedule may be unrealistic. We agree. Instead of providing a short period both for briefs and reply briefs, we shall adhere to our standard practice of permitting a longer period for the filing of a single brief. See 49 CFR 1100.90 (1978). We shall modify the timetable to provide that all briefs shall be due on December 3, 1979.

Burden of proof. One commentator insists that our decision to grant waiver of certain informational requirements indicates a predetermination of the abandonment proceeding. We have made no preliminary judgments on the merits of the Milwaukee's application, however, and we certainly harbor no predisposition to grant abandonment summarily. The applicant railroad has the burden of proof in a proceeding of this nature. It must demonstrate, and we must find, that the present or future public convenience and necessity require or permit abandonment or discontinuance. We have neither formed opinions nor made findings on the merits of the application in Docket No. AB-7 (Sub-No. 86F), and shall do so only at the point of rendering a final decision after the close of the evidentiary period.

Docket No. AB-7 (Sub-No. 86F)

Institution of investigation. The Idaho Public Utilities Commission and the Grain Terminal Association have petitioned for investigation of the abandonment proposed in Docket No. AB-7 (Sub-No. 86F). We stated in our notice of proposed expedited procedure that we intended to institute investigation on our own motion. We shall conduct an investigation of the matter, and shall postpone the proposed effective date of abandonment and discontinuance pending completion of investigation.

Consolidation with related abandonment proceedings. We indicated in our notice in Finance Docket No. 29078 that certain abandonments pending in the region west of Miles City would be consolidated with Docket No. AB-7 (Sub-No. 86F) unless decisions on pending applications would be delayed by consolidation. The noted proceedings would not be delayed by consolidation, and in fact the lines involved in them are embraced by the application in Docket No. AB-7 (Sub-No. 86F). We shall consolidate the applications pending in Docket No. AB-7 (Sub-Nos. 64F, 69F, and 78F) with that in Docket No. AB-7 (Sub-No. 86F).

Relation to reorganization. On August 10, 1979, the Trustee filed with the Reorganization Court his plan to reorganize the Milwaukee. Section 77(d) of the Bankruptcy Act, 11 U.S.C. 205(d), requires us to hold public hearings on a plan of reorganization presented for consideration, and to approve a plan which is in the public interest. A prerequisite to effecting the Trustee's plan is our authorization for the abandonment proposed in Docket No. AB-7 (Sub-No. 86F). We need not delay the abandonment proceeding by consolidating it with the necessary proceeding on the reorganization plan, however. See section 77(o) of the Bankruptcy Act, 11 U.S.C. 205(1), which provides that

The Trustee . . . shall determine what lines . . . should be abandoned or sold *during the pendency of the proceedings* in the interest of the debtor's estate and of ultimate reorganization but without unduly or adversely affecting the public interest, and shall present to the judge petitions . . . for authority to abandon or to sell any such property; and upon order of the judge . . . authorizing any such abandonment or sale, but only with the approval and authorization of the Commission . . . , the Trustee shall take all steps and carry out all proceedings necessary for the consummation of any such abandonment or sale . . . (emphasis supplied)

Although we shall not consolidate Docket No. AB-7 (Sub-No. 86F) with the reorganization plan proceeding, we intend to consider all evidence presented in this and other Milwaukee abandonments in our evaluation of the Trustee's and any competing reorganization plans.

Waivers. By our order of July 12, 1979, in Docket No. AB-7 (Sub-No. 86F), we granted certain waivers requested by the Trustee in his supplemental petition. Briefly, we permitted (a) the use of calendar year 1978 as the base period for accounting and traffic data, (b) the filing of an application encompassing lines which had appeared in category 2, (c) minor deviation from the notice timing provisions of the abandonment regulations, and (d) variance from certain informational requirements contained in the abandonment, energy, and environmental reporting regulations. We provided that any party to the abandonment proceeding may, after the application is filed and upon showing good cause, request the submission of additional information. Several commentators objected to the various waivers.

49 U.S.C. 10904(d)(3) provides that if a significant user or a state or political subdivision of a state opposes abandonment, we may not authorize abandonment unless the railroad has described and identified the line on a system diagram for at least four months prior to filing an application. In adopting the abandonment regulations, we recognized that the statute embraces both those lines which the carrier plans to abandon (category 1) and those lines which the carrier is studying as candidates for a future abandonment because of excessive anticipated operating losses or rehabilitation costs (category 2). Our regulations provide that the four month statutory period commences only upon designation of a line as category 1. We believe, however, that designation in category 2 satisfies the statutory requirement. Because of the unique circumstances posed by the Milwaukee, and especially in light of the Trustee's long-standing position respecting the railroad's western lines, we continue to believe that designation of the involved lines in category 2 has satisfied our own more stringent requirements.

49 CFR 1121.30(b)(1978) requires railroads to complete posting and publication of the notice of intent to abandon within the 30-day period prior to the actual filing of the application, and to complete service of the notice of intent at least 15 days prior to the actual filing date. Our partial waiver of this

provision simply permitted Milwaukee to complete posting, publication, and service at any time 45 days prior to the actual filing of the abandonment application. The pertinent statute, 49 U.S.C. 10904, contains no notice-timing requirements beyond prescribing that the notice of intent be filed at least 60 days before abandonment or discontinuance is to become effective, and be published for three consecutive weeks. Our waiver did not vitiate any statutory requirements, and certainly did not reduce the notice received by the public.

The informational waivers related primarily to format and detail of presentation, and did not eliminate the necessity for providing data. We see no need to rescind our decision permitting variance from the reporting requirements. Based upon a preliminary analysis of the application, however, we shall require the Milwaukee to supply certain additional or more complete information as set forth in the appendix. The railroad shall furnish copies of this additional material to all interested persons who make request for the application pursuant to 49 CFR 1121.34(d)(1978).

Schedule. The administrative law judge designated for the primary hearing shall commence that hearing on September 10, 1979, in Butte, Montana. The applicant will present its case-in-chief and be subject to clarifying questions during that week, but cross-examination will be deferred. Hearings in Butte will continue through September 14, 1979.

The week of September 17-21, 1979, will be open. On September 24, 1979, the primary hearing will reconvene in Chicago, Illinois, for a week of cross-examination of the applicant's witnesses.

The two weeks of October 1-5 and 8-12 will be dedicated to the secondary hearings. Administrative law judges will conduct secondary hearings in six locations, three during the week of October 1-5 and three during the week of October 8-12. We shall hold those hearings in Butte, Great Falls, and Missoula, Montana and Spokane, Moses Lake, and Seattle, Washington. The exact locations and dates will be established by subsequent notice.

The draft environmental impact statement will be issued on or about October 12, 1979.

On October 15, 1979, the primary hearing will again convene in Chicago for two weeks of testimony by protestants' witnesses, cross-examination of protestants' witnesses and rebuttal.

Comments on the draft environmental impact statement will be due on November 27, 1979, and briefs will be due on December 3, 1979. The final environmental impact statement will be issued on or about December 10, 1979.

We anticipate issuing a final decision no later than 35 to 40 days following the date on which briefs are due. Assuming that hearings conclude on October 26, 1979, we will issue our decision by January 10, 1979.

To summarize, we shall adhere to the following timetable:

Day	Date	Action
0	Aug. 8	Application filed.
30	Sept. 7	Comments.
33-37	Sept. 10-14	Primary hearing in Butte.
40-44	Sept. 17-21	Open.
47-51	Sept. 24-28	Primary hearing in Chicago.
54-65	Oct. 1-12	Secondary hearings.
65	Oct. 12	Draft environmental impact statement issued.
68-79	Oct. 15-26	Primary hearing in Chicago.
111	Nov. 27	Comments on draft environmental impact statement due.
117	Dec. 3	Briefs due.
124	Dec. 10	Final environmental impact statement issued.
155	Jan. 10	Administratively final decision issues.

The administrative law judge designated to conduct the primary hearing will have the discretion to select alternative sites for the primary hearing following comments at Butte; to adjust the primary hearing schedule (without conflicting with the secondary hearings); to act upon discovery motions; to require service of written testimony and witness lists on opposing parties prior to appearance at hearing; and, if absolutely necessary, to continue hearings and adjust the briefing period.

It is so ordered: An investigation is instituted in Docket No. AB-7 (Sub-No. 86F), and the effective date of the proposed abandonment and discontinuance is postponed pending completion of the investigation.

The requirement of an initial decision in Docket No. AB-7 (Sub-No. 86F) is voided.

The proceedings in Docket Nos. AB-7 (Sub-Nos. 64F, 69F, and 78F) are consolidated with the proceeding in Docket No. AB-7 (Sub-No. 86F).

The applicant in Docket No. AB-7 (Sub-No. 86F) shall, in conformance with this decision, submit and make available the information described in the appendix.

In Docket No. AB-7 (Sub-No. 86F), the proceeding shall follow the schedule established in this decision, except that the primary hearing schedule shall be subject to adjustment by the designated administrative law judge.

Decided: August 22, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, and Gaskins.

Agatha L. Mergenovich,
Secretary.

Appendix

The applicant shall supply the following information pursuant to the noted provisions of the abandonment regulations set forth in title 49 of the *Code of Federal Regulations*.

§ 1121.32(b)(1)

Provide on a subdivision basis substantiating data to support the rehabilitation estimate. This information should include the estimated amounts and costs for material and labor.

§ 1121.32(e)(5)

Provide statement of whether the properties to be abandoned are suitable for use for other public purposes, in conformity with the regulation.

§ 1121.44(c)

Provide on a subdivision basis substantiating data to support the net liquidation value estimate. This information should include the estimated salvage value of track and structures, the estimated cost of salvage, and the estimated land values.

[FR Doc. 79-27043 Filed 8-30-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 126]

Assignment of Hearings

August 24, 1979

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 127602 (Sub-17F), Denver-Midwest Motor Freight, Inc., MC-F-13723, Denver-Midwest Motor Freight, Inc.—Control—Merger—Load & Go Truck Line, transferred to modified procedure.

MC 124211 (Sub-346F), Hilt Truck Line, Inc., MC-F-13835, Hilt Truck Line, Inc.—Purchase—Heimberg Cartage Co., Inc., transferred to modified procedure.

MC 42281 (Sub-144F), Langer Transport Corp., now assigned for Prehearing Conference on September 5, 1979 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 14138 (Sub-8F), Heavy Transport, Inc., MC 14138 (Sub-9F), Heavy Transport, Inc., now assigned for hearing on October 31, 1979 (3 days), at Los Angeles, CA, in a hearing room to be later designated.

MC 120364 (Sub-17F), A & B Freight Line, Inc., now assigned for hearing on November 13, 1979 at Chicago, IL, in a hearing room to be later designated.

MC 141532 (Sub-35F), Pacific State Transport, Inc., now assigned for hearing on October 16, 1979 (3 days), at Los Angeles, CA, in a hearing room to be later designated.

MC 120364 (Sub-17F), A & B Freight Line, Inc., now assigned for hearing on November 13, 1979 (4 days) at Chicago, IL, in a hearing room to be later designated.

MC 145297F, Vern Breazeale Freight Service, Inc. d.b.a. Denver-Lander-Riverton Freight Service, now assigned for hearing on October 29, 1979 (2 weeks) at Lander, WY, in a hearing room to be later designated.

MC 60012 (Sub-99F), Rio Grande Motor Way, Inc., now assigned for hearing on October 9, 1979 (9 days), at Salt Lake City, UT, in a hearing room to be later designated.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-27041 Filed 8-29-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 140]

Decision-Notice

August 3, 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 is set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no

representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and

the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operation 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 within 30 days of publication of this decision-notice (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 2, Members Liberman, Eaton and Boyle.

Agatha L. Mergenovich,
Secretary.

MC 4405 (Sub-593F), filed February 26, 1979, previously noticed in the FR of June 21, 1979. Applicant: DEALERS TRANSIT, INC., 4221 South 68th East Ave., P.O. Box 236, Tulsa, OK 74101. 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) *press brakes*, (2) *shears*, and (3) *parts* for the commodities in (1) and (2) above, from the facilities of Rockwell Hydrapower Corp., at or near Norfolk, VA, to points in CT, MD, ME, MA, NH, NJ, NY, PA, VT, and RI. NOTE: This republication indicates NY as a destination State. (Hearing site: Norfolk, VA, or Washington, DC)

MC 144965 (Sub-2F), filed February 26, 1979. Applicant: RONALD ASHBY, Route 1, Giltner, NE 68841. Representative: Ronald Ashby (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *internal combustion engines, parts and components of internal combustion engines, and accessories* for internal combustion engines, from Detroit, Marysville, and Farmington, MI, Jamestown, NY, Beaver Dam, WI,

Rockford, IL, Canton, OH, Omaha, NE, and Lubbock, TX, to the facilities of Industrial-Irrigation Services at or near Hastings, NE, under continuing contract(s) with Industrial-Irrigation Services of Hastings, NE. (Hearing site: Omaha, NE, or Denver, CO)

[FR Doc. 79-27042 Filed 8-29-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 170

Thursday, August 30, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

Contents

	Items
Federal Deposit Insurance Corporation	1-3
National Transportation Safety Board ..	4, 5
Parole Commission	6
United States Railway Association	7

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: September 4, 1979; 2:00 p.m.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers, purchase and assumption transactions, or consolidations:

The First National Bank in Sioux Falls, Sioux Falls, South Dakota, and Dakota State Bank of Dell Rapids, South Dakota, Dell Rapids, South Dakota.

Mid-American National Bank and Trust Company, Northwood (P.O. Toledo), Ohio, and The Farmers and Merchants Bank, Arlington, Ohio.

Memorandum and resolution proposing, with respect to the Corporation's rules and regulations, the publication for comment of the revision of Part 307 (Voluntary Termination of Insured Status); deletion of Parts 301 (Introductory), 305 (Payment of Insured Deposits), 306 (Receiverships and Liquidations), 325 (Introductory), and sections 330.13 and 330.14; and amendment of Part 327 (Assessments).

Memorandum proposing the payment of final principal and interest dividends in connection with the receivership of State Bank of Prairie City, Prairie City, Iowa.

Memorandum proposing the payment of a fourth dividend of 7.5 percent in connection with the receivership of Citizens State Bank, Carrizo Springs, Texas.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director of the Division of Liquidation detailing all disbursements in excess of \$10,000 and all sales of real estate properties, during the period June 16, 1979—August 16, 1979, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Report of the Director of the Division of Liquidation detailing all disbursements, under special authorization given to the Director of the Division of Liquidation by the Board of Directors on December 9, 1974, in excess of \$10,000 during calendar year 1978, in connection with the liquidation of Franklin National Bank, New York, New York.

Audit Report: Payment of Depositors' Claims.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-1694-79 Filed 8-28-79; 4:00 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: September 4, 1979; 2:30 p.m.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

First State Bank of Beebe, a proposed new bank to be located at the west side of U.S. Highway 367 in the Beebe Shopping Center, Beebe, Arkansas, for Federal deposit insurance.

Interstate Bank of St. Peters, a proposed new bank to be located at the southeast corner of the intersection of Jungermann and Mexico Roads, St. Peters, Missouri, for Federal deposit insurance.

Bank of Johnston County, a proposed new bank to be located at 800 East Main Street, Tishomingo, Oklahoma, for Federal deposit insurance.

Applications for consent to establish a branch:

Arlington Trust Company, Lawrence, Massachusetts, for consent to establish a branch on the northerly side of Andover Street at its intersection with River Road, Tewksbury, Massachusetts.

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. 44,006-L—American Bank & Trust, Orangeburg, South Carolina.

Case No. 44,015-L—American Bank & Trust, Orangeburg, South Carolina.

Case No. 44,017-L—The Hamilton Bank & Trust Company, Atlanta, Georgia.

Case No. 44,023-L—Franklin National Bank, New York, New York.

Case No. 44,032-L—Banco de Ahorro de Puerto Rico, San Juan (Hato Rey), Puerto Rico.

Case No. 44,036-SR—Citizens State Bank, Carrizo Springs, Texas.

Case No. 44,037-L—Wilcox County Bank, Camden, Alabama.

Memorandum re: Bank of Woodmoor, Woodmoor (P.O. Monument), Colorado.

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. 552(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE

INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-1695-79 Filed 8-28-79; 4:00 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change 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 meeting held at 2:00 p.m. on Monday, August 27, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director John G. Heimann (Comptroller of the Currency), and concurred in by Director William M. Isaac (Appointive), that Corporation

business required the withdrawal from the agenda from consideration at the meeting, on less than seven days' notice to the public, of a memorandum proposing new regional office quarters for the San Francisco Region.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: August 27, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1690-79 Filed 8-28-79; 11:42 am]

BILLING CODE 6714-01-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 8:30 a.m., Wednesday, August 29, 1979. [NM-79-28]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible:

Request for Public Hearing—Aircraft accident, Prinair DH-114, N57PR, St. Croix, V.I., July 24, 1979.

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming, 202-472-6022.

August 28, 1979.

[S-1692-79 Filed 8-28-79; 3:07 pm]

BILLING CODE 4910-58-M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, September 6, 1979 [NM-79-29]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report—Universal Airways, Inc., Beech 70, Excalibur Conversion, N777AE, Gulfport, Miss., March 1, 1979.*

2. *Highway Accident Report—Ford Courier pickup truck fixed-object collision, Patuxent Road near Crofton, Md., April 23, 1979, and Recommendations to the National Committee on Uniform Laws and Ordinances and to the Chief, Anne Arundel County Police.*

3. *Marine Accident Report—R/V Don J. Miller II collision with the R/V Welcome in Admiralty Inlet, Puget Sound, October 25, 1978, and Recommendations to the Geological Survey, U.S. Department of Interior.*

4. *Discussion of letters to close out the following Safety Recommendations relative to Part 135 Operations: A-75-31, A-75-32, A-75-33, A-75-34, and A-78-37.*

5. *Discussion—Board policy on allowing absent Members to vote on agenda items after Board meetings.*

6. *Briefing by Board Staff on the Field Office structure.*

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming 202-472-6022.

August 28, 1979.

[S-1693-79 Filed 8-28-79; 3:07 pm]

BILLING CODE 4910-58

6

PAROLE COMMISSION.

TIME AND DATE: Tuesday, August 21, 1979, starting at 1:00 p.m.

PLACE: Penn Center Inn, Room 919, 20th and Market Streets, Philadelphia, Pennsylvania.

STATUS: Closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE DISCUSSED: Parole case transferred to the Commission from one of its regions. This case had been originally heard by an examiner panel.

The Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 28 CFR 16.204d that Commission business requires that this meeting be held on less than one week's notice to the public and that notice be given at the earliest practicable time.

CONTACT PERSON FOR MORE

INFORMATION: Henry J. Sadowski, Regional Counsel, United States Parole Commission, Scott Plaza II, 6th Fl., Industrial Highway, Tinicum Township, Philadelphia, Pennsylvania 19113, Phone: (215) 596-1868.

[S-1689-79 Filed 8-28-79; 11:19 am]

BILLING CODE 4410-01-M

7

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9:00 a.m., September 6, 1979.

PLACE: Board Room, Room 2-500, Fifth Floor, 955 L'Enfant Plaza North, S.W., Washington, D.C. 20595.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

Portions open to the public (9:00 a.m.)

1. Approval of minutes of the August 2, 1979 Board of Directors meeting; Resolutions on departing Board Members.
2. Missouri-Kansas-Texas financial monitoring and consideration of request for amendments to loan agreement.
3. Review of D&H financial results.
4. Consideration of Conrail Board Member.
5. Report on Conrail monitoring.
6. Consideration of Conrail Fourth Quarter Investment Commitment.
7. Consideration of Conrail drawdown request for September.
8. Consideration of 211(h) loan program.
9. 1981 Budget.
10. Contract Actions (extensions and approvals).

Portions closed to the public

11. Consideration of internal personnel matters.
12. Review of Conrail proprietary and financial information for monitoring and investment purposes.
13. Review of Missouri-Kansas-Texas Railroad Company proprietary and financial information.
14. Review of Delaware and Hudson Railway Company proprietary and financial information for monitoring and investment purposes.
15. Litigation report.

CONTACT PERSON FOR MORE

INFORMATION: Alex Bilanow (202) 426-4250.

[S-1691-79 Filed 8-28-79; 1:35 pm]

BILLING CODE 8240-01-M

Test Report Federal Register

Thursday
August 30, 1979

Part II

Community Services Administration

Community Services Administration
Grantee Management System. Volume I:
A Manual for Community Action Agency
Planning, Application and Performance

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1067]

[CSA Instruction 6710-1a]

Community Services Administration Grantee Program Management System. Volume I: A Manual for Community Action Agency Planning, Application and Performance

AGENCY: Community Services
Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is filing a proposed rule to implement a program management system for community action agencies that sets forth basic minimum requirements for CAA planning, grant application, and reporting and evaluation of program operation. CSA has determined that the present system of funding CAAs is confusing and inconsistent from one region to another and does not help CAAs meet the legislative requirements of the Economic Opportunity Act of 1964 as amended. The proposed rule would provide for a standard procedure to be used by all CAAs, would enhance the planning and management capabilities of CAAs, and would clarify the role and relationship between CSA and CAAs.

DATE: CSA welcomes comments on this rule. Comments received by November 28, 1979 will be considered in writing the final rule.

ADDRESS: Please send all comments to: Mrs. Fumie Gray, Community Services Administration, Office of Community Action, Office of Regional Operations, 1200 19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Mrs. Fumie Gray, telephone (202) 254-6410; teletypewriter (202) 254-6218.

SUPPLEMENTARY INFORMATION: The "CSA Grantee Program Management System. Volume I: A Manual for CAA Planning, Application and Performance", is designed to replace OEO Instruction 6710-1, "Applying for a CAP Grant", issued in 1968. Since publication of 6710-1, more than eleven Instructions have been issued changing various requirements of the old system, dropping some, modifying others and adding new ones. In addition, community action agencies have evolved over the years, new federal programs have been legislated, and conditions in the country have changed, calling for changes in the way CAAs operate.

As a result of the many piecemeal changes in the old grants management system, CAAs and CSA are operating, in effect, under a "non-system". Current planning and application procedures are inconsistent, disjointed, confusing and administered differently from one regional office to another. By taking a new approach and designing a complete system, we are convinced that CAAs and CSA will have a clearer understanding of requirements and expectations than is presently the case and that CAAs will be better able to perform the key functions of any management system—planning, program operation, and evaluation.

The primary goal of this proposed rule is to develop and install a grantee program management system that governs planning, application, reporting, evaluation, monitoring, and technical assistance to ensure that the basic purposes and functions of Title II of the EOA are effectively accomplished. The main purpose of issuing this subpart is to inform CAAs of the new requirements.

The CSA Grantee Program Management System proposes the following major changes to the previous system:

1. CAAs would establish a planning process that meets certain criteria and which would be approved by the CSA Regional Office.

2. After CSA approval of the planning process, CAAs would implement that process and develop a four year plan of action outlining CAA priorities, goals and strategies. This plan would be the foundation for subsequent grant application/funding requests. The four year plan would be submitted to the CSA Regional Office for acceptance.

3. CAA grant applications would include projects to be operated over a two year period. CSA would approve work programs for a two year period, instead of annually. Funds would be released annually, contingent upon availability. Normally, the grant for the second year of the approved work program would be awarded automatically.

4. All of CAA's CSA-funded work would be on a project basis, although funding would continue to be by program account.

5. The grant application and project progress review (PPR) forms would be combined. Project progress reporting would be simplified and required less frequently.

6. CAAs would have greater flexibility to move Section 221 funds between program accounts.

7. CSA would formally reinstitute the field representative on-site prereview visit.

8. Additional changes would be incorporated in the criteria for approval of amendments, in the amount of information required in the grant application, and in the capability of CSA to aggregate information for reporting purposes.

The provisions of this subpart are issued under the authority of Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Graciela (Grace) Olivarez,
Director.

45 CFR 1067 is proposed to be amended by adding the following:

Part 1067—Funding of CSA Grantees

Subpart 1067.70—CSA Grantee Program Management System. Volume I: A Manual for Community Action Agency Planning, Application and Performance

Sec.
1067.70-1 Preface: CAA Mission, Functions
and Objectives.

1067.70-2 Introduction.

Planning

1067.70-3 Legislative Requirements for CAA
Planning.

1067.70-4 Overview and Policy.

1067.70-5 Submission Requirements.

Grant Application and Performance.

1067.70-6 Eligibility.

1067.70-7 Grant Application Process and
Performance Reporting.

1067.70-8 Amendments.

Appendix A to Subpart 1067.70—Glossary.

Appendix B to Subpart 1067.70—Where to
Apply for Funds—CSA Regional Offices.

Appendix C to Subpart 1067.70—Program
Areas for Section 221 Local Initiative
Funding.

Appendix D to Subpart 1067.70—Program
Account Codes.

Appendix E to Subpart 1067.70—Chart of
Documents.

Appendix F to Subpart 1067.70—Agreement
for Delegation of Activities.

Appendix G to Subpart 1067.70—General
Conditions Governing Grants.

Appendix H to Subpart 1067.70—Cross
Reference of Old and New Forms.

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

Subpart 1067.70—CSA Grantee Program Management System. Volume I: A Manual for Community Action Agency Planning, Application and Performance

§ 1067.70-1 Preface: CAA Mission, functions and objectives.

(a) The basic purpose of Title II of the Economic Opportunity Act (EOA) "is to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural

and urban areas to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient." (Section 201(a).)

(b) Section 212(b) of the Act further cites the basic functions of community action agencies (CAAs) in carrying out a community action program:

"(1) Planning systematically for and evaluating the program, including actions to develop information as to the problems and causes of poverty in the community, determine how much and how effectively assistance is being provided to deal with those problems and causes, and establish priorities among projects, activities and areas as needed for the best and most efficient use of resources.

"(2) Encouraging agencies engaged in activities related to the community action program to plan for, secure and administer assistance available under this title or from other sources on a common or cooperative basis; providing planning or technical assistance to those agencies; and generally, in cooperation with community agencies and officials, undertaking actions to improve existing efforts to attack poverty, such as improving day-to-day communication, closing service gaps, focusing resources on the most needy, and providing additional opportunities to low-income individuals for regular employment or participation in the programs or activities for which those community agencies and officials are responsible.

"(3) Initiating and sponsoring projects responsive to needs of the poor which are not otherwise being met, with particular emphasis on providing central or common services that can be drawn upon by a variety of related programs, developing new approaches or new types of services than can be incorporated into other programs, and filling gaps pending the expansion or modification of those programs.

"(4) Establishing effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests, providing for their regular participation in the implementation of those programs, and providing technical and other support needed to enable the poor and neighborhood groups to secure on their own behalf available assistance from public and private sources.

"(5) Joining with and encouraging business, labor, and other private groups and organizations to undertake, together with public officials and agencies, activities in support of the community action program which will result in the additional use of private resources and capabilities, with a view to such things

as developing new employment opportunities, stimulating investment that will have a measurable impact in reducing poverty among residents of areas of concentrated poverty, and providing methods by which residents of those areas can work with private groups, firms, and institutions in seeking solutions to problems of common concern."

(c) CAAs may perform these functions through various means, including operating programs, mobilizing resources, involving the poor in decision making, and advocating changes beneficial to the poor. In the totality of their program they must:

(1) Strengthen community capabilities for planning and coordinating assistance from all sources related to eliminating poverty so that the assistance can be more responsive to local needs and conditions;

(2) Better organize a range of services for the poor so that these services may better help families and individuals overcome the whole complex of interrelated poverty problems;

(3) Initiate a more widespread use of new types of services and approaches so that available resources can be used more effectively;

(4) Develop and carry out all programs and projects designed to serve the poor or low-income areas with the maximum feasible participation of residents of the areas and members of the groups served to stimulate and take full advantage of capabilities for self-advancement and to assure that the programs are meaningful to and widely used by their intended beneficiaries;

(5) Broaden the resource base of programs aimed at eliminating poverty to secure the services and assistance of public officials, private, religious, charitable, and neighborhood organizations and individuals and to promote a more active role for business, labor and professional groups.

(d) Community action thus aims at stimulating changes needed to achieve a better focusing of public and private resources upon poverty in a community. It means sharing views and approaches among public and private groups and deciding upon actions to be taken together or independently. It calls for a commitment to seek solutions and to act to create change.

(e)(1) Responsibility for carrying out the purpose and functions of community action agencies rests with each CAA governing board. The CAA staff implements board policies and offers advice and counsel, but, in the final analysis, the governing board is the key to a successful CAA. Governing board powers that affect the CAA's planning

and program operations include: (i) Deciding major fiscal and program policies; (ii) approving overall program plans, priorities and requests for funds; and (iii) assuring CAA compliance with CSA eligibility requirements and grant conditions. (2) In the case of a public CAA, there is a sharing of powers and responsibilities because the governing board, composed of elected public officials, delegates some of its powers and responsibilities to a community action board, which has prescribed community representation.

(f) Title II of the EOA mandates maximum participation of the poor in all CAA activities. This subpart deliberately stresses throughout, the need to assure that the poor (residents of the areas and members of the groups served) take part in all aspects of the comprehensive community-wide planning process and in the conduct and evaluation of all CAA projects and activities. (Section 211(c) of the EOA.)

§ 1067.70-2 Introduction.

(a) *Purpose of the subpart*—(1) *CSA Grantee Program Management System. Volume I: A Manual for CAA Planning, Application and Performance* describes the process by which community action agencies apply for funds under Title II, sections 221, 222 and 230 of the Economic Opportunity Act of 1964, as amended. It discusses the role of the Community Services Administration (CSA) in accepting CAA plans, approving grants and monitoring CAA performance, and delineates the relationship between CAAs and CSA in the process.

(2) This subpart is a policy statement of the minimum mandatory requirements for CAA funding under the referenced sections of the EOA. It applies only to officially designated and recognized CAAs. CAAs planning to apply for grants under Sections 221, 222 and 230 should do so through the appropriate regional or headquarters funding office. (Appendix B contains a listing of regional offices. Individual program policy statements indicate where to submit applications for programs under Sections 222 and 230 programs.)

(3) The process and instructions for organizing, designating and recognizing community action agencies are contained in CSA Instruction 6302-2, and Change 1, "CAAs: Eligibility and Establishment".

(b) *Subpart for CSA Planning, Application, and Performance*—(1) *Purpose*. The major goal of this subpart is to help CAAs effectively achieve the basic purposes and functions under Title II of the Economic Opportunity Act. Among the specific objectives are to:

(i) Establish procedures to ensure that the poor have opportunities to influence and to take part in key phases of the CAA's planning and funding cycles, and to document that participation;

(ii) Give CAAs the maximum program and budgetary flexibility consistent with legal and regulatory limitations;

(iii) Describe the rights and obligations of CAAs to CSA and of CSA to CAAs;

(iv) Design a procedure that places upon CAAs the basic responsibility to document their compliance with CSA statutory and regulatory eligibility requirements;

(v) Provide an application format for CAAs to address the objectives and activities of their proposed program, incorporating the functions and purposes set forth in Title II, in enough detail to permit evaluation of performance;

(vi) Require forms containing only that information needed to permit CSA to meet its management, information, funding, and evaluation/monitoring responsibilities;

(vii) Enable CSA to help CAAs with training and technical assistance and to provide data that will enhance CAA planning and compliance processes.

(2) *Elements of the CAA Grantee Program Management System.* (i) The basic elements of the program management system are: a planning cycle culminating in a four year plan of action; a two year program development, grant application and program execution phase; ongoing self-evaluation by the CAA; and, performance monitoring by CSA. Additional elements include determination of CAA eligibility to receive funding; periodic CSA conducted on-site visits, including a prereview trip; and training and technical assistance.

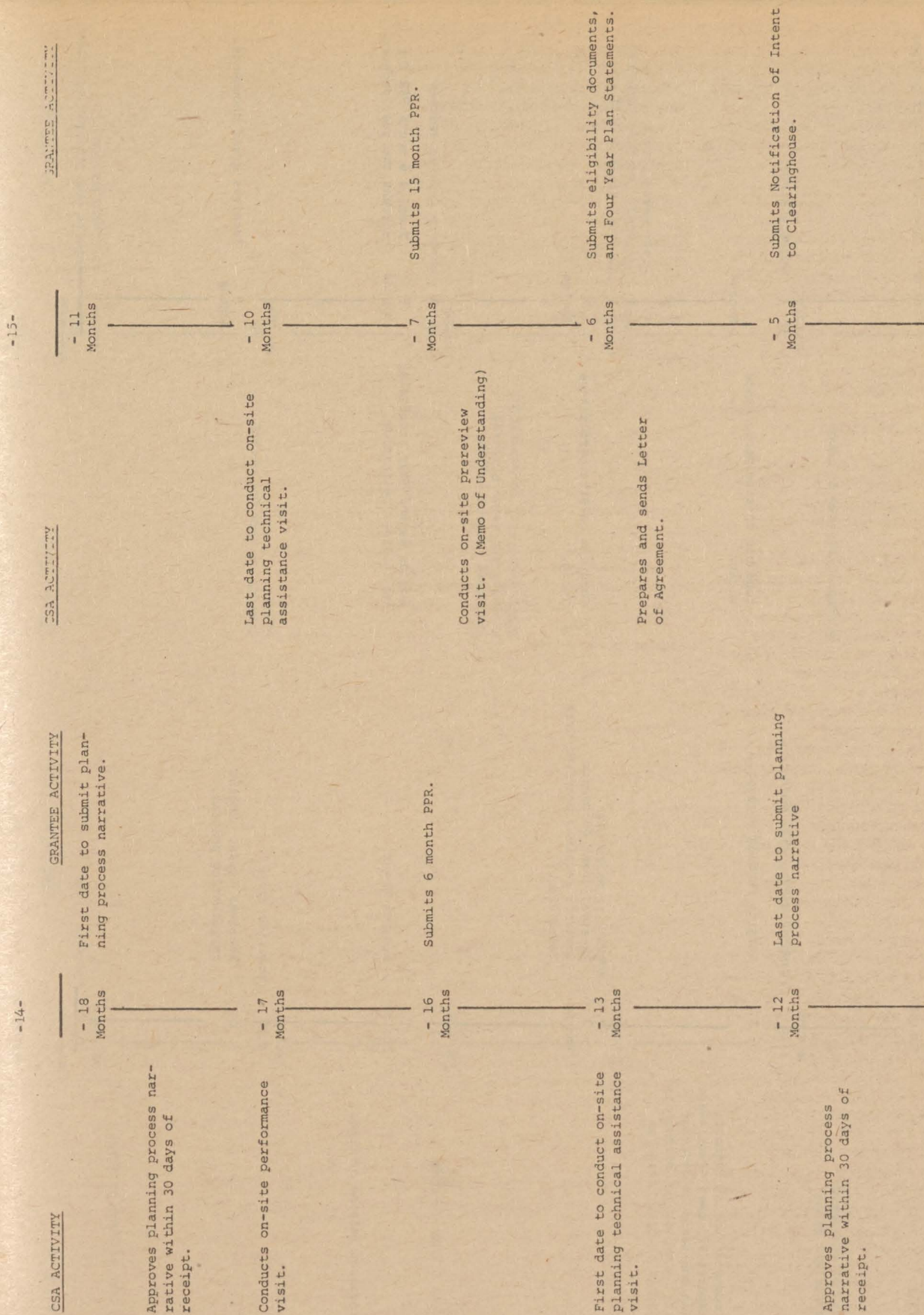
(ii) *CSA Grantee Program Management System.* Volume I: A Manual for CAA Planning, Application and Performance" outlines one unified system for CAA planning and program implementation. The system is concerned with the total CAA program—with what the CAA is doing in all its programs, projects, and activities during the program period. It is only by viewing the planning, program development, implementation and evaluation activities as integral parts of a whole system that the CAA can hope to address the causes of poverty in its community and marshal all available resources to deal with them effectively.

(iii) The time line on the next several pages shows the month in which major events and activities described in this subpart occur. The first is a

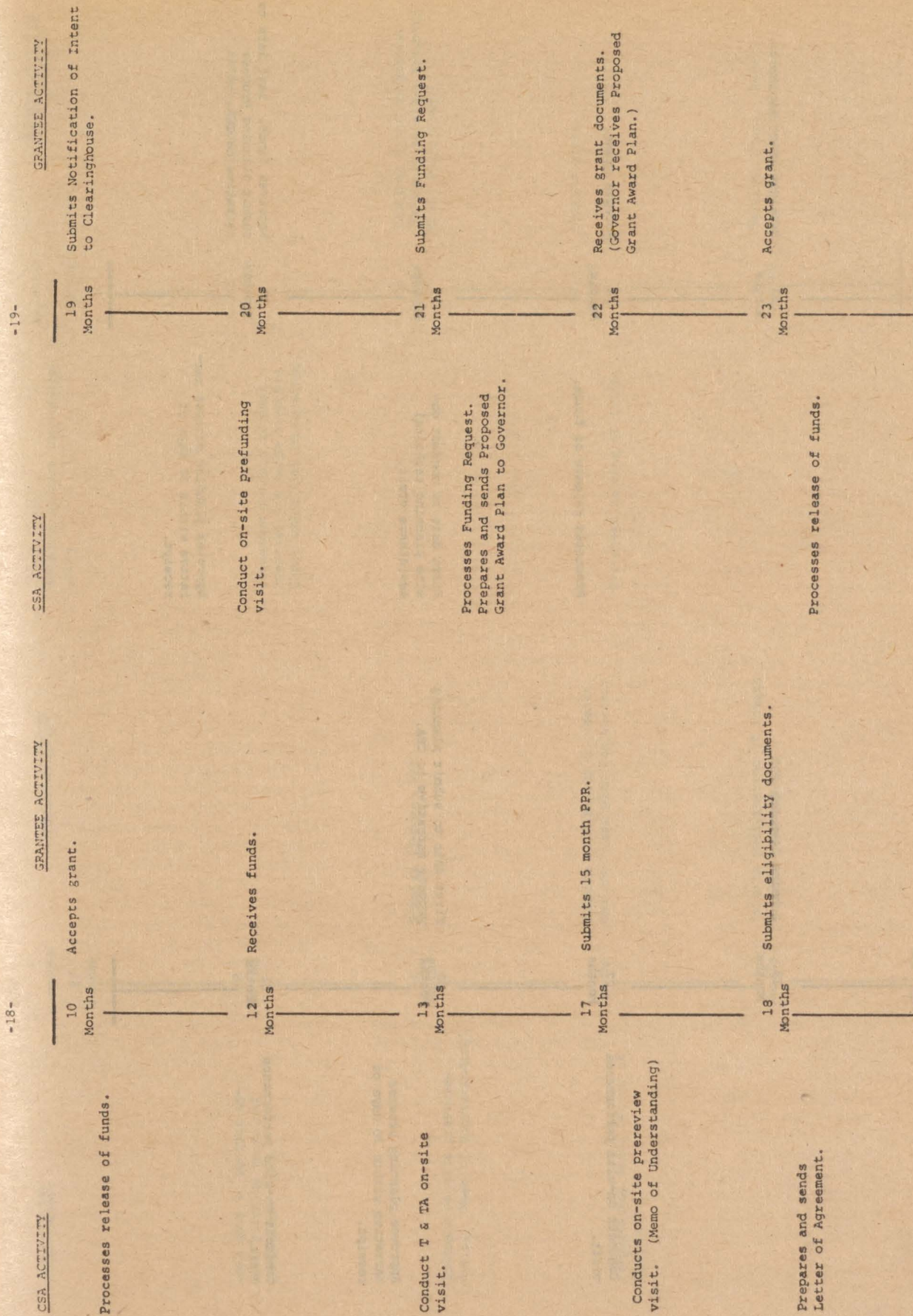
"countdown" period (—18 to 0 months on the time line) during which the CAA develops and carries out the planning process resulting in the four year plan of action. Since the countdown period occurs before the beginning of the four year plan period, there is a minus (—) sign before the numbers (months) within it. Although shown as preceding the four year plan period, the countdown period is not separate and distinct; at the same time, the CAA is operating its currently approved program. For the sake of clarity, some events or activities (those concerned with the current program) not essential to understanding the countdown period are omitted; they do appear in the four year time line.

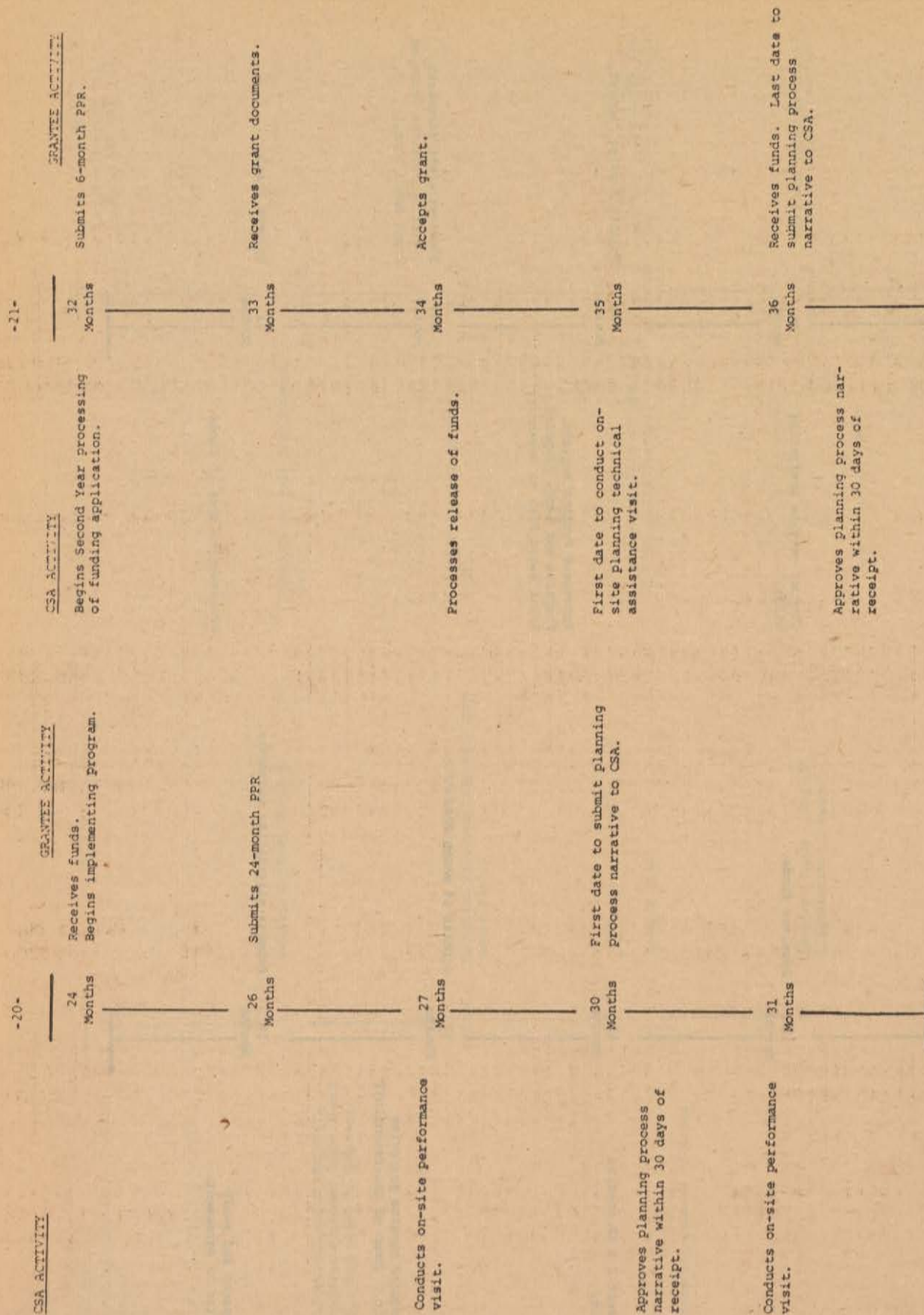
(iv) The second period (0 to 48 months on the time line) is the four years during which the CAA implements the plan. In this period, the time line starts with the first month of the 48 month period. Months in which no activities occur are not listed. The complete four year period is described because some events or activities occur only once in four years. Others happen annually or every second year. These are repeated on the time line. (Appendix E has the number and title of forms and documents referred to on the time line.)

BILLING CODE 6315-01-M

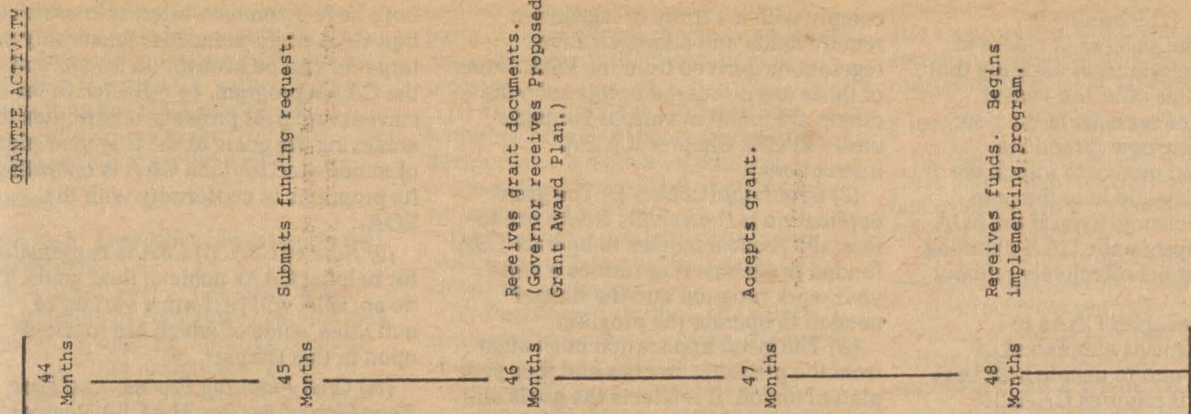


CSA ACTIVITY	GRANTEE ACTIVITY	GRANTEE ACTIVITY	CSA ACTIVITY	GRANTEE ACTIVITY
Conducts on-site prefunding visit.	- 4 Months			2 Months
Processes Funding Request. Prepares Proposed Grant Award Plan and sends to Governor.	- 3	Submits Funding Request.	Conducts on-site performance visit.	3 Months
	- 2 Months	Receives grant documents. (Governor receives Proposed Grant Award Plan.)	Conducts on-site performance visit.	7 Months
Processes release of funds.	- 1 Month	Accepts grant.	Begins Second Year processing of Funding Application.	8 Months
	0	Receives funds. Begins implementing program.		9 Months





-23-



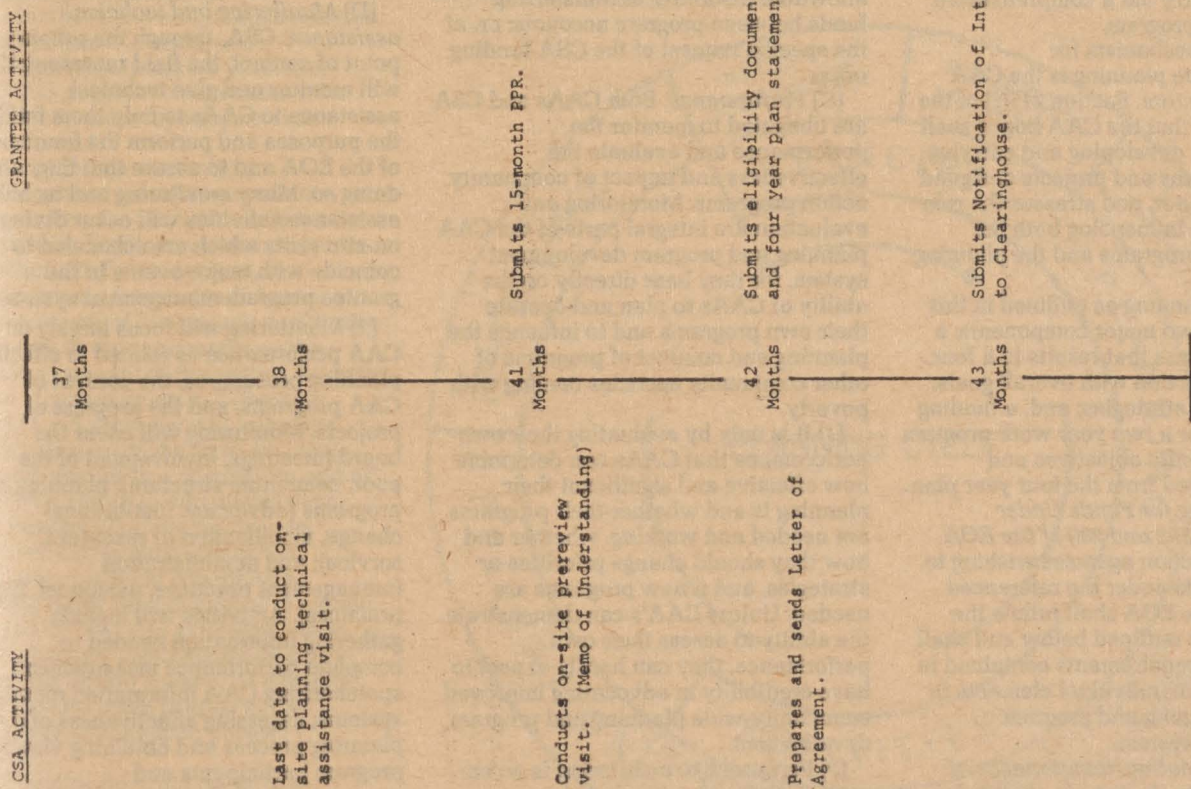
CSA ACTIVITY

Conducts on-site prefunding visit.

Processes funding request.
Prepares and sends Proposed Grant Award Plan to Governor.

Processes release of funds.

-22-



CSA ACTIVITY

Last date to conduct on-site planning technical assistance visit.

Conducts on-site prereview visit. (Memo of Understanding)

Prepares and sends Letter of Agreement.

BILLING CODE 9315-01-C

(A) *Planning.* (1) Planning is paramount to the success of CAAs in fulfilling their missions, in assuring that local communities offer the widest possible range of services to the poor, and in identifying new directions communities can pursue to attack the causes of poverty and help the poor attain self-sufficiency. Even if the EOA did not stress systematic CAA planning, CAAs could not act effectively without it.

(2) Planning enables CAAs to determine the causes and extent of poverty locally and to decide how best to deal with it. It requires CAAs to identify community resources or lack thereof, pinpoint various sources of funds and expertise, and try to mesh the resources and programs of diverse agencies into a comprehensive assault on poverty. In addition to helping CAAs to design their own programs, planning enhances the CAA's ability to effectively advocate with other agencies on behalf of the poor by encouraging them to provide more opportunities and better services for low-income people.

(3) Besides planning for their own programs, funded from both CSA and non-CSA sources, CAAs must coordinate their plans with those of other local anti-poverty efforts. As far as possible, CAAs should help other agencies and institutions develop their own plans so that the community as a whole can carry out a comprehensive anti-poverty program.

(4) A key mechanism for comprehensive planning is the CAA board of directors. Section 211(f) of the Act specifies that the CAA board shall participate in developing and carrying out all programs and projects designed to serve the poor, and stresses the role of the poor in influencing both the character of programs and the planning process.

(5) CAA planning as outlined in this subpart has two major components: a planning process that results in a four year plan of action with overall goals, priorities and strategies; and, a funding application for a two year work program including specific objectives and projects derived from the four year plan.

(B) *Applying for Funds Under Sections 221, 222 and 230 of the EOA.* Community action agencies wishing to apply for funds under the referenced sections of the EOA shall follow the entire process outlined below and shall adhere to all requirements contained in the chapters on individual elements in the CAA planning and program development system.

(1) *Determination/maintenance of CAA eligibility.* To remain eligible for CSA funding, recognized CAAs must

comply with a variety of legislative requirements and administrative regulations derived from the EOA. Some of these are discussed in this subpart; others are found in various subparts under 45 CFR Chapter X (CSA instructions).

(2) *Grant application.* (i) The grant application is the vehicle CAAs use to formally request monies to operate CSA funded programs. It describes a two year work program and the budget needed to operate the program.

(ii) The grant application must stem from the planning process and four year plan of action. It reflects the goals and priorities of the plan of action and is a more detailed statement of what the CAA intends to achieve in two years and of how it will operate. The application includes projects to be funded under Section 221 of the EOA (the so-called "local initiative" programs) and, whenever possible, Section 222 special programs and Section 230 technical assistance and training activities.

(3) *Amendments.* CSA intends to give CAAs as much flexibility as possible in carrying out programs and projects consistent with their four year plans of action. Therefore, CAAs shall submit requests for approval of amendments only when they wish to: add or delete a project; make significant changes in a project's work program; exceed allowable flexibility in transferring funds between program accounts; or, at the specific request of the CSA funding office.

(C) *Performance.* Both CAAs and CSA are obligated to monitor the performance and evaluate the effectiveness and impact of community action programs. Monitoring and evaluation are integral parts of the CAA planning and program development system, for they bear directly on the ability of CAAs to plan and operate their own programs and to influence the planning and conduct of programs of other community agencies dealing with poverty.

(1) It is only by evaluating their own performance that CAAs can determine how effective and significant their planning is and whether their programs are needed and working, whether and how they should change priorities or strategies, and if new programs are needed. Unless CAAs can demonstrate the ability to assess their own performance, they can hardly expect to have credibility in advocating improved community-wide planning and program development.

(2) Performance monitoring is an ongoing activity of paramount importance to both CSA and CAA governing boards.

Both have a common interest in assuring that CAA performance is measurably on target or can be brought on target; that the CAA's program, as reflected in its current and past projects, contributes to achieving the goals of the four year plan of action; and that the CAA is operating its programs in conformity with the EOA.

(3) *Role of CSA.* (i) CSA is responsible for helping CAAs achieve their goals. To do so, CSA will perform a variety of activities, some of which are touched upon in this subpart.

(A) *CAA Planning Process and Four Year Plan of Action.* The CSA Regional Director will approve CAA planning processes contingent upon their meeting certain criteria. The Regional Director or his designee will accept CAA four year plans of action.

(B) *Prereview.* CSA Regional field representatives and other staff will conduct on-site prereview visits before the start of CAA program periods in preparation for CAA submission of funding requests.

(C) *Guidance for and review of grant applications.* Through a variety of instruments, CSA will provide program and funding guidance to CAAs to aid them in preparing funding requests. The CSA funding office will review, approve, modify or reject CAA grant applications and will notify CAAs of action taken.

(D) *Monitoring and technical assistance.* CSA, through the primary point of contact, the field representative, will monitor and give technical assistance to CAAs to help them fulfill the purposes and perform the functions of the EOA and to assure that they are doing so. Many monitoring and technical assistance activities will occur during on-site visits which are scheduled to coincide with major events in the grantee program management system.

(1) Monitoring will focus largely on CAA performance as related to effective planning procedures, the content of CAA programs, and the progress of projects. Monitoring will cover the board (meetings, involvement of the poor, committee structure); planning and programs (advocacy, institutional change, mobilization of resources, service); and administration (management practices, personnel, fiscal practices). Activities will include gathering information needed to complete performance measurement; spotchecking CAA information reporting systems; assessing effectiveness of the planning process and obtaining views of program participants and representatives of other community and government agencies.

(2) CSA will also provide technical assistance and guidance on CSA requirements, regulations and rulings.

(E) CSA reserves the authority to require from the CAA additional documentation necessary to make funding or refunding decisions.

Planning

§ 1067.70-3 Legislative requirements for CAA planning.

(a) A major goal of CAAs is "the strengthening of community capabilities for planning and coordinating Federal, State, and other assistance related to the elimination of poverty, so that this assistance, through the efforts of local officials, organizations, and interested and affected citizens, can be made more responsive to local needs and conditions." (Section 201(a)(1).) The additional four basic purposes and functions of community action mandated in Section 201(a) relate directly to the planning capabilities of community action agencies.

(b) Section 212(b)(1) specifically lists planning as a basic CAA function. (See § 1067.70-1.) Section 221(d) further requires, as a condition of CSA funding, that each CAA have adopted a systematic approach to achieving the purposes of Title II of the EOA encompassing a planning and implementation process that:

- (1) Identifies problems and causes of poverty in the community;
- (2) Mobilizes and coordinates relevant public and private resources;
- (3) Establishes program priorities;
- (4) Links program components with one another and with other relevant programs; and,
- (5) Provides for evaluation.

(c) To promote local responsibility and initiative, the Director of CSA may not establish binding national priorities on Section 221 funds. Instead, the Director must allocate funds based on an assessment of "the extent and nature of poverty in the community and the probable capacity of the agency to carry out an effective program." (Section 221(e).) CAA planning will influence CSA's judgment of the need for local initiative monies in a community and of the CAA's ability to administer them.

(d) Besides planning for its own activities, CAAs must strengthen community planning capabilities. Planning is not something that is merely required by law; it is a prerequisite to the satisfactory performance of every community action agency, its delegate agencies, and other entities in the community dealing with poverty matters.

(e) Planning does not occur in a vacuum. It is a part of, and permeates, every aspect of the CAA's work. The needs assessment, resource analysis,

and evaluation activities are integral parts of the planning process and take place throughout the duration of a program.

(f) The programs of CAAs will be better as a result of carrying out and developing a systematic planning process. Benefits to CAAs will include an improved ability to:

- (1) Analyze the extent, causes and conditions of poverty, and current efforts to overcome them;
- (2) Determine priorities and select strategies to permit CAAs to achieve the mission and purposes of the EOA;
- (3) Identify gaps in programs and experiment with new approaches or programs to fill the gaps;
- (4) Develop a strong data base, such as community profiles, with information from low-income residents, for use in advocacy or the design of new programs;
- (5) Refine operational and procedural techniques to achieve goals and objectives, consider alternatives, and affect different approaches to problems;
- (6) Institute a clearly defined participatory process, encouraging the direct involvement of low-income citizens, community based organizations, and other private and public organizations;
- (7) Serve as a reservoir of information for the community-at-large and its leadership; and,
- (8) Educate, reform, or improve

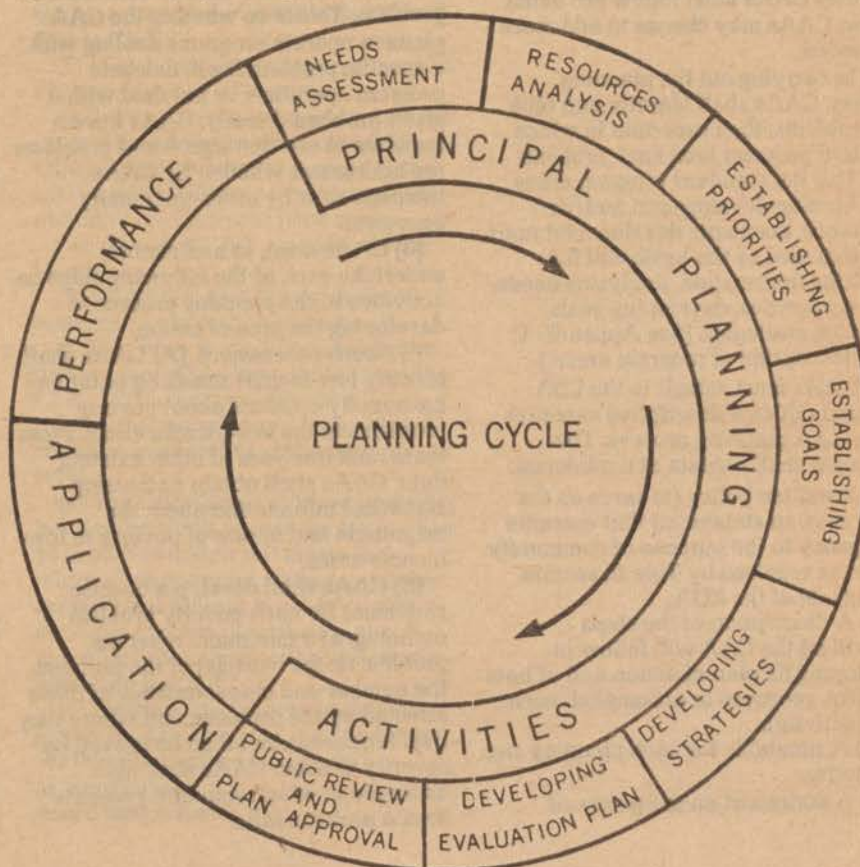
community attitudes toward poverty and its problems and enlist greater community involvement in the resolution of these problems.

§ 1067.70-4 Overview and policy.

(a) *Components of CAA planning.* The CAA planning cycle consists of two basic components and applies to all CAAs funded by CSA:

- (1) A planning process that meets the specific criteria set forth below, and,
- (2) A four year plan of action resulting from the planning process. The plan of action forms the basis for the grant application work programs and budgets.

(b) *Characteristics of the CAA planning process.* (1) The planning process provides a formal opportunity for CAAs, together with the communities they serve, to examine both the problems that stand in the way of low-income people becoming self-sufficient and the methods used to combat those problems. This process should help to assure that the plans, priorities and activities of CAAs are related directly to the needs of the poor, and that community resources are addressing those needs effectively. The following graphic shows the cyclical nature of the principal planning activities, and how they relate to the two remaining elements (application and performance) of the program management system.



(2) The long range plan is included as a major component in the community action strategy to help the community at large understand the dimensions of its poverty problems, and to be able to better apply scarce resources to their solutions. The CAA board should be able to target where it will apply its own resources while helping to focus the use of other community resources. The community action strategy builds on the experience of CAA planning as a tool for directing its own programs. Thus, planning is as much a major function of CAAs as participation of the poor and mobilization of resources.

(3) Apart from complying with the legislative mandate, this approach makes sense in terms of CAA goals and programming. CAAs must look at the total poverty picture in the community, including causes and problems, and at all available resources, including non-CSA sources. Only then can the CAA identify gaps in needed activities and services, determine priorities, and develop strategies. Thus it addresses most important problems not currently being dealt with and decides how it can have the greatest impact.

(c) *Developing the planning process.*

(1) CAAs shall develop a planning process that includes all the steps they will take to complete the four year plan of action. The basic minimum steps or activities CAAs must follow are listed below; CAAs may choose to add more as needed.

(2) In carrying out the planning process, CAAs shall identify and rank the problems, then ascertain in which standard program area each problem falls. Use the standard program areas (e.g., housing development and/or assistance, economic development and/or assistance) as the basic unit for collecting information, analyzing needs, setting priorities, developing goals designing strategies. (See Appendix C for a description of program areas.)

(3) CAAs must submit to the CSA Regional Office a descriptive narrative of the CAA planning process. The document shall contain at a minimum:

(i) A written policy (to serve as the CAA mission statement) that commits the agency to the purpose of community action as required by Title II, section 201(a)(1-5) of the EOA;

(ii) A description of the steps (activities) the CAA will follow in developing its plan of action and of how the CAA proposes to accomplish each step (activity);

(iii) A timetable for each planning step or activity;

(iv) A statement on the nature of

community participation including a clear description of all participants in each planning activity and of how each activity will be publicized to invite community participation;

(v) A description of how target populations will be identified and included in the planning process;

(vi) A description of the process the CAA will follow to amend the four year plan and to make modifications should they become necessary during the four year period. Because CAAs cannot control changes in events and circumstances, they are expected to review the four plan at least biennially to update date, and modify priorities or programs of the initial plan as needed; and,

(vii) A description of how the CAA will evaluate its effectiveness in carrying out the planning process and/or in modifying that process as needed.

(d) *Developing the four year plan of action.* (1) The four year plan of action is the end result of the planning process and the steps the CAA has taken to carry it out. Projects selected for implementation must originate from an objective examination of all current causes and problems of poverty, and possible strategies for dealing with them.

(2) In the four year plan CAAs must analyze all significant problems of poverty in the community regardless of the source of funds used to address the problem. This is so whether the CAA plans to operate programs dealing with a specific problem itself, delegate program operation, or not deal with a given problem directly. CAAs have a mandate to see that significant problems are addressed, whether by CAAs themselves or by other community agencies.

(3) CAAs must, at a minimum, undertake each of the following steps or activities in the planning process in developing the plan of action.

(i) *Needs assessment.* (A) CAAs shall identify low-income needs by obtaining community opinions about poverty problems in the low-income areas. From these, and analyses of other existing data, CAAs shall obtain or develop statistical information about the magnitude and nature of poverty in low-income areas.

(B) CAAs shall develop a concise statement for each poverty problem outlining, at a minimum: what the problem is; the cause(s) of the problem; the number and characteristics of those affected by the problem; and where they live. Problems shall then be ranked by severity of need. CAAs shall also ascertain in which standard program area a problem falls.

(ii) *Resource analysis.* CAAs shall identify and assess CSA and other public and private resources that can be brought to bear on each poverty problem. They shall determine how much and how effectively existing resources (the CAA's and those of other agencies) are dealing with the problems and causes of poverty.

(iii) *Establishing priorities.* CAA boards shall address ranked poverty problems and related program areas by establishing priorities based on assessed needs and availability of resources. This priority order will help guide CAAs in formulating goals for the four year plan of action. In setting priorities, CAA boards shall consider: severity of need (e.g., number of people affected by the problem, depth or extent of the problem); and, the probable impact the CAA can make on the problem (e.g., need vs. existing efforts, time and costs required to achieve results taking into account opportunities and constraints of resources available or to be obtained).

(iv) *Establishing goals.* (A) CAA boards shall develop one or more goal statements for each poverty problem to be addressed during the four year period. Goals should be stated in terms of desired results, related to assessed needs indicating changes to be accomplished and who will benefit. They should be realistic, measurable and quantifiable.

(B) In stating goals CAAs shall indicate how long it will take to realize each. Although the plan of action is for four years, it may be possible to achieve some goals in less time.

(C) All goals must be consistent with the CAA mission statement and must show clearly that the CAA program is designed to achieve the legislative purposes of community action. They must address the legislative standards of program and project effectiveness as described in section 201(a)(1-5) of the EOA and in CSA Instruction 7850-1a, "Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects". Each goal must serve as the basis for the specific objectives and activities included in the CAA's two year grant application.

(v) *Developing strategies.* CAA boards shall consider various approaches (strategies) the CAA might take and select those that have the best potential, within the resources available for achieving each goal. The strategies (i.e., projects) and tactics (i.e., activities) selected must be designed to enable CAAs to fulfill the mission and purposes of the EOA.

(vi) *Evaluation plan.* (A) CAAs shall describe how they will evaluate:

(1) Development and implementation of the four-year plan of action.

(2) Performance of the projects in the two-year work program. (See § 1067.70-7(a)(5) for monitoring process.)

(3) Program effectiveness and impact.

(4) Administrative and management procedures and practices.

(B) This evaluation plan must also describe the role of the poor and the community at large, as well as board members, in evaluation activities. Target dates for reporting progress to the CAA board must be specified.

(C) Evaluation is critical as a means of giving an empirical basis for decisions to continue, change, drop, or add projects. CAAs must be able to assess whether they and their delegate agencies are achieving stated project objectives, how efficiently CAA planning, administration, financial control and project management are carried out; the extent to which CAAs are meeting the general and specific standards of effectiveness described in CSA Instruction 7850-1a; and the extent to which CAAs are achieving the broad purposes of community action.

(D) The implementation of the CAA's evaluation plan shall be treated as a project by CAAs. Therefore, progress on implementation shall be reported on CSA form 514, "Grantee Work Program and Progress Report", at six (6) months, fifteen (15) months, and twenty-four (24) months. All records and documents coincidental to implementation and completion of the CAA's evaluation plan shall be maintained by the CAA and shall be made available to CSA on request.

(vii) *Public review and plan approval.*

(A) CAA boards must review and approve the four year plan of action at a public meeting held especially for such purposes.

(B) The approved plan shall be publicized, with low-income residents and relevant community organizations, as well as political jurisdictions, being the primary focus.

(C) Should the board reject suggestions that have received substantial community support, it shall include the community comments and the board's reasons for rejecting the suggestions with the four year plan sent to the CSA Regional Office.

§ 1067.70-5 Submission requirements.

(a) *The planning process narrative.* (1) The CAA shall submit three copies of the document describing the CAA's planning process for CSA review and approval.

(2) A cover letter, signed by the presiding official of the CAA, certifying that the governing board has approved

the planning process narrative, must accompany the document. If the CAA is a local government, the CAA also shall submit to the CSA Regional Office the written recommendations of the community action board concerning the CAA's planning process.

(3) The Regional Office will determine the due date of each CAA planning process document, which will be between the eighteenth and twelfth month before the CAA completes its current four year plan of action. CAAs shall submit a new planning process document twelve to eighteen months before each four year plan cycle.

(4) The CSA Regional Director will approve the CAA's planning process within thirty days of receipt. CAAs must have Regional Office approval before they put the planning process into effect. Approval will be based on adherence to: the planning steps outlined in this part of the subpart; CSA Instruction 6005-1, "Participation of the Poor in the Planning, Conduct and Evaluation of Community Action Programs"; CSA Instruction 6004-01a, "Nondiscrimination in Federally Assisted Programs of the Office of Economic Opportunity Effectuation of Title VI of the Civil Right Act 1964"; and, CSA Notice 6004-2, "Requirement for Affirmative Action Civil Rights Program".

(b) *The four year plan of action.* (1) The CAA shall submit three copies of the four year plan (CSA Forms 510 and 511) to CSA.

(2) CSA Form 511, "Grantee Four Year Plan Statement", is required:

(i) Before CAAs start a four year plan cycle. The forms are due in the Regional Office 180 days before the start of the CAA's initial (first two year) program period of the four year plan cycle.

(ii) When the CAA amends its four year plan.

(3) CSA Form 510, "Grantee Plan Summary Data and Certification".

(i) This form is submitted each time one or more CSA Form(s) 511 is sent to CSA. CSA uses it to aggregate information on poverty problems and resource availability at the national level.

(4) The CSA Regional Director or his/her designee will accept the CAA's four year plan of action if it meets the minimal planning requirements of this subpart and follows the CAA's own planning process described in the planning process narrative previously approved by CSA.

(c) *Instructions for completing the forms.* (Instructions are included only for those items that are not self-explanatory.)

BILLING CODE 6315-01-M

GRANTEE FOUR YEAR
PLAN STATEMENT

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Number	Reserved for OMB Approval
2. Grantee Name, Address, and Zip	
3. Submission Date	4. Page Of
5. Plan Start Date	6. Plan End Date
7. Submission Purpose ☐ Four Year Plan ☐ Amend Plan	
8. Plan Amended Year ☐ One ☐ Two ☐ Three ☐ Four	
9. Grantee Problem Ranking	10. Program Area
11. Description of Poverty Related Problem	

12. Statistical Data (state source)

13. Causes of the Problem

14. Analysis of Current and Past Effort

15. Goal

☐ Check here if this problem will not be addressed. Do not complete items 15 & 16.

16. Possible Alternative Strategies. (Place asterisk (*) before strategies which CAA has selected for implementation during the next two-year program period.)

(1) CSA Form 511, "Grantee Four Year Plan Statement".

(i) Use a separate Form 511 for each problem identified in the planning process.

(ii) *Item 1—Grantee Number:* Enter CSA assigned grantee identification number.

(iii) *Item 4—Page of:* Submit all CSA Forms 511 covering a CAA's four year cycle as a package. Assemble the individual forms so that those with the highest CAA priority rating are on top. The first CSA Form 511 (i.e. page 1) will apply to the problem the CAA gives first priority.

(iv) *Item 5—Plan Start Date:* Enter the first date of the CAA four year plan cycle (synonymous with the first day of the two year program period).

(v) *Item 6—Plan End Date:* Enter the last date of the CAA four year plan cycle (i.e. the end of the second two year program period).

(vi) *Item 7—Submission Purpose:* Place an (x) in the box labeled Four Year Plan. If CSA Form 511 is to amend and accepted four year plan, mark the box titled Amend Plan.

(vii) *Item 8—Plan Amended Year:* Fill in only if the form is used to amend an accepted four year plan. Mark the box showing the year of the four year cycle for which the amendment is submitted.

(viii) *Item 9—Grantee Problem Ranking:* Enter the rank the governing board has given this problem in relation to all other identified poverty problems.

(ix) *Item 10—Program Area:* Select the program area (See Appendix C) into which the poverty problem falls. When a problem is related to more than one program area choose the one which covers the major causes of the problem.

(x) *Item 11—Description of Poverty-Related Problem:* State the problem, the characteristics of people affected and where they live.

(xi) *Item 12—Statistical Data:* Report poverty census data, survey data, outreach reports and other sources that support the description. The data should indicate scope and magnitude of the problem.

(xii) *Item 13—Causes of the Problem:* State the CAA's analysis of the factors causing the problem. Be specific.

(xiii) *Item 14—Analysis of Current and Past Effort:* List all current and recent past efforts of both the CAA and other groups, agencies or organizations to resolve the problem. Indicate their effectiveness in terms of impact and cost/benefits.

(xiv) *Item 15—Goal:* State the changes the CAA plans to achieve in the next four years, showing the amount of time it should take to reach each goal. If the CAA will not address the problem

during this four year cycle, check the box and do not fill in the rest of Item 15 or Item 16.

(xv) *Item 16—Possible Alternative Strategies:* Show the strategies considered to deal with the problem. Asterisk (*) those which the CAA has chosen to implement during the next two year program period.

BILLING CODE 6315-01-M

COMMUNITY SERVICES ADMINISTRATION

GRANTEE PLAN SUMMARY DATA AND CERTIFICATION		1. Grantee Number	Reserved for OMB Approval
COMMUNITY SERVICES ADMINISTRATION		2. Grantee Name, Address, and Zip	
3. Submission Date	4. No. Pages Submitted		
5. Plan Start Date	6. Plan End Date		
7. Submission Purpose			
☐ Plan (Complete all Parts)		8. Plan Amended Year	
☐ Amended Plan (Omit Parts B and C)		☐ One ☐ Two	
		☐ Three ☐ Four	

9. Total Number of Low Income Persons Participating in the Planning Process.	
10. Total Number of Planning Meetings Held.	
11. Total Number of Low Income Persons Surveyed in Planning Process.	

INSTRUCTION - ITEM 13. INDICATE THE RELATIVE AMOUNT OF RESOURCES AVAILABLE TO THE COMMUNITY FROM ALL SOURCES FOR EACH PROGRAM AREA. USE THE SCALE BELOW TO DETERMINE WHAT NUMBER TO RECORD IN EACH BOX OF ITEM 13. A "1" IN THE BOX INDICATES THE LEAST AMOUNT OF RESOURCES AVAILABLE, AND A "9" INDICATES THE GREATEST AVAILABILITY OF RESOURCES.

[illegible]

ENTER THE APPROPRIATE CODES IN THE COLUMNS NEXT TO THE PROGRAM NAME.
OPERATING STATUS CODES: 1 = GRANTEE OPERATED, 2 = OPERATED BY OTHERS, 3 = NOT OPERATED IN COMMUNITY.
RESPONSE TO COMMUNITY NEEDS CODES: 1 = VERY SATISFACTORY, 2 = SATISFACTORY, 3 = LESS THAN SATISFACTORY.

Program Name	Operating Status	Response To Need	Program Name	Operating Status	Response To Need
CETA Title I			HUD Section 701		
CETA Title II			HUD Section 202		
CETA Title VI			FMHA Section 502		
DOL Youth Employment			FMHA Section 504		
DOL Summer Youth Programs			FMHA Section 514		
EDA Bus. Dev. Asst.			FMHA Section 515		
EDA Tech. Assistance			USDA Food Stamps		
HEW Title I, Elm./Sec. Act			USDA Community Food		
HEW Title II, Adult Basic Ed.			DOT -UMTA Grant		
HEW Headstart			OTHER - Specify		
HEW Title VI, Home Health					
HEW Title IX, Fam. Planning					
HEW Title III, HMD					
HUD - HICDO Act, Title I					
HUD Section 312					

14. The Data on this Form, and the Plan Statements Submitted with this Form, were Generated from the Planning Process Approved by CSA, and have been (Check Appropriate Box):

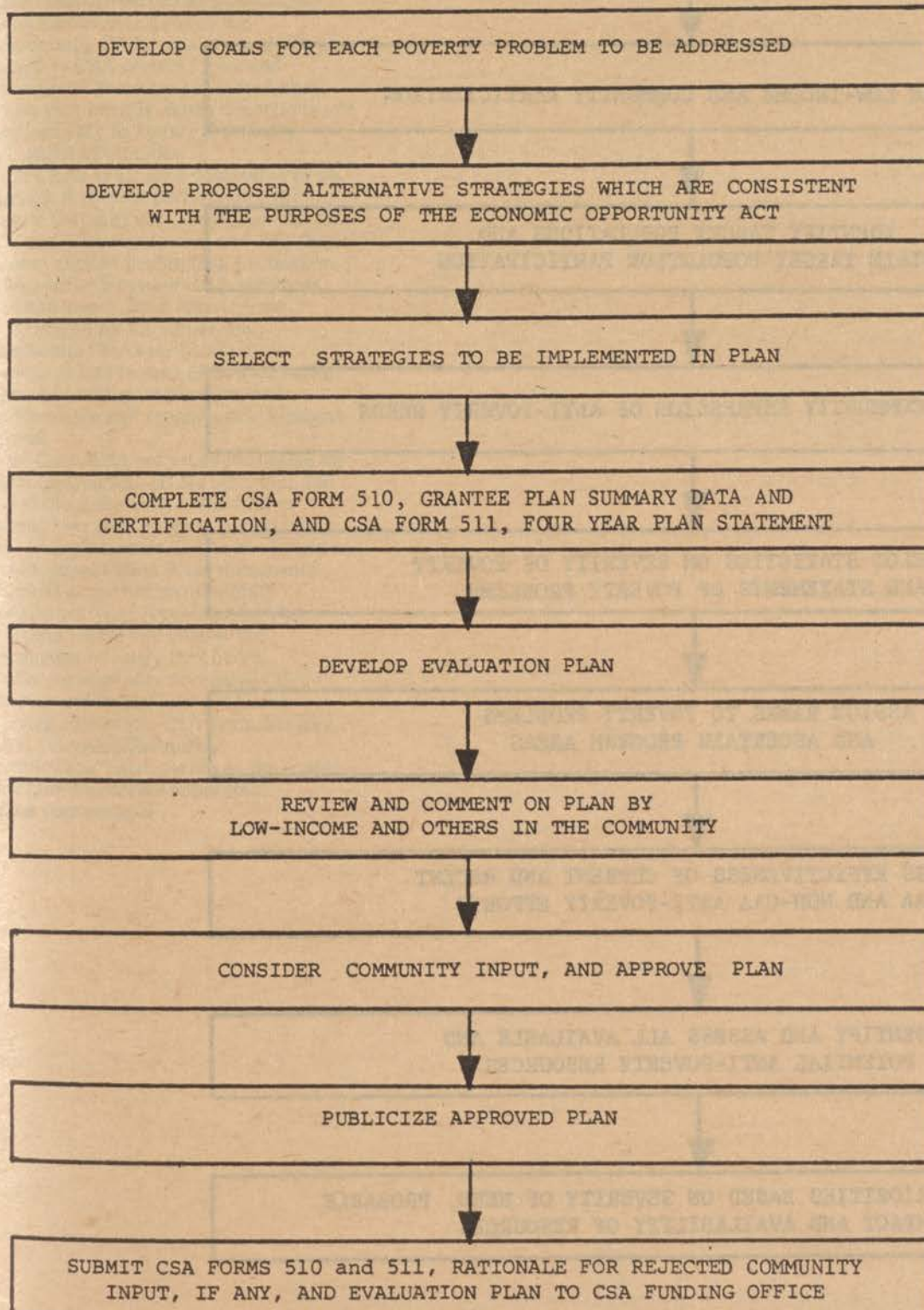
☐ Approved by the Grantee's Governing Board. ☐ Reviewed by the Grantee's Administering Board, and Approved by its Governing Officials.

15. Name and Title of Certifying Official	16. Signature of Certifying Official	17. Date Board Approved
		18. Date Signed

(2) CSA Form 510, "GRANTEE PLAN SUMMARY DATA AND CERTIFICATION".

Instructions for completing the form are on the form itself.

CAA PLANNING PROCESS



CAA PLANNING PROCESS

ADOPT CAA MISSION STATEMENT

ASSURE LOW-INCOME AND COMMUNITY PARTICIPATION

IDENTIFY TARGET POPULATIONS AND
OBTAIN TARGET POPULATION PARTICIPATION

OBTAIN COMMUNITY EXPRESSION OF ANTI-POVERTY NEEDS

DEVELOP STATISTICS ON SEVERITY OF POVERTY
AND STATEMENTS OF POVERTY PROBLEMS

ASSIGN RANKS TO POVERTY PROBLEMS
AND ASCERTAIN PROGRAM AREAS

ASSESS EFFECTIVENESS OF CURRENT AND RECENT
CAA AND NON-CAA ANTI-POVERTY EFFORTS

IDENTIFY AND ASSESS ALL AVAILABLE AND
POTENTIAL ANTI-POVERTY RESOURCES

ESTABLISH PRIORITIES BASED ON SEVERITY OF NEED, PROBABLE
IMPACT AND AVAILABILITY OF RESOURCES

Grant Application and Performance**§ 1067.70-6 Eligibility.**

(a) *Introduction.* (1) Once CAAs are designated by the local government and officially recognized by CSA, they must maintain eligibility to receive CSA funds. Besides performing certain ongoing functions (e.g., auditing, accounting), CAAs must keep on file or submit to CSA certain forms and documents. Some are submitted once, others periodically. Some documents are required only to update previously submitted information.

(2) CAAs shall, on a continuing basis, monitor their own performance to ensure that they are complying with the law and CSA regulations and that they remain eligible for funding. In addition, CSA staff will review CAA activities and documents from time to time.

(3) Appendix E outlines the documents CAAs must submit at various stages in the community action agency planning, application and performance and program development system.

(b) *CAA/CSA activities preceding the grant application.* (1) No later than 180 days before the start of the first or second two year program period of the four year plan cycle, CAAs shall send to the Regional Office those documents required as part of the eligibility compliance. (See Appendix E.) The Regional Office will review the documents to verify the CAA's continuing eligibility to receive CSA funding and to highlight problems needing correction. CSA Form 395 (rev. 1/79), "Grantee Refunding Certification", also serves as the cover sheet for documents submitted.

BILLING CODE 6315-01-M

GRANTEE REFUNDING CERTIFICATION

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip

2. Grantee No.

3. Date Submitted

Reserved for OMB Use

INSTRUCTIONS: THIS FORM IS USED FOR TWO PURPOSES:

- (1). IT IS SUBMITTED AS PART OF THE GRANTEE'S ELIGIBILITY AND COMPLIANCE REVIEW.
 (2). AS A COVER SHEET WHEN SUBMITTING PROPOSED CHANGES TO DOCUMENTS LISTED BELOW.

SECTION 1: CERTIFICATION OF GRANTEE ELIGIBILITY DOCUMENTS. (Submit as Required by CSA Instructions or as Changes Occur)

Document	Date of Document Currently on File With CSA	Is New or Updated Document Being Submitted?		Date of Board Approval of New or Updated Document	Attachment No.	CSA Use Only
		Yes (X)	No (X)			
A. Articles of Incorporation or Charter.						
B. Cap Form 3, "CAA Basic Information".						
C. Bylaws or Rules of Organization.						
D. Personnel Policies and Procedures.						
E. CSA Form 509, "Delegate Agency Basic Information/Funding Estimate.						
F. Current Bond.						
G. Planning Process Narrative.						
H. Four Year Plan Statements.						
I. Affirmative Action Plan.						
J. AAP Bi-annual Report.						
K.						
L.						
M.						
N. Comments						

(SEE REVERSE FOR ADDITIONAL CERTIFICATIONS AND SIGNATURES)

SECTION II.

CERTIFICATION OF COMPENSATION COMPARABILITY

The salaries and fringe benefits of all employees of this applicant which are supported by OEO funds, or are counted as contribution to the non-Federal share under a grant made by OEO have been reviewed according to OEO instructions and comparability has been established.

Documentation of the methods by which the applicant established comparability is available in applicant's files for review by persons authorized by OEO and personnel of the General Accounting Office.

Any amendment in the future to the OEO approved salary schedule resulting in a general raise in salaries or any change or increase in fringe benefits for all employees shall be based on a current determination of compensation comparability.

SECTION III.

TITLE VI OF THE CIVIL RIGHTS ACT

The applicant AGREES that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the Regulations of the Office of Economic Opportunity issued pursuant to that title (45 C.F.R. Part 1010), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance either directly or indirectly from the Office of Economic Opportunity; and HEREBY GIVES ASSURANCE THAT it will immediately, in all phases and levels of programs and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation.

In the case where the Federal financial assistance is to provide or improve or is in the form of personal property, or real property or interest therein or structures thereon, this assurance shall obligate the Applicant, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the Applicant retains ownership or possession of the property, whichever is longer. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, the referral or assignment of VISTA volunteers, or other Federal financial assistance extended after the date hereof to the Applicant by the Office of Economic Opportunity, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

SECTION IV.

MAINTENANCE OF EFFORT

Funds or other resources devoted to programs or activities designed to meet the needs of the poor within the community will not be diminished in order to provide non-Federal share contributions for the Grantee.

With respect to each program account in this funding request:

- (1) The amounts claimed as non-Federal share represent a net increase over expenditures from non-Federal sources made for similar activities during the twelve months prior to initial application to OEO for the program account.
- (2) The program account services will be in addition to, not in substitution for, services previously provided without Economic Opportunity Act assistance.

SECTION V.

CERTIFICATION

We hereby CERTIFY that to the best of our knowledge and belief the information shown on this form and the documents, if any, attached hereto, accurately represent the status of the above-named grantee as of the date of this certification.

We further CERTIFY that we are complying, and will continue to comply, with the provisions and policies stated in Sections II through IV of this form.

Typed Name of Executive Director	Signature	Date
Typed Name of Chairman of the Board	Signature	Date

CSA TEST FORM 395-1/79

BILLING CODE 6315-01-C

(i) Purpose of CSA Form 395 (rev. 1/79), "Grantee Refunding Certification". CSA Form 395, revised, is a basic eligibility certification summary. It also incorporates certification of Compensation Comparability, Title VI of the Civil Rights Act and maintenance of effort.

(A) *Section I: Certification of Grantee Eligibility Documents.* Documents listed in this Section must be submitted and on file at the CSA funding office. Items A through D need not be resubmitted unless they have been changed and replaced by a new or updated documents. Items E to J are submitted periodically as prescribed by CSA instructions. Changes to any of the items listed in Section I which occur after submission of this form to CSA must be reported to the appropriate funding office immediately.

(B) *Section II: Certification of Compensation Comparability.* This section certifies CAA compliance with compensation/wage comparability as required by Section 610 of the EOA.

(C) *Section III: Title VI of the Civil Rights Act.* This section assures CAA compliance with Title VI of the Civil Rights Act of 1964.

(D) *Section IV: Maintenance of Effort.* This section certifies CAA compliance to the maintenance of effort as required by Section 25(d) of the EOA.

(ii) *Instruction.* This form is self-explanatory.

(2) *Prereview visit.* (i) CSA Regional Office field representatives, sometimes with the assistance of other personnel, will conduct an on-site prereview visit between 200 and 190 days before the start of the two year program period.

(ii) The purpose of the prereview visit will be to:

(A) Discuss the CAA's plan of action in light of the approved planning process;

(B) Validate the information contained in the CAA's program progress reports;

(C) Ascertain the degree to which the CAA is adhering to key eligibility and compliance requirements; and,

(D) Eliminate possible funding or refunding obstacles.

(iii) Among the areas to be covered during the prereview are: the board of directors, personnel administration, financial administration, planning, and program operations.

(3) *Memorandum of understanding.* (i) The field representative and CAA executive director will execute and sign a memorandum of understanding at the end of the prereview. It will include subjects covered in the prereview and actions to be taken by the CAA or CSA. It will also highlight any areas of

disagreement needing the attention of the CAA governing board or of CSA.

(ii) The board chairperson and CSA Regional Office will review and approve or disapprove the memorandum of understanding within five working days after completion of the prereview.

(4) *Letter of Agreement/Funding Guidance.* Within 20 working days of the end of the prereview, the CSA Regional Director or his/her designee will send a letter outlining the agreements reached between CSA and the CAA and giving program and funding guidance for the grant application. The letter will: confirm agreements in the memorandum of understanding; state the CAA's eligibility status. If all is in order, CSA will find the CAA provisionally eligible to receive CSA funds. If documentation is incomplete or other problems exist, CSA may find the CAA ineligible or provisionally eligible contingent upon receipt and approval of missing or incomplete documents or correction of problems. CSA makes the final determination of eligibility during the grant-making stage; accept the CAA's four year plan of action; highlight pending problems and needed corrective actions; and, give program guidance and expected funding levels.

(5) *Prefunding visit.* Between 120 and 100 days before the start of the two year period, the CSA field representative will conduct an on-site prefunding visit to review compliance with the letter of agreement, resolve any remaining issues and provide technical assistance, when needed, before the application is submitted.

§ 1067.70-7 Grant application process and performance reporting.

(a) *Components of the application/reporting process.*

(1) The grant application process begins immediately upon completion of the prereview phase of the community action agency grantee program management system and has several components: CAA notification to clearinghouses of intent to apply for CSA funding; preparation and submission of the grant application/funding request to CSA; CSA Regional Office review and approval of the application; and, CAA project progress reporting to CSA.

(2) *Clearinghouse notification.* (i) CAAs seeking initial funding or program period refunding must simultaneously notify both state and areawide clearinghouses of their intent to apply for funds at least sixty days before they expect to submit a grant application to CSA. (This is the same as 150 days before the program period ends.)

Notification should occur immediately upon receipt of the letter of agreement/funding guidance from the Regional Office.

(ii) Some clearinghouses have their own forms. When clearinghouses do not require use of their own forms, CAAs should use Standard Form 424, "Federal Assistance", as the notice of intent to apply.

(iii) Further instructions for notifying clearinghouses to enable CAAs to comply with the requirements of section 221c of the EOA and OMB Circulars A-95 and A-110 procedures are contained in CSA Instruction 6710-3a, "CSA Procedures for the Federal Project Notification and Review System (PNRS)".

(3) *Grant Application/Funding Request.* (i) Ninety days prior to the beginning of the two year program period, CAAs shall submit to the appropriate CSA funding office three copies of a formal grant application/funding request. The grant application builds upon and expands in greater detail the goals and strategies of the four year plan of action. It also reflects decisions reached by the CAA and CSA during the prereview and reaffirmed in the memorandum of understanding and letter of agreement.

(ii) The application consists of the following documents:

(A) SF 424, "Federal Assistance".

(B) CSA Form 512, "Grantee Work Program Summary and Application Certification".

(C) CSA Form 514, "Grantee Work Program and Progress Report" (Part A).

(D) CSA Form 515, "Grantee Budget Information" (Pages 1 and 2).

(E) CSA Form 513, "Board and Participants Characteristics".

(F) SF 100, "Employer Information Report EEO-1".

(G) CSA Form 509, "Delegate Agency Basic Information/Funding Estimate".

(iii) CAAs shall submit application for CSA funding of section 221, and, whenever possible for section 222 and 230 programs, for a two year period. CSA will release funds annually, subject to Congressional appropriations and availability of funds.

(iv) *CAA's operate projects.* Each project proposed in the grant application must address one or more significant causes or problems of poverty which were identified in the planning process. In addition, each project must have at least one measurable, verifiable, and, if possible, quantifiable objective. The objective must be related to the goal cited for the cause or problem. Projects operated with CSA money are funded by program account. One or more projects may be funded by a single

program account, or a project may be funded by more than one program account.

(v) As was the case for the four year plan of action, so too, participation of the poor is required in developing the two year grant application. The poor also must take part in assessing current projects before the CAA selects strategies which may lead to new projects in the second program period, and when the CAA actually chooses new strategies.

(vi) In preparing the application, CAAs shall develop clearly defined work programs that:

(A) Address, at a minimum, each of the purposes of section 201 of the EOA;

(B) Are related directly to the four year plan and have a range of programs and activities consistent with the four year goals and CAA priorities;

(C) Have measurable, quantifiable, and realistic objectives;

(D) Incorporate a broad range of activities and services;

(E) Include work programs of community-based organizations serving as delegate agencies;

(F) Identify resources other than those sought from CSA that can be used to meet objectives;

(G) Document evidence of participation of the poor, including socio-economically disadvantaged racial and ethnic minority groups, in program planning, operation and evaluation; and,

(H) Lend themselves to monitoring and evaluation of performance.

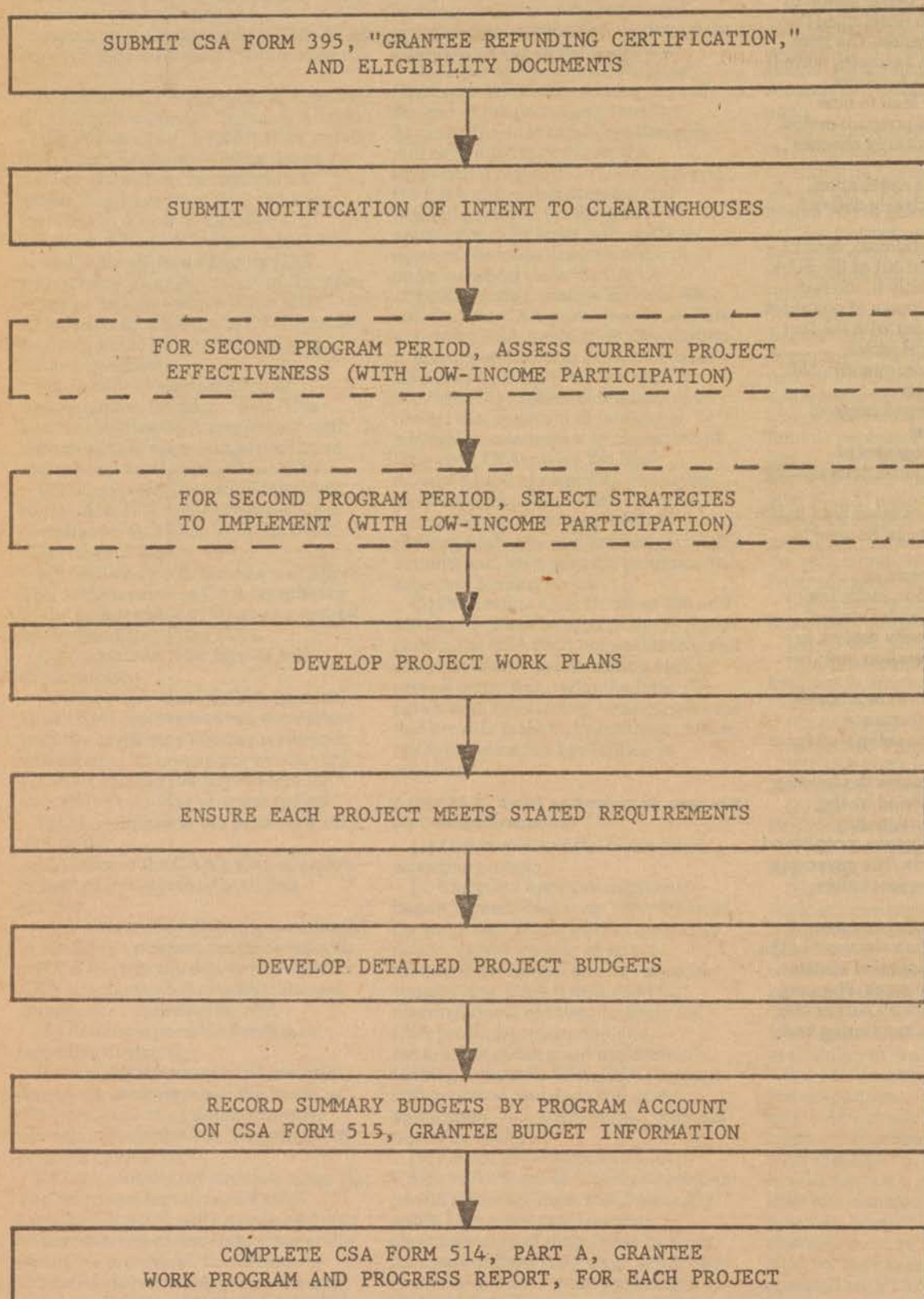
(vii) Budgets shall be submitted for program accounts.

(viii) CAA staff prepares the funding request, which is reviewed by the community action board, policy advisory groups, low-income people and county and area boards. The governing board approves the request before sending it to CSA.

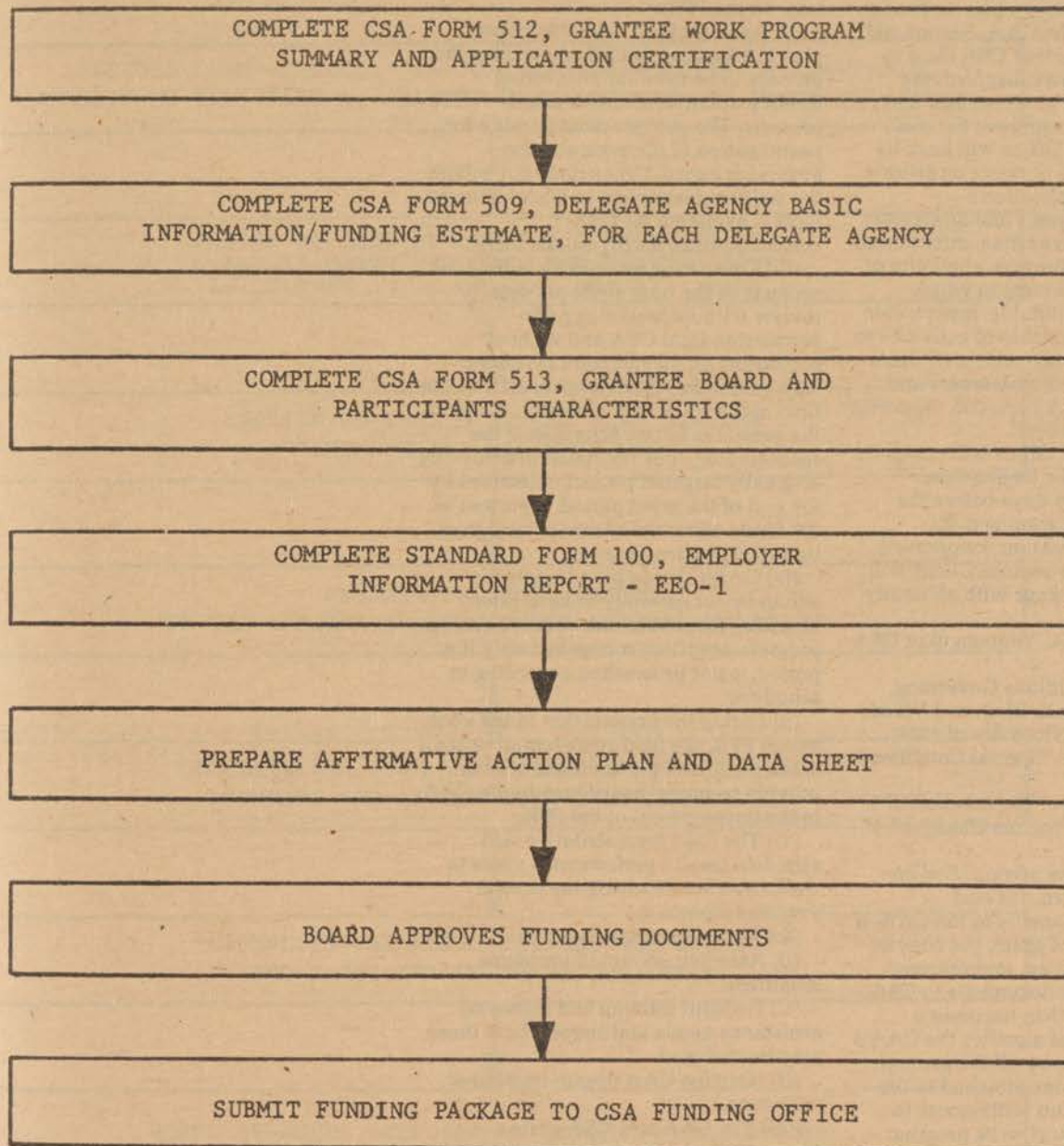
(ix) The complementary nature of the planning and application elements of the grantee program management system cannot be stressed too much. Planning and implementation are all part of one process, as is program monitoring and evaluation.

BILLING CODE 6315-01-M

CAA GRANT APPLICATION DEVELOPMENT



CAA GRANT APPLICATION DEVELOPMENT



(4) *CSA Grant Application Review/Approval.* (i) Upon receipt of the grant application, the CSA Regional Office will review the grant application and send to the governor(s) a plan to fund a proposed grant to the CAA. Section 242 of the EOA requires that CSA send to the governor a plan setting forth the proposed grant; the governor has thirty days in which to disapprove the plan.

(ii) The Regional Office will base its decision to approve or reject on criteria that include the application's conformance with goals and strategies of the CAA's four year plan; attention to standards of effectiveness; eligibility of planned activities; extent to which objectives are quantifiable, measurable and realistic; relationship of activities to objectives; compliance with civil rights requirements; and, completeness and acceptability of CSA Form 395, "Grantee Refunding Certification".

(iii) The Regional Office will complete the review and make its decision approximately sixty days before the start of the new program period. Assuming the application is approved and funds are to be awarded, CSA will prepare a grant package with all or any of the following:

(A) CSA Form 314, "Statement of CSA Grant";

(B) General Conditions Governing Grants under Titles II, III-B, and VII of the Community Services Act of 1974;

(C) CSA Form 29, "Special Condition", if required; and,

(D) CSA Form 25c, "Explanation of Budget and Work Program Changes", if required.

(iv) CSA sends the original and one copy of the CSA Form 314 and accompanying documents to the CAA. If the CAA accepts the grant, the copy of the 314 is signed, dated, and returned with accompanying documents to CSA. The grant package then becomes a binding contract and signifies the CAA's willingness to abide by all the general and special conditions attached to the grant. It also indicates willingness to accept any budget and work program changes CSA may have made on the CSA Form 25c. The official who signs the copy of CSA Form 314 should be either the principal governing official (or his/her authorized designee) or the principal officer of the governing board.

(5) *CAA Performance Monitoring/Project Progress Reporting.* (i) CAAs shall develop a process for monitoring their CSA-funded projects. They shall review performance and report progress to CSA on work completed by the 6th, 15th, and 24th month after the start of the program period. The governing board must approve project progress reports (PPRs). They are due in the CSA

funding office within 60 days of the end of the three reporting periods. Submit three (3) copies of the report to CSA. CSA will advise CAAs of action it will take on the PPRs.

(ii) As part of the CAA evaluation plan CAAs must describe in writing the process to be used for monitoring directly operated and delegated projects. The process must provide for participation of the poor and the governing board. CAAs need not submit the written description to CSA but must have it available for CSA representatives during on-site visits.

(iii) CAAs may reschedule individual projects at the time of the six month review without receiving prior permission from CSA and without requesting an amendment. However, such rescheduling shall occur *only* at the time of the six month review and *only* if the project is not on schedule. If the rescheduling does not result in achieving originally targeted project objectives by the end of the grant period, a portion of the funds allocated to that project may be subject to deobligation.

(iv) CAAs should plan targets for achievement carefully to keep later reporting to a minimum; detailed project progress reporting is required only if a project is not proceeding according to schedule.

(v) During the preparation of the sixth month PPR, the field representative shall make an on-site performance visit to provide technical assistance to the CAA in the development of the PPR.

(vi) The field representative will schedule on-site performance visits to the CAA after receiving the project progress reports to

(A) Verify accomplishments;

(B) Ascertain extent of problems identified;

(C) Pinpoint training and technical assistance needs and suggest how these may be met; and,

(D) Help the CAA obtain additional resources.

(vii) The CAA and CSA assess program impact formally every second year. As part of the four year planning process, the CAA shall review the impact and effectiveness of its past projects on the causes and problems of poverty in its community to determine the direction of future CAA and other community anti-poverty efforts. CAAs perform a similar review when they choose strategies to carry out the goals of the second program period of the four year plan. Its purpose remains the same: to determine the direction future efforts should take.

BILLING CODE 6315-01-M

CAA PROJECT PERFORMANCE REPORTING
(RESCHEDULING PROJECTS AT SIX MONTHS)

RECORD "NEW SCHEDULE" IN "ON TARGET" PORTION OF COLUMN 15,
CSA FORM 514, PART A, GRANTEE WORK PROGRAM AND PROGRESS REPORT

RECORD REVISED CUMULATIVE QUANTITIES FOR
6 AND 15 MONTH PERIODS, AND REVISED DATES
IN COLUMNS 14/15 OF CSA FORM 514, PART A

EXPLAIN ON PART B OF CSA FORM 514 WHY
RESCHEDULING WAS NECESSARY

PREPARE PROGRESS REPORT
OF THE AFFIRMATIVE ACTION PLAN IMPLEMENTATION

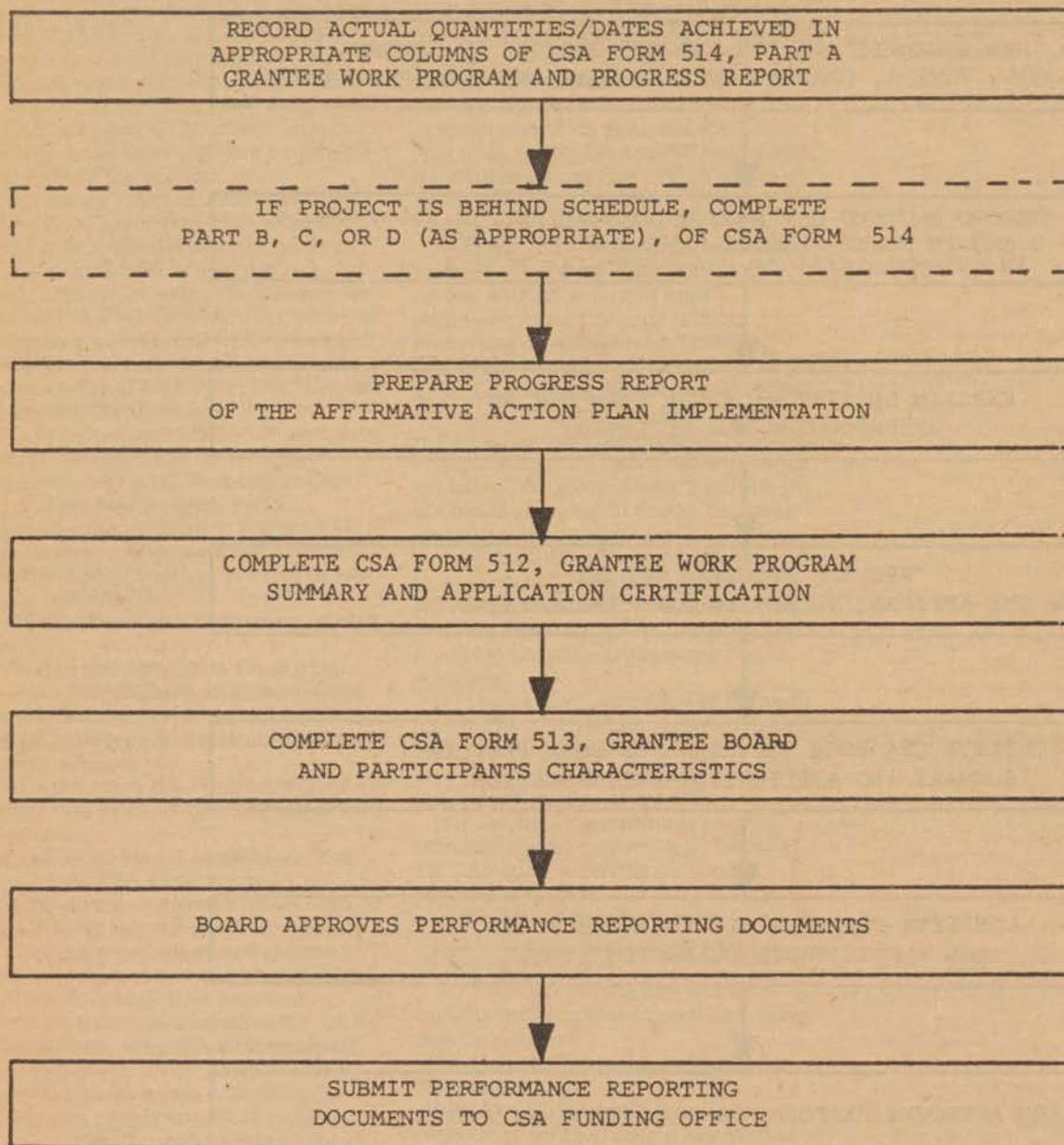
COMPLETE CSA FORM 512, GRANTEE WORK PROGRAM
SUMMARY AND APPLICATION CERTIFICATION

COMPLETE CSA FORM 513, GRANTEE BOARD
AND PARTICIPANTS CHARACTERISTICS

BOARD APPROVES PERFORMANCE REPORTING DOCUMENTS

SUBMIT PERFORMANCE REPORTING
DOCUMENTS TO CSA FUNDING OFFICE

CAA PROJECT PERFORMANCE REPORTING
(NO RESCHEDULING)



(b) *Eligible activities.* (1) *Under Section 221 of the EOA.* (i) Section 221 of the EOA provides for financial assistance to community action agencies for the planning, conduct, administration and evaluation of community action programs and components. CSA recognizes two basic kinds of activities under Section 221: those relating to administration and those programmatic activities relating directly to low-income people's needs.

(ii) Included in the category known as Central Administration, (Program Account 01), is support for general administration and management of CAA central staff, facilities and equipment; coordination; mobilization of resources; information/data collection and use. Other aspects of central administration are planning, program development and evaluation activities related to CAA overall administrative and management responsibilities. Included, too, are delegate agency administrative overhead costs and general support given by CAAs to delegates.

(iii) Assistance is also available for programs designed to meet local community needs (Program Account 05). Section 221(e) specifically encourages local responsibility and initiative by prohibiting the Director of CSA from establishing binding national priorities on funds authorized under section 221. CAAs may choose to deal with concerns in areas such as housing, health, day care, consumer affairs, general social services, or they may select from a variety of other possibilities identified locally. CAA projects may take the form of service delivery, advocacy, technical assistance or other kinds of support.

(iv) CAAs may shift funds between section 221 program accounts and from section 221 to section 222 program accounts without requesting CSA permission. Section 221 funds moved to section 222 program accounts may also be later reallocated back to section 221 program accounts.

(2) *Under Section 222 of the EOA.* (i) The intent of section 222 is to: "stimulate actions to meet or deal with particularly critical needs or problems of the poor which are common to a number of communities . . ." To do this, and when the objectives sought cannot be achieved under section 221, CSA may design special programs, which must also meet the following conditions:

(A) Involve activities which can be incorporated into or closely coordinated with community action programs;

(B) Involve significant new combinations of resources or innovative approaches; and,

(C) Are structured in such a way as to fully promote the purposes of Title II.

(ii) CAAs may apply for special emphasis programs consistent with CSA instructions and guidance. CSA will only consider applications for these programs when the CAA's four year plan clearly indicates that the needs assessment shows that the program area is one that ought to be addressed to accomplish the agency's goals and objectives.

(iii) Section 222 programs currently authorized by the EOA are:

- (A) Community Food and Nutrition.
- (B) Senior Opportunities and Services.
- (C) Environmental Action.
- (D) Rural Housing Development and Rehabilitation.

(E) Emergency Energy Conservation Services.

(F) Summer Youth Recreation.

(G) Demonstration Employment and Training Opportunities.

(iv) Sections 1061.50, 1061.30 and 1061.2 (CSA Instructions 6132-2, 6143-1a, 6168-2b and 6170-1) describe these programs and special provisions related to them. While they are an integral part of the CAA's program, an additional budgetary limitation applies; CAAs shall not shift funds from a section 222 program account to any other program account.

(3) *Under Section 230 of the EOA.* CAAs may operate programs involving technical assistance to communities in developing, conducting and administering programs and may provide or receive training for specialized or other personnel. CAAs shall not transfer funds granted under section 230 to program accounts other than the ones for which the funds were approved.

(c) *How a community action program may be carried out.* (1) CAAs have many options in how they carry out their programs. They should choose the method that is most consistent with achieving the objectives of any given program or project and that will best help to advance the purposes of community action.

(2) Among the means that may be used to develop, conduct and administer community action programs are:

(i) Direct performance of activities by staff of the community action agency;

(ii) Delegation of all or portions of a project to another public or private non-profit agency by means of a contract or agreement. (Section 212(a) of the EOA.)

The legislative intent is that neighborhood-based organizations composed of residents of the area or members of the groups served assist the CAA in the planning, conduct, and evaluation of components of the community action program. (Section 211(c) of the EOA.) In the case of

delegation to a church or church-related organization, CAAs must show that such delegation will meet a need that cannot be satisfied economically or efficiently by other alternatives and that the activities are wholly non-sectarian in purpose and content. Certain special conditions must be included in any contract between a CAA and a church or church-related organization. Both the CAA and the delegate agency are responsible for complying with these conditions. (See CSA Instruction 6001-01, "Means of Carrying Out a Community Action Program".)

(iii) Retaining the services of qualified consultants or other organizations to conduct specialized activities or to provide advice under contract. In general, consultants or other organizations should be used only when it is not feasible for the CAA staff or other local public or non-profit agency to operate the project.

(3) CSA has developed standard contract forms CAAs may use in retaining the services of delegate agencies and consultants. (Appendix F has a sample delegate agency contract. See CSA Instruction 7410-01, "Standard Form for Professional or Technical Services to a Community Action Program", for sample consultant contracts.) When CAAs use one of the standard forms, they need not submit the contract to CSA for review before execution; they shall submit a copy for information purposes immediately after execution.

(4) In the following cases, however, CAAs must submit proposed contracts to CSA for review and approval before the contract is signed:

(i) Any contract, whether the standard form or not, that involves the delegation of activities to or purchase of services from a church or church-related organization.

(ii) Any contract other than the standard CSA contract form. CSA urges CAAs to modify parts of the standard form rather than to use entirely new contracts. Modified standard contracts must receive prior CSA approval.

(iii) Any contract involving delegation of a project not contemplated in the application and grant action.

(d) *Forms and documents.* (1) *Grant application.* The application is composed of the following forms:

(i) Standard Form 424, "Federal Assistance". This form is the cover sheet for all requests CAAs submit to CSA and also is used for clearinghouse notification. All comments and recommendations received from clearinghouse reviews must be attached to the SF 424 when it is submitted as a cover sheet.

(ii) CSA Form 512, "Grantee Work Program Summary and Application Certification". CAAs submit this form each time an application for funding is sent to CSA. It summarizes data on CAA staff, planned project results and CAA funding from CSA and non-CSA sources. CSA aggregates the data from the CSA Form 512 to report to Congress and the public on CAA projects and resource mobilization.

(iii) CSA Form 514, "Grantee Work Program and Progress Report".

(A) CAAs use CSA Form 514 for three purposes:

(1) To request funds from CSA as part of the grant application;

(2) To request CSA approval of certain amendments; and,

(3) To report project progress during the program period.

(B) CAAs complete one CSA Form 514 for each CAA project for which they are seeking CSA funding.

(iv) CSA Form 513, "Grantee Board and Participants Characteristics". This form compares the number of people, by various characteristics, eligible to take part in projects in different program areas with the anticipated and actual number of participants. It also shows CAA Board makeup by various ethnic/racial characteristics. This form also is submitted as part of the 24 month PPR and with certain amendment requests.

(v) CSA Form 515, "Grantee Budget Information". (A) The budget form summarizes project costs by program account. CAAs submit these forms for each program account for which they want CSA funding. The forms must accompany CSA Form 514. CAAs may record four program accounts on a single budget form.

(B) Prior to completing the forms, CAAs will have developed for themselves information on salaries, fringe benefits, contractual services, and supplies and equipment. CAAs do not have to report this detailed data to CSA, but it must be available to the CSA field representative during on-site visits.

(vi) CSA Form 509, "Delegate Agency Basic Information/Funding Estimate". CAAs submit a CSA Form 509 for each delegate agency operating a project or portion of a project. Only one form is required for each delegate regardless of the number of projects delegated.

(vii) Standard Form 100, "Employer Information Report EEO-1". This form provides information on CAA staffs required by Title VI of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.

(viii) Affirmative Action Plan and AAP Data Sheet.

(ix) Instructions for those items which are not self-explanatory are contained

in paragraph (e) of this section. Appendix H is a cross reference of old and new forms.

(2) *Project progress reports.* Documents submitted are:

(i) A certified copy of the minutes of the governing board meeting recording review and approval of PPR.

(ii) CSA Form 514, "Grantee Work Program and Progress Report".

(iii) CSA Form 513, "Grantee Board and Participants Characteristics". (Only for the 24th month PPR.)

(iv) Affirmative Action Plan Progress Report.

(v) Instructions for those items which are not self-explanatory are contained in paragraph (e) of this section.

(3) *Purpose and explanation of grant package documents.*

BILLING CODE 5315-01-M

(i) CSA Form 314, "Statement of CSA Grant".

(A) The 314 may be used for the following purposes:

(1) to approve funds for a program account for the first time in a program period, or to increase or decrease the federal or non-federal share approved for a program period;

(2) to approve transfers of funds between program accounts when such transfers will exceed allowable flexibility guidelines;

(3) to approve program extensions not involving changes in funding; and,

(4) to adjust audits.

(B) Items on the CSA 314 are defined as follows:

(1) Item 2—This item consists of:

(i) *Grantee No.*: a five digit number assigned by CSA to permanently identify grantee.

(ii) *Fund source Code (FS)*: Alphabetic character identifying the applicable funding office.

(iii) *FFY*: Last two digits of Federal Fiscal Year in which funds are awarded.

(iv) *Action Number*: A consecutive number assigned by the funding office to identify each funding action for a grantee during a federal fiscal year.

(2) *Item 3—Effective Date*: The effective date of the funding action, i.e., obligation, deobligation, extension. If funds are being obligated, grantee may not incur costs against the funding action before the effective date.

(3) *Item 4—Obligation Date*: The date on which a grant action (CSA Form 314) obligating new funds is mailed to the grantee.

(4) *Item 5—Grantee Accounting Year*: The grantee's fiscal accounting year.

(5) *Item 7—Program Activity Code (PAC)*: Code for identification of CSA obligations.

(6) *Item 9—Federal Funds Awarded This Action*:

(i) *Funds Awarded*: This column shows the amount of federal funds awarded by this action. An amount will be shown for each program account funded by this action with the total at the bottom of the column. Amounts previously awarded will not be included.

(ii) *Funds Deobligated*: A minus (-) sign in front of the amount indicates deobligation of federal funds.

(iii) *Funds Transferred*: This column reflects CSA's approval for the transfer of funds between program accounts. The appropriate (+) and (-) symbols are placed in front of the amounts representing the increase and decrease. Only the amount being transferred, not the original amount awarded, will be reflected.

(7) *Items 10 and 11—Non-Federal Share*: These columns show the percentage and amount of non-Federal share required for each program account. If non-Federal share is not required for a program account, N/A (not applicable) will be entered in this space. In no case will a figure higher than that legally or administratively required be entered.

(8) *Item 12—Termination Date*: If a termination date is entered, expenses may not be incurred for the program account beyond that date. This date determines the end of the program account funding period.

(9) *Item 13—Planned Minimum Number of Months Funding Provided*: This information will help CAAs in planning and budget control and in determining the program account funding period. The number of months indicated is the minimum.

BILLING CODE 6315-01-M

COMMUNITY SERVICES ADMINISTRATION
SPECIAL CONDITION

1. NAME OF GRANTEE

2. GRANT NO. PROGRAM YR. ACTION NO.

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S) _____

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

(ii) CSA Form 29, "Special Condition".

(A) CSA uses this form to attach special conditions to the grant.

Any special condition is in addition to the General Conditions required for all grants.

(B) Special conditions may apply to a single program account, several program accounts or all program accounts. Item 3 on the form indicates to which program account(s) the special condition applies.

COMMUNITY SERVICES ADMINISTRATION		PAGE	OF	PAGES
EXPLANATION OF BUDGET AND WORK PROGRAM CHANGES		Form Approved Budget Bureau No. 116-R0158		
1. NAME OF GRANTEE		2. END OF PROGRAM YEAR		3. GRANT NO. PROG. YR. ACTION NO.
				- /
4. PROGRAM ACCOUNT				
a. NUMBER	b. NAME	c. BEGINNING		d. ENDING

5. THE GRANTEE MUST RESUBMIT THE FOLLOWING FORMS REFLECTING THE CHANGES INDICATED ABOVE

(iii) CSA Form 25c, "Explanation of Budget and Work Program Changes".

(A) The CSA Form 25c is attached to CSA Form 314 to show any changes CSA has made in the budget and/or specific work plan for any program account included in the grant application that CSA is approving. CSA uses a separate CSA Form 25c for every program account it changes.

(B) Budget changes will be shown by cost category and will indicate increases in or decreases to the specific amounts or items requested. If a function and/or its cost has been reduced or eliminated, CAAs may not apply additional funds to that function, even within their flexibility to transfer funds, without prior written approval from CSA.

(C) Item 5 on the CSA Form 25c shows which revised forms, if any, the CAA must resubmit to reflect budget or work program changes CSA made.

(e) Instructions for completing forms for grant applications:

Instructions are included only for those items that are not self-explanatory.

OMB Approval No. 29-RO218

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. STATE APPLICATION IDENTIFIER	4. NUMBER	5. DATE	6. YEAR	7. MONTH	8. DAY
1. TYPE OF ACTION ☐ PREAPPLICATION ☐ APPLICATION ☐ NOTIFICATION OF INTENT (Opt.) ☐ REPORT OF FEDERAL ACTION (Mark appropriate box)		3. STATE APPLICATION IDENTIFIER		5. DATE		6. YEAR		
4. LEGAL APPLICANT/RECIPIENT		5. FEDERAL EMPLOYER IDENTIFICATION NO.		6. PRO-GRAM (From Federal Catalog)		7. TITLE		
a. Applicant Name		b. Organization Unit		c. Street/P.O. Box		d. City		
e. State		f. Contact Person (Name & telephone No.)		g. County		h. ZIP Code		
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT		8. TYPE OF APPLICANT/RECIPIENT		9. TYPE OF ASSISTANCE		10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)		
		A-State B-Interstate C-Substate D-County E-City F-School District G-Special Purpose District		H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify):		11. ESTIMATED NUMBER OF PERSONS BENEFITING		
		A-Basic Grant B-Supplemental Grant C-Loan		D-Insurance E-Other		12. TYPE OF APPLICATION		
						A-New B-Renewal C-Revision D-Continuation		
						13. PROPOSED FUNDING		
						14. CONGRESSIONAL DISTRICTS OF:		
						15. TYPE OF CHANGE (For 12c or 12e)		
						A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation		
						16. PROJECT START DATE Year month day 19		
						17. PROJECT DURATION Months		
						18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19		
						19. EXISTING FEDERAL IDENTIFICATION NUMBER		
						20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)		
						21. REMARKS ADDED		
						22. THE APPLICANT CERTIFIES THAT		
						23. CERTIFYING REPRESENTATIVE		
						24. AGENCY NAME		
						25. APPLICANT RECEIVED 19		
						26. ORGANIZATIONAL UNIT		
						27. ADMINISTRATIVE OFFICE		
						28. FEDERAL APPLICATION IDENTIFICATION		
						29. ADDRESS		
						30. FEDERAL GRANT IDENTIFICATION		
						31. ACTION TAKEN		
						32. FUNDING		
						33. ACTION DATE Year month day 19		
						34. STARTING DATE Year month day 19		
						35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		
						36. ENDING DATE Year month day 19		
						37. REMARKS ADDED		
						38. FEDERAL AGENCY A-95 ACTION		
						39. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)		

SECTION IV-REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

FOR USE WITH MULTIPLE PROGRAMS ONLY (As a breakout of Items 6, 13 and 32)

6.	PROGRAM	PROGRAM	PROGRAM	PROGRAM	TOTAL
a. Cat. No.					
b. Prog. Title (Abbreviate)					
Prog. Acct. No.					

13. PROPOSED FUNDING					
a. Federal	\$.00	\$.00	\$.00	\$.00	\$.00
b. Applicant	.00	.00	.00	.00	.00
c. State	.00	.00	.00	.00	.00
d. Local	.00	.00	.00	.00	.00
e. Other	.00	.00	.00	.00	.00
f. TOTAL	\$.00	\$.00	\$.00	\$.00	\$.00

32. FUNDING					
a. Federal	\$.00	\$.00	\$.00	\$.00	\$.00
b. Applicant	.00	.00	.00	.00	.00
c. State	.00	.00	.00	.00	.00
d. Local	.00	.00	.00	.00	.00
e. Other	.00	.00	.00	.00	.00
f. TOTAL	\$.00	\$.00	\$.00	\$.00	\$.00

NOTE: Place an asterisk (*) next to Program Account No. if project is not subject to A-95.

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

- | Item | Item |
|--|---|
| 1. Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 2nd procedures from clearinghouse. Applicant will not use "Report of Federal Action" box. | D. Insurance. Self explanatory.
E. Other. Explain on remarks page. |
| 2a. Applicant's own control number, if desired. | 10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits. |
| 2b. Date Section I is prepared. | 11. Estimated number of persons directly benefiting from project. |
| 3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by or applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse. | 12. Use appropriate code letter. Definitions are:
A. New. A submittal for the first time for a new project.
B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged. |
| 3b. Date applicant notified of clearinghouse identifier. | |
| 4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request. | 13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks. |
| 5. Employer identification number of applicant as assigned by Internal Revenue Service. | 14a. Self explanatory. |
| 6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code. | 14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide." |
| 6b. Program title from Federal Catalog. Abbreviate if necessary. | 15. Complete only for revisions (item 12c), or augmentations (item 12e). |
| 7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description. | |
| 8. Mostly self-explanatory. "City" includes town, township or other municipality. | |
| 9. Check the type(s) of assistance requested. The definitions of the terms are:
A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.
B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).
C. Loan. Self explanatory. | |

Item		Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).	19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
17.	Estimated number of months to complete project after Federal funds are available.	20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.	21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item		Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.	23b.	Self explanatory.
23a.	Name and title of authorized representative of legal applicant.	23c.	Self explanatory.
		Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item		Item	
24.	Executive department or independent agency having program administration responsibility.	35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
25.	Self explanatory.	36.	Date after which funds will no longer be available.
26.	Primary organizational unit below department level having direct program management responsibility.	37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
27.	Office directly monitoring the program.	38.	For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—if same as person shown in item 35, write "same". If not applicable, write "NA".
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.		
29.	Complete address of administering office shown in item 26.		
30.	Use to identify award actions where different from Federal application identifier in item 28.		
31.	Self explanatory. Use remarks section to amplify where appropriate.		
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.		
33.	Date action was taken on this request.		
34.	Date funds will become available.		

Federal Agency Procedures—special considerations

- A. **Treasury Circular 1082 compliance.** Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- B. **OMB Circular A-95 compliance.** Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- C. **Special note.** In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

(1) Standard Form 424, "FEDERAL ASSISTANCE". Instructions for completing this form are contained in CSA Instruction 6710-3a, "CSA Procedures for the Federal Project Notification and Review System (PNRS)".

GRANTEE WORK PROGRAM SUMMARY AND APPLICATION CERTIFICATION

COMMUNITY SERVICES ADMINISTRATION

[illegible]

(2) CSA Form 512, "GRANTEE WORK PROGRAM SUMMARY AND APPLICATION CERTIFICATION".

(i) CAAs shall list all projects to be operated in the two year program period, whether funded by CSA or from other sources. Use a second form if more space is required.

(ii) Item 4 - Submission Date: Enter date grant application is sent to CSA.

(iii) Item 5 - Program Period Start: Enter first date of the program period.

(iv) Item 6 - Program Period End: Enter last date of the two year program period.

(v) Item 7 - CSA Paid Staff: Show the number of full time staff and the number equivalent to full time staff of part time staff paid by CSA sources.

(vi) Item 8 - Non-CSA Paid Staff: Show the number of full time staff and the number equivalent to full time staff of part time staff paid by non-CSA sources.

(vii) Item 9 - Project Title: Give a short descriptive title. For CSA funded project use the same title shown in item 10 of CSA Form 514.

(viii) Item 10 - Program Area: Give the program area as it is stated in the four year plan of action for each project.

(ix) Item 11 - Project Dollars: Show the amount and source(s). Under source of project dollars, list agencies and identify type of program, e.g., DOL - CETA; HEW - Head Start; County Homemaker. Abbreviate when possible.

(x) Item 12 - Planned Project Results: Under "Quantity" give the units of work or service to be completed. Under "Description", characterize the units to which the quantity applies (e.g. 100 youth, 50 homes). Under direct participants, give the number of people enrolled in or directly served by the project.

(xi) Item 13 - Reserved for Codes: Do not complete.

GRANTEE WORK PROGRAM AND PROGRESS
REPORT
PART A

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip		2. Grantee No.	3. Project No.	4. Asst. No.	5. Project Page Of	Reserved for OMB Approval	
6. Submission Dates		Applic. or Amend.		8 Month PPR	15 Month PPR	24 Month PPR	
7. Program Period Start		8. Program Period End		9. Program Period (Of Plan Cycle) ☐ One ☐ Two			
10. Project Title		GRANTEE PROJECT PROGRESS REPORT					
11. CSA Funds, Source and Amount		12. Project Cost					
13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities		14. Implementation Indicator					
		Quantity					
		8 Mo. 15 Mo. 24 Mo.					
		Major Activity Target Date					
		15. 6 Month PPR		16. 15 Month PPR		17. 24 Month PPR	
		On Target		On Target		On Target	
		Not on Target		Not on Target		Not on Target	
		Record Actual Quantities/ Dates Achieved		Record Actual Quantities/ Dates Achieved		Record Actual Quantities/ Dates Achieved	
		Part B		Part C		Part D	
		Explain on		Explain on		Explain on	
		Part B		Part C		Part D	

CSA TEST FORM 514 (1/79)

GRANTEE WORK PROGRAM AND PROGRESS REPORT PART B

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip		2. Grantee No.		3. Project No.		4. Amd. No.		5. Project Page Of		Reserved for OMB Approval	
		6. Submission Dates		Applic. or Amend.		6 Month PPR		15 Month PPR		24 Month PPR	
		7. Program Period Start		8. Program Period End		9. Program Period (Of Plan Cycle)		☐ One		☐ Two	
		GRANTEE PROJECT PROGRESS REPORT									
		A. Explanation Submission Data		6 Month PPR		15 Month PPR		24 Month PPR			
		B. Actual Performance									
		C. Implementation Indicators not Met									
		D. Reasons for not Being on Schedule									
		E. Planned Changes									
		F. T&TA Required									
		G. CSA Action:									
10. Project Title		14. Implementation Indicator		Quantity		6 Mo.		15 Mo.		24 Mo.	
				Major Activity Target Date							
11. CSA Funds, Source and Amount		12. Project Cost									
13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities											

GRANTEE WORK PROGRAM AND
PROGRESS REPORT
PART C

COMMUNITY SERVICES ADMINISTRATION

GRANTEE WORK PROGRAM AND PROGRESS REPORT PART C									
COMMUNITY SERVICES ADMINISTRATION									
1. Grantee Name, Address, and Zip									
2. Grantee No.									
3. Project No.									
4. Amnd. No.									
5. Project Page Of									
6. Submission Dates									
7. Program Period Start									
8. Program Period End									
9. Program Period (Of Plan Cycle)									
10. Project Title									
11. CSA Funds, Source and Amount									
12. Project Cost									
13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities									
14. Implementation Indicator									
15. Major Activity Target Date									
16. Explanation Submission Date									
17. Actual Performance									
18. Implementation Indicators not Met									
19. Reasons for not Being on Schedule									
20. Planned Changes									
21. T&TA Required									
22. CSA Action									

GRANTEE WORK PROGRAM AND
PROGRESS REPORT

PART D

COMMUNITY SERVICES ADMINISTRATION

10. Project Title

11. CSA Funds, Source and Amount

13. GRANTEE WORK PROGRAM

List Project Objectives and Major Activities

14. Implementation
IndicatorQuantity
6 Mo. 15 Mo. 24 Mo.
Major Activity
Target Date

12. Project Cost

1. Grantee Name, Address, and Zip

2. Grantee No.	3. Project No.	4. Amend. No.	5. Project Page of	Reserved for OMB Approval
6. Submission Dates	Amend. or Amend.	6 Month PPR	15 Month PPR	24 Month PPR
7. Program Period Start	8. Program Period End	9. Program Period (OI Plan Cycle)	☐ One	☐ Two

GRANTEE PROJECT PROGRESS REPORT

A. Explanation Submission Date	6 Month PPR	15 Month PPR	24 Month PPR
B. Actual Performance			

C. Implementation Indicators not Met

D. Reasons for not Being on Schedule

E. Planned Changes

F. T&TA Required

G. CSA Action

CSA TEST FORM 514-1/79

(3) CSA Form 514, "GRANTEE WORK PROGRAM AND PROGRESS REPORT".

This form is a four-part carbon-interleaved set. It is used to request funds and amendments, and to report project progress. Complete only items 1-14 of Part A when preparing the application for CSA funds. (Because of the construction of the form, items 1-14 of Parts B, C, and D will be completed automatically at the same time.) Photocopy Part A for submission to CSA and retain original together with Parts B, C, and D as a set for future use. Part A is updated during the PPR periods and photocopies of it are submitted as the PPR. Parts B, C, and D (one for each PPR period) are used only if a project is not on schedule. If it is necessary to use them, they are removed from the set, updated, and sent to CSA.

(i) Include only Part A of the CSA Form 514 in the grant application. Parts B, C, and D are used to report progress.

(ii) Item 3 - Project Number: The CAA assigns the number to the project.

(iii) Item 4 - Amendment Number: Assign a number in chronological order for each amendment.

(iv) Item 6 - Submission Dates: Enter the date the grant application or amendment is being sent to CSA. Do not fill in the boxes referring to the program progress reports (PPRs).

(v) Item 9 - Program Period (of Plan Cycle): Check "one" for the first two year program period of the four year cycle or "two" for the second two year program period.

(vi) Item 10 - Project Title: Give a short descriptive title.

(vii) Item 11 - CSA Funds, Source and Amount: "Source" refers to the section of Title II under which the project will be funded (e.g., 221, 222 or 230).

(viii) Item 13 - Grantee Work Program: Give result-oriented statements that indicate what the CAA will achieve during the funding period. Where possible, quantify the objectives and show who will benefit (e.g., Rehabilitate 600 sub-standard housing units for senior citizens). Next, list and describe in the order in which they will be performed, the major activities to be carried out to achieve each objective. Include every major activity requiring a substantial amount of staff time, dollars or other resources. Show when project evaluation will occur.

(ix) Item 14 - Implementation Indicator: CSA requires indicators (milestones or targets) for both objectives and major activities. The base line for planning the completion of objectives and major activities is day one of the program period, not a project start date. If the objective can be measured, record the quantity (number) to be produced by the end of each program progress report period (6th, 15th and 24th month after the start of the program period). If the objective is not quantifiable (e.g. events or changes) show the date it will be achieved. Show the target date for completion of each major activity.

(x) Items 15, 16, and 17 - 6 Month PPR, 15 Month PPR, 24 Month PPR: Do not complete these items for the grant application.

GRANTEE BOARD AND PARTICIPANTS CHARACTERISTICS

COMMUNITY SERVICES ADMINISTRATION		SECTION A. SUMMARY OF BOARD COMPOSITION								
		ETHNIC/RACIAL ORIGINS								
1. Grantee Number	2. Date Submitted	Reserved for OMB Approval	Category of Representation	Total Number	White Non-Hisp.	Black Non-Hisp.	Asian Pac. Isl.	Alaska, Nat. Am.	Hispanic	Other
3. Grantee Name, Address, Zip 1		4. Program Period Ending	Public Representatives							
		5. Certifying Signature	Representatives of the Poor							
			Representatives of Private Groups							

SECTION B. SUMMARY OF PARTICIPANT CHARACTERISTICS		PROGRAM AREAS														
Number of Eligibles	Non-Duplicated Totals	Category	Employment	Economic	Housing	Transportation	Income	Consumer	Nutritional	Energy	Judicial	Medical	Educational	Individual Family	Group	CSA Reserved
		6. Number of Direct Participants														
		7. Number of Households Enrolled														
		8. Number of Persons Out-reached														
		9. Percentage Male														
		10. Percentage Female														
		11. Percentage Not Recorded	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
		12. Total Percentage														
		13. Percentage Age Group 0-5														
		14. Percentage Age Group 6-15														
		15. Percentage Age Group 16-21														
		16. Percentage Age Group 22-59														
		17. Percentage Age Group 60 +														
		18. Percentage Not Recorded														
		19. Total Percentage	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
		20. Percentage - White, Non-Hispanic														
		21. Percentage - Black, Non-Hispanic														
		22. Percentage - Asian, Pacific Islander														
		23. Percentage - Am. Indian, Alaskan Nat.														
		24. Percentage - Hispanic														
		25. Percentage - Other														
		26. Percentage - Not Recorded	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
		27. Total Percentage														

CSA TEST FORM 513-1/79

(4) CSA Form 513, "GRANTEE BOARD AND PARTICIPANTS CHARACTERISTICS".

(i) Item 5 - Certifying Signature: Do not complete this item for the grant application.

(ii) Section A - Summary of Board Composition: Give the number of board members for each of the three statutory categories (public, private, and representatives of the poor) and their racial/ethnic origin. When requesting additional funds, do not complete Section A unless there are changes in the original application for Section 221 funds.

(iii) Most items in Section B, "Summary of Participant Characteristics" are self-explanatory with one or two exceptions that apply to all cases.

(A) Number of Eligibles: In this column, for categories 6, 7, and 8 record the total number of people who are eligible to be served. Do the same for categories 9 and 10, 13 through 17, and 20-25. Since the last three categories (9 and 10, 13-17, and 20-25) are only different ways of describing those recorded in categories 6-8, the sum of each of those separate categories must be the same as the sum of categories 6 through 8.

(B) Non-Duplicated Totals: This column requires an unduplicated count (projection) of the number of people the CAA expects to serve during the program period. Counts are by various characteristics of those expected to be served. In completing this column, count each person served only once, even if that person is expected to be served by more than one project. The sums of the numbers entered in

categories 6, 7, and 8, must equal the sum of the numbers in categories 9 and 10, and the sum of categories 13 through 17, and 20 through 25 as well. Note that since the figures being recorded are estimates, no figures will be entered for categories 11, 18, and 26 which are labelled "Percentage Not Recorded".

(C) Program Areas: For categories 6, 7, and 8, record the estimated numbers by program area of people to be served. These may be duplicated estimates. That is, if the same person is expected to be served under more than one program area, that person will appear in the estimate for each program area. For categories 9 and 10, 13 through 17, and 20 through 25, record the percentages that are expected to be served by program area. Since these are estimates, categories 11, 18, and 26 are not used. Note that for each individual group of characteristics, the percentages sum to 100%.

**GRANTEE BUDGET
INFORMATION - 1**
COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip		Reserved for OMB Approval	
		2. Grantee No.	3. Page Of
		4. PPS	5. PPE

SECTION A - BUDGET SUMMARY

Program Account (a)	Federal Catalog Number (b)	ESTIMATED UNOBLIGATED FUNDS		NEW OR REVISED BUDGET		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. Totals		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES

Object Class Categories	PROGRAM ACCOUNT					Total
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$	\$
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual Services						
g. Space Costs/Rental						
h. Other						
i. Totals	\$	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$	\$

CSA TEST FORM 515-1/79

GRANTEE BUDGET
INFORMATION - 2

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, Zip		Reserved for OMB Approval			
		2. Grantee No.	3. Page Of		
		4. PPS	5. PPE		
SECTION C - NON-FEDERAL RESOURCES					
(a) Program Account	(b) Applicant	(c) State	(d) Other Sources	(e) Totals	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. Totals	\$	\$	\$	\$	
SECTION D - FORECASTED CASH NEEDS					
(a) Program Account	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
13. Federal	\$	\$	\$	\$	
14. Non-Federal					
15. Total	\$	\$	\$	\$	
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Program Account	FUTURE FUNDING PERIODS (YEARS)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20.	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION (Attach Additional Sheets if Necessary)					
21.					

(5) CSA Form 515, "GRANTEE BUDGET INFORMATION".

(i) Section A - Budget Summary.

(A) Column (a) - Program Account: Enter the Program Account number and title.

(B) Column (b) - Federal Catalog Number: Use the number in the "Catalog of Federal Domestic Assistance" assigned to the program for which assistance is requested.

(C) Column (e) - Federal New or Revised Budget: Show the total CSA dollars requested for the Program Account.

(D) Column (f) - Non-Federal New or Revised Budget: Show all non-CSA funds available for the Program Account.

(ii) Section B - Budget Categories.

(A) Item 6 - Object Class Categories: Show the amount of CSA monies by Program Account for each category "a" through "h" and the total "i". In column 5 show the total for each category of all program accounts.

(B) Item 7 - Program Income: Show the total income for each program account and the total income for all program accounts.

(iii) Section C - Non-Federal Resources: For each program account (lines 8-11) show all the non-Federal resources being supplied by the applicant (column b), the state (column c), other sources (column d) and the totals (column e and line 12).

(iv) Sections D, E and F - Forecasted Cash Needs, Budget Estimates of Federal Needed for Balance of the Project, Other Budget Information: Do not complete these sections.

(6) CSA Form 509, "DELEGATE AGENCY BASIC INFORMATION/FUNDING ESTIMATE".

(i) Prepare a separate form for each delegate agency. List all projects that agency will run on the same form. All items are self-explanatory except for Section C.

(ii) Section C - CSA Funds Administered: Give the title of each project being delegated. Show the appropriate program account number and the amount of CSA funds to be delegated.

Standard Form 100
(Rev. 12-76)
Approved GAO B-180541 (R0077)
Expires 12-31-78

EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER INFORMATION REPORT EEO-1

Joint Reporting Committee

- Equal Employment Opportunity Commission
- Office of Federal Contract Compliance Programs

SAMPLE

Section A—TYPE OF REPORT

Refer to instructions for number and types of reports to be filed.

1. Indicate by marking in the appropriate box the type of reporting unit for which this copy of the form is submitted (MARK ONLY ONE BOX).

- (1) ☐ Single-establishment Employer Report
- Multi-establishment Employer:
- (2) ☐ Consolidated Report
- (3) ☐ Headquarters Unit Report
- (4) ☐ Individual Establishment Report (submit one for each establishment with 25 or more employees)
- (5) ☐ Special Report

2. Total number of reports being filed by this Company (Answer on Consolidated Report only) _____

Section B—COMPANY IDENTIFICATION (To be answered by all employers)

1. Parent Company

a. Name of parent company (owns or controls establishment in item 2) omit if same as label

OFFICE
USE
ONLY

Name of receiving office

Address (Number and street)

City or town

County

State

ZIP code

b. Employer Identification No.

2. Establishment for which this report is filed: (Omit if same as label)

a. Name of establishment

Address (Number and street)

City or town

County

State

ZIP code

b. Employer Identification No.

(If same as label, skip.)

3. Parent company affiliation

(Multi-establishment Employers:
Answer on Consolidated Report only)

a. Name of parent—affiliated company

b. Employer Identification No.

Address (Number and street)

City or town

County

State

ZIP code

Section C—EMPLOYERS WHO ARE REQUIRED TO FILE (To be answered by all employers)

- ☐ Yes ☐ No 1. Does the entire company have at least 100 employees in the payroll period for which you are reporting?
- ☐ Yes ☐ No 2. Is your company affiliated through common ownership and/or centralized management with other entities in an enterprise with a total employment of 100 or more?
- ☐ Yes ☐ No 3. Does the company or any of its establishments (a) have 50 or more employees AND (b) is not exempt as provided by 41 CFR 60-1.5, AND either (1) is a prime government contractor or first-tier subcontractor, and has a contract, subcontract, or purchase order amounting to \$50,000 or more, or (2) serves as a depository of Government funds in any amount or is a financial institution which is an issuing and paying agent for U.S. Savings Bonds and Savings Notes?

NOTE: If the answer is yes to ANY of these questions, complete the entire form; otherwise skip to Section G.

Section D—EMPLOYMENT DATA

Employment at this establishment—Report all permanent, temporary, or part-time employees including apprentices and on-the-job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zeros.

JOB CATEGORIES	OVERALL TOTALS (SUM OF COLS. A-K) A	NUMBER OF EMPLOYEES									
		MALE					FEMALE				
		White (not of Hispanic origin) B	Black (not of Hispanic origin) C	Hispanic D	Asian or Pacific Islander E	American Indian or Alaska Native F	White (not of Hispanic origin) G	Black (not of Hispanic origin) H	Hispanic I	Asian or Pacific Islander J	American Indian or Alaska Native K
Officials and Managers											
Professionals											
Technicians											
Sales Workers											
Office and Clerical											
Craft Workers (Skilled)											
Operatives (Semi-Skilled)											
Laborers (Unskilled)											
Service Workers											
TOTAL											
Total employment reported in previous EEO-1 report											

(The trainees below should also be included in the figures for the appropriate occupational categories above)

Formal On-the-job trainees	White collar										
Production											

1. NOTE: On consolidated report, skip questions 2-5 and Section E.

4. Pay period of last report submitted for this establishment

2. How was information as to race or ethnic group in Section D obtained?

1 ☐ Visual Survey3 ☐ Other—Specify

5. Does this establishment employ apprentices?

This year? 1 ☐ Yes 2 ☐ NoLast year? 1 ☐ Yes 2 ☐ No

3. Dates of payroll period used—

Section E—ESTABLISHMENT INFORMATION

1. Is the location of the establishment the same as that reported last year? 1 ☐ Yes 2 ☐ No 3 ☐ Did not report last year	4. Reported on combined basis 4 ☐	2. Is the major business activity at this establishment the same as that reported last year? 1 ☐ Yes 2 ☐ No 3 ☐ No report last year	4. Reported on combined basis 4 ☐	OFFICE USE ONLY
3. What is the major activity of this establishment? (Be specific, i.e., manufacturing steel castings, retail grocer, wholesale plumbing supplies, title insurance, etc. Include the specific type of product or type of service provided, as well as the principal business or industrial activity.				

Section F—REMARKS

Use this item to give any identification data appearing on last report which differs from that given above, explain major changes in composition or reporting units, and other pertinent information.

Section G—CERTIFICATION (See instructions G)

Check one	1. ☐ All reports are accurate and were prepared in accordance with the instructions (check on consolidated only)		
	2. ☐ This report is accurate and was prepared in accordance with the instructions.		
Name of Certifying Official	Title	Signature	Date
Name of person to contact regarding this report (Type or print)	Address (Number and street)		
Title	City and State	ZIP code	Telephone Area Code
			Number
			Extension

All reports and information obtained from individual reports will be kept confidential as required by Section 709 (e) of Title VII
 WILLFULLY FALSE STATEMENTS ON THIS REPORT ARE PUNISHABLE BY LAW, U.S. CODE, TITLE 18, SECTION 1001

(7) Standard Form 100, "EMPLOYER INFORMATION REPORT EEO-1". CSA will provide, under separate cover, the instruction booklet for completing this form. This form is not required for supplemental fundings.

(8) "AFFIRMATIVE ACTION PLAN AND AAP DATA SHEET". See CSA Notice 6004-2, "Requirement for Affirmative Action Civil Rights Program", for instructions.

(f) Instructions for completing forms for project progress reporting:
Instructions are included only for those items that are not self-explanatory.

GRANTEE WORK PROGRAM AND PROGRESS
REPORT
PART A

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip		2. Grantee No.	3. Project No.	4. Amf. No.	5. Project Page Of	Reserved for OMB Approval
		6. Submission Dates	Applc. or Amend.	6 Month PPR	15 Month PPR	24 Month PPR
		7. Program Period Start	8. Program Period End	9. Program Period (OI Plan Cycle) ☐ One ☐ Two		
10. Project Title		GRANTEE PROJECT PROGRESS REPORT				
11. CSA Funds, Source and Amount		12. Project Cost				
13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities		14. Implementation Indicator Quantity 6 Mo. 15 Mo. 24 Mo. Major Activity Target Date				
		15. 6 Month PPR				
		16. 15 Month PPR				
		17. 24 Month PPR				
		On Target	Not on Target	On Target	Not on Target	On Target
		Record Actual Quantities/ Dates Achieved	Record Actual Quantities/ Dates Achieved	Record Actual Quantities/ Dates Achieved	Record Actual Quantities/ Dates Achieved	Record Actual Quantities/ Dates Achieved
		Explain on Part B	Explain on Part C	Explain on Part D	Explain on Part E	Explain on Part F

GRANTEE WORK PROGRAM AND PROGRESS REPORT PART B

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip		2. Grantee No.		3. Project No.	4. Amend. No.	5. Project Page Of	Reserved for OMB Approval
6. Submission Dates		Applic. or Amend.		6 Month PPR	15 Month PPR	24 Month PPR	
7. Program Period Start		8. Program Period End		9. Program Period (Of Plan Cycle)		☐ One ☐ Two	
GRANTEE PROJECT PROGRESS REPORT							
A. Explanation Submission Date		6 Month PPR		15 Month PPR		24 Month PPR	
B. Actual Performance							
C. Implementation Indicators not Met							
D. Reasons for not Being on Schedule							
E. Planned Changes							
F. T&TA Required							
G. CSA Action:							

10. Project Title		14. Implementation Indicator	
11. CSA Funds, Source and Amount		Quantity 6 Mo. 15 Mo. 24 Mo.	
12. Project Cost		Major Activity Target Date	
13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities			

CSA TEST FORM 514-1/79

GRANTEE WORK PROGRAM AND PROGRESS REPORT PART C

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip		2. Grantee No.		3. Project No.		4. Amel. No.		5. Project Page Of		Reserved for OMB Approval	
10. Project Title		6. Submission Dates		7. Program Period Start		8. Program Period End		9. Program Period (OI Plan Cycle)		24 Month PPR	
		14. Implementation Indicator		12. Project Cost		15 Month PPR		15 Month PPR		24 Month PPR	
11. CSA Funds, Source and Amount		13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities		A. Explanation Submission Date		B. Actual Performance		C. Implementation Indicators not Met		D. Reasons for not Being on Schedule	
12. Project Cost		13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities		E. Planned Changes		F. T&TA Required		G. CSA Action			

GRANTEE WORK PROGRAM AND
PROGRESS REPORT

PART D

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Name, Address, and Zip		2. Grantee No.	3. Project No.	4. And. No.	5. Project Page Of	Reserved for OMB Approval
6. Submission Dates		8. Program Period Start		6 Month PPR	15 Month PPR	24 Month PPR
7. Program Period End		8. Program Period End		9. Program Period (Of Plan Cycle)	☐ One	☐ Two
GRANTEE PROJECT PROGRESS REPORT						
10. Project Title		14. Implementation Indicator		A. Explanation Submission Date		
11. CSA Funds, Source and Amount		12. Project Cost		B. Actual Performance		
13. GRANTEE WORK PROGRAM List Project Objective(s) and Major Activities		Quantity 6 Mo. 15 Mo. 24 Mo.		C. Implementation Indicators not Met		
				D. Reasons for not Being on Schedule		
				E. Planned Changes		
				F. T&TA Required		
				G. CSA Action:		

CSA TEST FORM 514-1/79

(1) CSA Form 514, "GRANTEE WORK PROGRAM AND PROGRESS REPORT".

This form is a four-part carbon-interleaved set. Items 1-14 will have been completed at the time the application was prepared. These same items will have been reproduced on parts B, C, and D of the form.

(i) Part A. Photocopy Part A of the form prepared at the application time, and send it to the CSA funding office as part A of the project progress report. Do not photocopy it until after completing the required items for the appropriate PPR period. Part A is all that is needed if a project is on target.

(A) Item 6 - Submission Dates: Record the submission date in the 6, 15 or 24 month PPR box, as appropriate.

(B) Item 15 - 6 Month PPR:

(1) If the project is on schedule, show in the "On Target" column the number actually produced and the dates when the activities were achieved. Complete this column for each objective and major activity listed on the original CSA Form 514, Part A.

(2) If the project is not on schedule and you do not wish to reschedule it, show in the "Not On Target" column the quantities actually produced and dates when activities were completed. For projects that are not quantifiable, show dates when activities were completed. Show the anticipated completion date for activities that were scheduled for completion during the review period. Complete Part B of the form.

(3) If the project is not on schedule and you wish to revise the schedule:

(i) Write "NEW SCHEDULE" in the "On Target" column.

(ii) Cross out, with a single line, all the implementation indicators in Item 14.

(iii) Record new quantities over (or under) the old quantities in the 15 month or 24 month columns of Item 14.

(iv) Record new target dates in the "Not On Target" column of Item 15.

(v) On part B of the form explain why you had to reschedule the project.

(C) Items 16 and 17 - 15 and 24 Month PPR: If the project is proceeding according to either the original schedule or the revised schedule shown on the PPR for the 6 month period, show in the "On Target" column quantities produced since the start of the project or dates on which activities were completed.

(ii) Part B, C or D.

(A) Item A - Submission Dates: Show the submission date under the appropriate PPR period.

(B) Item B - Actual Performance: State work done to achieve the implementation indicators.

(C) Item C - Implementation Indicators Not Met: List each objective not met or activity not finished. Include indicators whose target you have exceeded.

(D) Item D - Reasons For Not Being On Schedule: Tell why the project is not on schedule.

(E) Item E - Planned Changes: Summarize what you will do to get the project back on schedule to fulfill objectives and carry out activities.

(F) Item F - T & TA Required: Describe any non-CAA assistance required.

(G) Item G - CSA Action: Do not complete.

GRANTEE BOARD AND PARTICIPANTS CHARACTERISTICS

COMMUNITY SERVICES ADMINISTRATION

1. Grantee Number	2. Date Submitted	Reserved for OMB Approval	
3. Grantee Name, Address, Zip		4. Program Period Ending	5. Certifying Signature

SECTION B. SUMMARY OF PARTICIPANT CHARACTERISTICS

Number Eligibles	Non-Duplicated Totals	Category	PROGRAM AREAS									
			Employment	Economic	Housing	Transportation	Income	Consumer	Nutritional	Energy	Judicial	Medical
		6. Number of Direct Participants										
		7. Number of Households Enrolled										
		8. Number of Persons Out-reached										

9. Percentage Male												
10. Percentage Female												
11. Percentage Not Recorded												
12. Total Percentage			100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

13. Percentage Age Group 0-5												
14. Percentage Age Group 6-15												
15. Percentage Age Group 16-21												
16. Percentage Age Group 22-59												
17. Percentage Age Group 60 +												
18. Percentage Not Recorded												
19. Total Percentage			100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

20. Percentage - White, Non-Hispanic												
21. Percentage - Black, Non-Hispanic												
22. Percentage - Asian, Pacific Islander												
23. Percentage - Am. Indian, Alaskan Nat.												
24. Percentage - Hispanic												
25. Percentage - Other												
26. Percentage - Not Recorded												
27. Total Percentage			100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

CSA TEST FORM 513-1/79

BILLING CODE 6315-01-C

SECTION A. SUMMARY OF BOARD COMPOSITION

ETHNIC/RACIAL ORIGINS

Category of Representation	Total Number	ETHNIC/RACIAL ORIGINS				
		White Non-Hisp.	Black Non-Hisp.	Asian Pac. Isl.	Alaska, Nat. Am.	Hispanic Other
Public Representatives						
Representatives of the Poor						
Representatives of Private Groups						

(2) *CSA Form 513, "GRANTEE BOARD AND PARTICIPANTS CHARACTERISTICS"*. (i) Submit this form to the CSA funding office with the 24-month PPR within 60 days after the end of the two year program period. Data entered are the actual results of the two year program operated by the CAA.

(ii) *Item 5—Certifying Signature*: The CAA official certifying to the accuracy of the data shall sign.

(iii) Complete Section A only if there have been changes since the grant application.

(iv) The instructions for the remaining items are the same as those for completing the Form 513 for the grant application except that the figures reported at this time are the number or percentage of beneficiaries who actually participated in the program during the two-year program period. See § 1067.70-7(e)(5) for detailed instructions on completing each item.

(3) *Affirmative Action Plan and AAP Data Sheet*. At the time of submission of the 15-Month PPR, CAAs shall also evaluate implementation of the Affirmative Action Plan during the first 15 months of the program period. They shall also submit an updated AAP Data Sheet, if needed.

§ 1067.70-8 Amendments.

(a) *Overview*. (1) CAAs have a great deal of flexibility to modify their work programs without requesting CSA approval. However, in a few cases, CAAs must receive approval before effecting changes in the work program or budget.

(2) CAAs shall request CSA approval for amendments under the following conditions:

(i) When they wish to add a project or to delete a project from the approved program;

(ii) When they wish to make a significant change in the objectives or work program of an approved project. The CAA shall determine whether, in its judgment, the change is significant;

(iii) When they wish to exceed allowable flexibility (no account may be increased or decreased by more than 20 percent or \$150,000, whichever is smaller, without prior CSA approval) in transferring funds between program accounts; and,

(iv) At the request of the CSA funding office.

(3) Use the amendment mechanism to add a project not requiring additional funding to the approved program. To add a project requiring new or additional money, CAAs must submit a grant application to receive supplemental funding. The amendment

procedure is used only when the changes do not affect the previously approved funding level of the CAA.

(4) CAAs must follow the basic clearinghouse procedures when requesting amendments to add or delete projects or to make significant changes in the objectives or work programs of approved projects. See § 1067.10 or CSA Instruction 6710-3a, "CSA Procedures for the Federal Project Notification and Review System (PNRS)," for procedures to follow.

(5) The percentage of Federal assistance approved on the current CSA Form 314 may not be increased as a result of amendments.

(6) CAAs may transfer funds between section 221 program accounts and from section 221 program accounts to section 222 program accounts. They may later transfer the same or a smaller amount of funds back to section 221 or to any other program accounts.

(b) *CSA approval of amendments*. (1) Within 30 days of receipt of the amendment request, CSA will review and approve or disapprove the amendment. If the amendment is to add or delete a project without affecting previously approved funding, CSA will indicate approval or disapproval on the CSA Form 25b, "Justification for Program Account Amendment". If the amendment requires a change in approved funding (e.g., to transfer funds from Section 221 into any program account other than 01 and 05), CSA will use CSA Form 314, "Statement of CSA Grant".

(2) Depending upon the type of amendment approved, the amendment package may contain a CSA Form 314, General Conditions, CSA Form 29, "Special Condition", CSA Form 25b and CSA Form 25c, "Explanation of Budget and Work Program Changes". If a CSA Form 314 is used, CSA will send the original and one copy to the CAA. The CAA shall sign the new CSA Form 314 to show acceptance of the amendment and any conditions attached thereto and return one copy, with any accompanying documents to the CSA funding office.

(c) *Forms*—(1) *To add a project*. (i) SF Form 424, "Federal Assistance".

(ii) CSA Form 512, "Grantee Work Program Summary and Application Certification".

(iii) CSA Form 514, "Grantee Work Program and Progress Report".

(iv) CSA Form 513, "Board and Participants Characteristics".

(v) CSA Form 25b, "Justification for Program Account Amendment".

(2) *To delete a project*. (i) SF Form 424, "Federal Assistance".

(ii) CSA Form 25b, "Justification for Program Account Amendment".

(3) *To transfer funds from 01 or 05 program accounts to other program accounts*. (i) CSA Form 25b, "Justification for Program Account Amendment".

(4) *To make significant changes in objectives or work program*. (i) SF Form 424, "Federal Assistance".

(ii) CSA Form 512, "Grantee Work Program Summary and Application Certification".

(iii) CSA Form 514, "Grantee Work Program and Progress Report".

(iv) CSA Form 513, "Board and Participants Characteristics".

(v) CSA Form 25b, "Justification for Program Account Amendment".

(d) *Instructions for completing forms for amendments*: Instructions are included only for items that are not self-explanatory.

(1) *SF 424, "FEDERAL ASSISTANCE"*. Follow the instructions in § 1067.10 or CSA Instruction 6710-3a. An exception applies to amendments to make significant changes in a project's objectives or work program: Section I, Item 12—Type of Application: Write "Other" for a change in a project that does not affect the approved funding level.

(2) *CSA Form 514, "GRANTEE WORK PROGRAM AND PROGRESS REPORT"*. (i) Use only Part A for the amendment request. Items 15-17 are not completed for amendment requests.

(ii) *Item 6—Check "Amendment"*. When submitting CSA Form 514 for an amendment to add a project, follow the remaining instructions in § 1067.70-7.

(iii) For significant changes in an already approved project, see § 1067.70-7(e)(5) with these exceptions:

(A) *Item 13—Grantee Work Program*: Show the original objectives and activities. Cross out and asterisk those that will be changed and add the new objectives and/or activities at the bottom of the column.

(B) *Item 14—Implementation Indicator*: Show the original targets and activity completion dates. Cross out and asterisk those that will be changed and give new target (completion) dates at the bottom of the column next to the new objectives and activities.

(C) The amended CSA Form 514 will be used for subsequent program progress reports.

(3) *CSA Form 512, "GRANTEE WORK PROGRAM SUMMARY AND APPLICATION CERTIFICATION"*: (i) *Item 7—Submission Purpose*: Check the box for "Amendment Application".

(ii) *Item 11—Project Title*: Give the title of the project being added or for which significant changes are proposed. In the latter case, use the same title as

that which appeared in Item 11 in the grant application.

(4) *CSA Form 513, "BOARD AND PARTICIPANTS CHARACTERISTICS".*

(i) To add a project, follow the instructions in § 1067.70-7(d)(3).

(ii) To make significant changes in a project, photocopy the previously submitted form. For the program area(s) affected by the proposed amendment, cross out the original figures and substitute the expected new numbers or percentages.

(iii) Section A need not be completed unless changes have occurred since the grant application.

BILLING CODE 6315-01-M

COMMUNITY SERVICES ADMINISTRATION
APPLICATION FOR COMMUNITY ACTION PROGRAM
JUSTIFICATION FOR PROGRAM ACCOUNT AMENDMENT

PAGE OF PAGES

Form Approved
Budget Bureau No. 116-R0158

1. APPLICANT AGENCY		2. DATE SUBMITTED	3. PROGRAM YEAR END DATE:	4. GRANT NO.
5. PROGRAM ACCOUNT				
a. NUMBER	b. NAME	c. BEGINNING	d. ENDING	

6. SUBMITTED TO JUSTIFY (Check the following as appropriate)

- a. ☐ CHANGE IN EITHER FEDERAL OR NONFEDERAL SHARE
b. ☐ CHANGE, BEYOND FLEXIBILITY, IN SALARIES AND POSITIONS AND/OR OTHER BUDGET CHANGES WITHIN PROGRAM ACCOUNT
c. ☐ CHANGE IN WORK PROGRAM
d. ☐ CHANGE, BEYOND FLEXIBILITY, IN ADMINISTERING AGENCY FUNDING LEVEL

GRANTEE EXPLANATION (If additional space is needed, continue on blank paper.)

7. IF ITEM 6 a., ABOVE, IS NOT CHECKED, COMPLETE THE FOLLOWING IN LIEU OF CAP FORM 1.

a. SUBMITTED BY (Typed name and title of authorized official)		b. SIGNATURE	
8. CSA ACTION			
a. ☐ APPROVED		b. ☐ DISAPPROVED	
c. TYPED NAME AND TITLE OF CSA OFFICIAL		d. SIGNATURE	e. DATE

CSA TEST FORM 25b (1/79)
BILLING CODE 6315-01-C

(5) CSA Form 25b, "JUSTIFICATION FOR PROGRAM ACCOUNT AMENDMENT".

(i) *Item 4—Grant Number:* Enter the action number assigned by CSA to the original grant.

(ii) *Item 6—Grantee Explanation:* Explain clearly why the amendment is needed, including expected results.

Appendix a to Subpart 1067.70—Glossary

1. *Administering Agency.* A CAA or delegate agency with direct responsibility for operating all or portions of a project.

2. *Amendment.* A change in the work program of a project or the budget of an already funded program account that does not require new, additional, or supplemental CSA funds.

3. *Area boards or councils.* Boards or councils meeting CSA composition requirements and operation within an area served by the CAA. Area boards or councils may be subsidiary to the CAA itself or may be boards of separate community-based organizations. They may have major policy-making powers or may serve as advisory groups to the CAA.

4. *Assessment.* A generic term for performance measurement in any area: project impact; project progress; project administrative organization; grantee management; standards of effectiveness; compliance; etc.

5. *Authorized official.* Governing officials and board and staff officials who have authority to sign funding documents.

6. *Community action board.* The principal representative board of a CAA that is a State, political subdivision of a state, or a combination of political subdivisions, through which the CAA administers its program.

7. *Community-Based Organizations.* Local organizations composed predominantly, if not entirely, of socio-economically disadvantaged people. In areas served by CAAs, the organizations may assist the CAA in the planning, policy-making, conduct and evaluation of programs within their neighborhoods. They may be delegate agencies or divisions of the CAA or they may be advisory boards of the CAA.

8. *Delegate Agency.* An organization with which the CAA has contracted to operate all or portions of a project.

9. *Evaluate.* To measure the effectiveness and impact of a CAA's program on poverty in its community, or of individual projects on specific poverty problems.

10. *Funding Office.* The CAA Headquarters or Regional Office authorized to obligate funds.

11. *Funding period.* The time from effective date of grant to end of the program period or termination date.

12. *Funding request.* The CAA application to CSA for funds to implement projects not yet approved for the program period.

13. *Goal.* The change the CAA wants to accomplish in a four year period in response to identified poverty problem(s).

14. *Governing Board.* The principal representative board of a CAA which is a designated separate public agency or private non-profit organization, possessing full decision-making authority.

15. *Grant agreement.* A legally binding instrument which reflects the relationship between grantor and grantee. It transfers money or other things of value to the recipient to support activities to carry out the purposes of the EOA.

16. *Grant action.* The action by which CSA authorizes a CAA to operate, either directly or through delegation, one or more projects.

17. *Implementation Indicator.* A verifiable quantity or date which allow objective measurement of actual performance as compared to planned performance of a project. A target indicator may be associated with a single activity, a group of activities, or all of the activities of a project. It also may be associated with any quantifiable objective(s) of a project.

18. *Monitor.* To systematically review actual performance in comparison to planned performance, and to observe maintenance of grantee eligibility and compliance.

19. *Objective.* A specific result, or results, which will occur from implementing a project. Objectives must be verifiable, and if possible they should be quantifiable.

20. *Principal Governing Official.* The chief elected official of a state or political subdivision.

21. *Principal Officer of Governing or Community Action Board.* The Chair or President of the governing or community action board of a CAA.

22. *Program.* The total work effort of a CAA.

23. *Program account.* The title and two-digit code CSA assigns to a funding package. This is the level at which CSA approves funds for CAA programs.

24. *Program Area.* A classification defined by CSA as a part of the total work effort of a CAA, and which is derived from generic or broad poverty-related problems. (See appendix C.)

25. *Program period.* The two year period for which a CAA requests CSA funds.

26. *Program Period Ending (PPE).* The last day of the grantee's program period.

27. *Program Period Starting (PPS).* The first day of the grantee's program period.

28. *Project.* The implementation level of work effort. Resources are applied at this level only. A project is subsidiary to a program area, and there can be more than one project within a single program area.

29. *Refunding.* The authorization to continue a community action program.

30. *Relationship of problem statement, goal, strategy and objective.* The problem statement describes the incidence, causes and conditions of the poverty-related problem; a goal sets desired broad results; strategy is the possible approach(es) to deal with the problem; and an objective sets specific targets (quantifiable and measurable) which result from implementing the project(s) to impact on the problem and to achieve the goal(s).

31. *Strategy.* One or more possible methods of overcoming a cause or improving a condition of poverty.

32. *Supplemental Grant.* A CSA grant action awarding funds beyond the CAA level of approved program.

33. *Target Area.* A territory with a high incidence of poverty in which the CAA

concentrates operations; a CAA may have more than one target area.

34. *Target Area Residents.* All people who live within the area identified by the CAA as a target area, regardless of whether they are above or below the poverty line.

35. *Work Program.* The description of activities to be undertaken to accomplish the objectives of a project.

APPENDIX B TO SUBPART 1067.70—WHERE TO APPLY FOR FUNDS—CSA REGIONAL OFFICES**Region I**

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. Director, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II

New Jersey, New York, Puerto Rico, Virgin Islands. Director, 26 Federal Plaza, 32nd Floor, New York, New York 10007.

Region III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. Director, Old Courthouse Building, P.O. Box 160, Ninth and Market Streets, Philadelphia, Pennsylvania 19105.

Region IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. Director, 101 Marietta Street, N.W., Atlanta, Georgia 30323.

Region V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. Director, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606.

Region VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas. Director, 1200 Main Street, Dallas, Texas 75202.

Region VII

Iowa, Kansas, Missouri, Nebraska. Director, 911 Walnut Street, Kansas City, Missouri 64106.

Region VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. Director, Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.

Region IX

Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories. Director, 450 Golden Gate Avenue, P.O. Box 36008, San Francisco, California 94102.

Region X

Alaska, Idaho, Oregon. Director, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

For Section 222 and 230 Fundings—CSA Instructions for each program will indicate where to apply.

BILLING CODE 6315-01-M

LOCATION OF REGIONAL OFFICES AND BOUNDARIES OF JURISDICTION



BILLING CODE 6315-01-C

Appendix C to Subpart 1067.70—Program Areas for Section 221 Local Initiative Funding

Program Areas

Program areas are classifications defined by CSA as parts of the total work effort of a CAA. They are derived from generic or broad poverty-related problems, and are descriptive of needs of poor people. CSA records the program areas selected by CAAs to address local needs and problems, information on characteristics of CAA program participants, measures of accomplishment by project, and amount of resources devoted to program areas for the purpose of reporting to Congress and the public the type and magnitude of its programs.

Listed below are the CSA defined program areas. All projects operated by grantees must be assigned to a program area. Program areas encompass research and demonstration projects, advocacy, mobilization of resources, institutional change, and outreach related to need described by the program area. The amount of resources applied to the program area includes the costs of operating the projects in the program area and a proportional share of the overall CAA administrative cost.

Program Areas for Section 221 Local Initiative Funding

a. Employment Development and/or Assistance. This program area helps poor people to secure training and employment to earn a decent living. Examples of projects are job development and placement, vocational training and placement, supportive services to enable people to obtain or continue employment, direct employment, and employment of people with special needs, such as ex-offenders, non-citizens, the aging and handicapped. Projects may include activities designed to help low-income people benefit from employment programs outside the grantee's delivery system, including CETA, to provide mobilized resources directly to poor people, to effect institutional change, and to provide outreach and representation related to the program area.

b. Income Development and/or Services. This program area helps poor people to obtain benefits from social insurance programs including social security, workers' compensation, veterans' benefits, benefits for disabled coal miners, medicare, SSI, welfare, pensions and unemployment insurance. The program area helps to bring about changes in legislation, regulations or administrative practices to secure more adequate and dignified assistance, and enable eligible persons to exercise their rights to benefits. Projects may advise clients of benefit programs, refer them to services and help them use available services. Projects may organize community groups to advocate for their interests, plan and act together with other agencies, and contact administrators and public officials. Projects include activities designed to effect institutional change and to provide outreach and representation related to the program area.

c. Economic Development and/or Assistance. This program area increases economic activity and consequently the number of jobs and businesses in low-income

areas and helps poor people become entrepreneurs. Projects may provide technical assistance in planning, financing and operating businesses. Projects may create incentives to attract business and industry to low-income areas, or to prevent deterioration of a community's economic base. Projects may provide working capital directly or through a loan fund. Projects may assist farmers improve profitability of crops and livestock. Projects may include activities designed to help low-income people benefit from economic development assistance outside the grantee's delivery system, to provide mobilized resources directly to poor people, to effect institutional change and to provide outreach and representation related to the program area.

d. Consumer Development and/or Services. This program area assists poor people to improve money management so they can live better and to get enough serviceable clothing and household furnishings to meet their needs. Projects may provide consumer education, home management training, household budget counselling, assistance in growing food for home use, and advice in using consumer rights of complaint. Projects may establish or operate consumer institutions such as credit unions, buying clubs and community gardens. Projects may organize groups to advocate for expanding or enforcing consumer rights. Projects may include clothing and furniture drives, and maintaining distribution facilities. Projects may include activities designed to help low-income people benefit from consumer services and activities conducted outside the grantee's delivery system, to provide mobilized resources directly to poor people, to effect institutional change, and to provide outreach and representation related to the program area.

e. Nutritional Development and/or Assistance. This program area helps poor people to get a nutritionally adequate diet. Projects may provide nutrition education, communal meals, or home delivered meals to the old and sick. Projects may attempt to increase participation of persons entitled to the benefits of nutrition programs such as Food Stamps, WIC, School Breakfast and School Lunch programs. Projects may advocate laws and regulations designed to improve the nutritional status of poor people and to extend entitlement of poor people to benefits. Projects may include activities designed to help low-income people benefit from nutrition programs outside the grantee's delivery system, to provide mobilized resources directly to poor people, to effect institutional change, and to provide outreach and representation related to the program area.

f. Housing Development and/or Assistance. This program area helps poor people get adequate housing at an affordable cost. Projects may establish housing development and service organizations, acquire real estate, construct new homes, develop prerequisites for residential development such as utilities and roads, rehabilitate or repair homes including weatherization as a secondary purpose, provide for relocation, help poor people get financial assistance for rent, purchase or improvement of their homes,

locate housing, exercise tenant's rights, and seek correction of building code violations. Projects may provide housing counselling and operate neighborhood improvement projects. Projects may include activities designed to help low-income people benefit from housing programs outside the grantee's service delivery system including loan and grant programs administered by the Farmers' Home Administration of USDA and the Department of Housing and Urban Development, to provide mobilized resources directly to poor people, to effect institutional change, and to provide outreach and representation related to the program area.

g. Energy Development and/or Assistance. This program area helps poor people to satisfy their energy needs at an affordable cost. Projects include some weatherization, energy conservation, education, emergency assistance, development of low technology alternative energy sources, and advocacy for changes in the utility rates structure favorable to the poor. Projects may include subsidizing the cost of fuel, utilities and home repairs. Projects may include activities designed to help low-income people benefit from energy programs outside the grantee's delivery system, including Department of Energy programs, to provide mobilized resources to poor people, to effect institutional change and to provide outreach and representation related to the program area.

h. Transportation Development and/or Assistance. This program area helps poor people in urban and rural areas to get the transportation they need to meet basic needs such as getting to work, to educational programs, to nutrition programs, to medical services, to welfare services, to social services, to markets, and to participate in community life. The program area also seeks adequate transportation services for poor communities including services for poor people with special needs such as the elderly and handicapped. Projects may transport poor people, or provide links to existing services. Projects may organize groups to advocate for transportation services. Projects may include activities designed to help low-income people benefit from transportation programs outside the grantee's delivery system, to provide mobilized resources directly to poor people, to effect institutional change and to provide outreach and representation related to the program area.

i. Judicial Development and/or Assistance. This program area helps prevent people from low-income areas from committing crimes and promotes the successful reintegration of offenders into communities. The program area also seeks a safe environment in low income areas and helps poor people obtain their legal rights. Projects include cooperative efforts between communities and police, counselling, diversionary activities and supportive services for high-risk youth and for ex-offenders, half-way houses, escort services for senior citizens, and legal services. Projects may include activities designed to help low-income people use LEAA programs and other programs outside the CAA service delivery system, to provide mobilized resources directly to poor people, to effect institutional change, and to provide

outreach and representation related to the program area.

j. Medical Development and/or Assistance. This program area helps poor people improve individual and community health and prevent or control medical conditions that have differential adverse effects on poor people. The program area includes individual and group efforts to secure more and better health services. Projects include health education, referral to medical services, provision of direct services such as immunization, screening, vision and hearing assessment, physical examinations, medical treatment by general practitioners or specialists, family planning, home health care, dental care, mental health care, mental retardation services, physical rehabilitation services, alcohol and narcotics abuse prevention and treatment, cardiopulmonary resuscitation, venereal disease control, lead poisoning control and rodent control. Projects may organize groups to advocate for more or better health services. Projects may include activities designed to help low-income people use medical and public health services provided outside the grantee's system, to provide mobilized resources directly to poor people, to effect institutional change, and to provide outreach and representation related to the program area.

k. Educational Development and/or Assistance. This program area helps poor people secure a level of education and skill to enable them to meet their material and social needs. The program area also includes advocacy for increasing the availability of day care and other educational programs responsive to the needs of the poor. Projects include preschool education, day care, supportive services to such programs, parent education, parent involvement in the schools, tutoring and supervised study, educational enrichment for school age children, remedial education, language instruction, adult education, library services, voter education, truancy and dropout prevention, college counselling, placement and support, career guidance and education and training for the handicapped, and for those with learning disabilities. Projects may organize groups to advocate for different or better educational programs. The program area includes activities designed to help low-income people benefit from special educational programs such as Headstart and ESEA programs, including programs operated outside the grantee's delivery system, to provide mobilized resources directly to poor people, to effect institutional change and to provide outreach and representation related to the program area.

l. Individual/Family development and/or Assistance. This program area helps poor people achieve optimal personal and social development and adjustment. The program area also advocates for providing needed services and for changes in institutions to deal more humanely with people subject to their jurisdictions, and to prevent discrimination on racial, ethnic, sex or age grounds. Projects include family and individual counselling, information on civil rights, crisis intervention, protective services, immigration services, translation services, ethnic and cultural activities, social, athletic

and crafts activities, friendly visiting, homemaker services, camping, and improving personal appearance. The program area includes activities to help low-income people benefit from social development/assistance, programs outside the grantee's delivery system, to provide mobilized resources directly to poor people to effect institutional change, and to provide outreach and representation related to the program area.

m. Group Development and/or Assistance. This program area seeks to improve services involving two or more program areas, organize services better, improve opportunities for minorities, women and the handicapped, expand opportunities for the poor to participate effectively in governing their communities, promote more effective use of existing services, foster voluntary activity, and raise funds. Projects include organizing and providing support to groups of poor people, joint planning and action with other agencies, developing and implementing affirmative action programs, and stimulating affirmative action by others. The program area includes activities to help low-income people benefit from group development/assistance programs outside the grantee's delivery system, to provide mobilized resources directly to groups of poor people, to effect institutional change, and to provide outreach and representation related to the program area.

Appendix D to Subpart 1067.70—Program Account Codes

Program Account Codes

- 01 Local Initiative/CAA Administration.
- 05 Local Initiative Program.
- 02 Youth Sports—Summer Personnel.
- 03 Youth Sports—Other.
- 04 Youth Sports—Winter Program.
- 60 Summer Recreation—Personnel.
- 10 Summer Recreation—Other.
- 06 SOS—Personnel.
- 07 SOS—Non-Personnel.
- 08 SEO—Training.
- 09 SEO—Other.
- 12 Nutrition—Access.
- 13 Nutrition—Self-Help.
- 15 Nutrition—Consumer Education.
- 16 Nutrition—Crisis Relief.
- 29 Nutrition—Research.
- 39 Nutrition—Demonstrations.
- 42 Nutrition—T&TA—Seminars.
- 43 Nutrition—T&TA—On-Site Assistance.
- 44 Nutrition—T&TA—Other.
- 48 Nutrition—Evaluation.
- 18 Migrants and Seasonal Farmworkers.
- 21 Energy—Weatherization.
- 22 Energy—Crisis Intervention.
- 23 Energy—Consumer Information, Education, Legal Assistance.
- 24 Energy—Transportation.
- 25 Energy—Alternate Energy Sources.
- 80 Energy—Emergency Energy Assistance.
- 50 Energy—Research.
- 53 Energy—Demonstration.
- 54 Energy—T&TA—Seminars.
- 56 Energy—T&TA—On-Site Assistance.
- 57 Energy—T&TA—Other.
- 58 Energy—Evaluation.
- 19 Technical Assistance—Grantee Administration.
- 27 Technical Assistance—Grantee Program.
- 28 Technical Assistance—Other.

- 31 Rural Housing—Community Development.
- 32 Rural Housing—Management Services.
- 33 Rural Housing—Training & Technical Assistance.
- 36 Rural Housing—New Home Manufacture.
- 37 Rural Housing—Repair/Rehabilitation.
- 38 Rural Housing—Housing Subsidies.
- 64 Special Assistance.
- 63 Economic Development—Special Impact.
- 49 Economic Development—Rural Programs.
- 51 Economic Development—Rural Development Finance.
- 52 Economic Development—Community Development Finance.
- 61 Economic Development—Training & Technical Assistance.
- 66 Economic Development—Demonstration.
- 67 Economic Development—Research.
- 68 Economic Development—Evaluation.
- 69 Economic Development—Planning Grants.
- 71 Evaluation—Type I.
- 73 Evaluation—Type II.
- 75 Evaluation—Type III.
- 78 Evaluation—Other.
- 82 Research and Evaluation.
- 84 Demonstration.
- 98 Program Administration.

Descriptions of Activities Which May Be Conducted, Singly or in Combination Under Each Program Account

01. Local Initiative/CAA Administration (221). Includes support for general administration and management of central staff, facilities, and equipment of the community action agency. Coordination, mobilization of resources, general management, information collection and use, as well as planning, program development, and evaluation activities undertaken by CAAs as part of their overall administrative and management responsibilities are included in this account. Support of the CAA board's functioning should also be included. Administrative overhead costs for delegate agencies or general support functions performed by the CAA for such delegate agencies where these costs are not related to specific programs may be included as appropriate. However, this activity does not include administration or management directly linked to specific program activities such as community nutrition activities, etc. Such administrative overhead should be reported under the account designated for that program.

02. Youth Sports—Summer Personnel (227). Includes the personnel costs to operate the national youth sports program during the summer months, June through late August or mid September. This program provides disadvantaged youths the opportunity for sports skills instruction, sports competition, learning good health practices, and career and educational opportunities. Stipends should not be included in this account.

03. Youth Sports—Summer Other (227). Includes the non-personnel costs to operate the national youth sports program during the summer months, June through late August or mid September.

04. Youth Sports—Winter Program (227). Includes all costs, both personnel and non

personnel to operate the national youth sports program during the winter months, September through May.

05. *Local Initiative Program (221)*. The basic purpose of community action programs as stated in the Economic Opportunity Act is "to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient." This purpose may be accomplished by programs designed and/or selected at the local level to meet specific community needs. They may deal with particular concerns in such areas as housing, manpower, education, health, day care, consumer affairs, economic development, general social services, etc. They may focus on particular target groups such as youth. They may employ some type of neighborhood center(s) as a means of reaching persons and delivering services.

06. *Senior Opportunities and Services—Personnel (222)(A)(7)*. Includes the personnel costs to identify and meet the needs of older poor persons above the age of 60, in projects which serve or employ older persons as the predominant or exclusive beneficiary or employee group. Among other things, such projects may seek to develop and provide new employment and volunteer services; effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, recreational, and other services; stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; modification of existing procedures, eligibility requirements and program structures to facilitate the greater use of, and participation in, public services by the older poor; development of all-season recreation and service centers controlled by older persons themselves; and such other activities and services as are necessary or specially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency.

07. *Senior Opportunities and Services—Other (222)(a)(7)*. Includes the non-personnel costs associated with the program described in Program Account 06, above.

08. *SECO—Training (231)*. Includes all costs directly associated with providing training and technical assistance by the SECOs to communities, state and local agencies and to community action agencies in carrying out the programs under the Economic Opportunity Act.

09. *SECO—Other (231)*. Includes other costs incurred by the SECOs not included as training and technical assistance under account 08.

10. *Summer Recreation—Other (222)(a)(13)*. Includes non-personnel costs associated with the summer recreation program which is aimed at expanding and improving recreational services and activities for the economically disadvantaged youths. (Personnel costs associated with this program are shown under Program Account 60.)

12. *Nutrition—Access (222)(a)(5)*. Includes operating program costs associated with

improving the opportunities for low-income people to gain access to, and participate in Federal and non-Federal food and nutrition programs.

13. *Nutrition—Self-Help (222)(a)(5)*. Includes operating program costs associated with projects designed to foster self-sufficiency through the mobilization of financial and community resources. Examples include buying clubs, community gardens, food raising co-ops, community canneries, farmer-to consumer sales and greenhouse food production.

15. *Nutrition—Consumer Education (222)(a)(5)*. Includes operating program costs associated with improving the ability of low-income individuals and families to understand the connection between diet and health, to obtain at the lowest prices nutritionally superior food and to prepare and preserve these foods in ways that minimize the loss of nutrients.

16. *Nutrition—Crisis Relief (222)(a)(5)*. Includes operating program costs associated with the provision of food vouchers, foodstuffs or funds to purchase food stamps on a temporary or crisis basis. (For additional Program accounts dealing with nutrition see numbers 29, 39, 42, 43, 44 and 48.)

18. *Migrants and Seasonal Farmworkers (Title III-B)*. Includes costs associated with the provision of services to migrant and seasonal farmworkers such as weatherization, transportation, housing, training, technical assistance, etc.

19. *Training & Technical Assistance—Grantee Administration (230)*. Includes costs associated with providing training and technical assistance to improve and maintain the administrative and managerial capacity of CSA-funded grantees, such as accounting, personnel, property or Board training. (For additional program accounts dealing with Technical Assistance see numbers 27 & 28).

21. *Energy—Weatherization (222)(a)(12)*. Includes costs associated with home repairs and energy saving improvements to minimize heat transfer and improve thermal efficiency of dwellings.

22. *Energy—Crisis Intervention (222)(a)(12)*. Includes costs associated with the intervention to prevent hardship or danger to health due to utility shut-off or lack of fuel.

23. *Energy—Consumer Information, Education & Legal Assistance (222)(a)(12)*. Includes cost associated with the dissemination of energy conservation information, conduct of energy conservation educational activities, and the representation of the interests of the poor in public proceedings, for example, energy policy and utility rate structure.

24. *Energy—Transportation (222)(a)(12)*. Includes costs associated with efforts to offset the increased costs to the poor of transportation needed for access to essential services and employment.

25. *Energy—Alternate Energy Sources (222)(a)(12)*. Includes costs associated with the development and application to energy needs of the poor those technologies that capitalize on non-fossil fuels and renewable energy resources, or make conventional fuels available to the poor at substantially

decreased costs and/or at increased energy efficiency.

(For additional program accounts dealing with Energy see numbers 50, 53, 54, 56, 57 and 58).

27. *Training & Technical Assistance—Grantee Program (230)*. Includes costs associated with the providing of training and technical assistance in specific program areas such as housing, mobilization of resources, etc.

28. *Training & Technical Assistance—Other (230)*. Includes costs associated with training and technical assistance which does not relate specifically to grantee administration or grantee program areas.

29. *Nutrition—Research (222)(a)(5)*. Includes costs associated with the development of new knowledge about hunger and malnutrition among the poor and/or ways to deal with their problems approved under the authority of Section 222(a)(5) of the EOA.

31. *Rural Housing—Community Development (222)(a)(11); (232)*. Includes costs associated with providing assistance to effect infrastructure development (e.g. water, sewer, zoning and housing projects).

32. *Rural Housing—Management Services (222)(a)(11); (232)*. Includes costs associated with providing management services to assist grantees in the acquisition and maintenance of default housing. Also, includes costs associated with providing housing assistance (such as homeownership and default counselling, homesteading, advocacy and legal services) to individuals and tenant organizations.

33. *Rural Housing—Training & Technical Assistance (222)(a)(11); (232)*. Includes costs associated with area and state-wide housing development corporations designed to provide technical assistance, seed money, training and advocacy support in the housing area. Also includes costs associated with developing innovative and effective packaging techniques to obtain loan subsidies for self-help, home repair, rehabilitation and construction projects.

36. *Rural Housing—New Home Manufacture (222)(a)(11); (232)*. Includes costs associated with the development of housing factory delivery systems for building low cost housing.

37. *Rural Housing—Repair/Rehabilitation (222)(a)(11); (232)*. Includes costs associated with the repair and rehabilitation of housing for low-income families. Also includes costs associated with removing architectural barriers from the homes of low-income disabled individuals.

38. *Rural Housing—Housing Subsidies (222)(a)(11); (232)*. Includes costs associated with the development of alternative financing mechanisms for low cost housing production.

39. *Nutrition—Demonstrations (222)(a)(5)*. Includes costs associated with experimental, pilot or demonstration projects which test new or improved approaches to combatting the problems of hunger and malnutrition.

42. *Nutrition—T&TA Seminars (222)(a)(5)*. Includes costs associated with holding nutrition related T&TA seminars for persons from two or more agencies. Such seminars should help grantees plan, conduct and/or evaluate nutrition programs.

43. *Nutrition—T&TA On Site Assistance (222)(a)(5)*. Includes the cost of providing nutrition related T&TA services to specific grantee personnel at the grantee's location. Such services should help a specific grantee plan, conduct and/or evaluate nutrition programs.

44. *Nutrition—T&TA Other (222)(a)(5)*. Includes any costs of a T&TA nature related to nutrition which is not classified as seminar or on-site assistance in program accounts 42 and 43.

48. *Nutrition—Evaluation (222)(a)(5)*. Includes costs associated with evaluation of nutrition projects approved under the authority of Section 222(a)(5) of the EOA. Does not include cost for grantees self evaluation.

49. *Economic Development—Rural Programs (Title VII)*. Includes costs associated with meeting the special economic needs of rural communities and areas pursuant to Title VII, Part B of the EOA.

50. *Energy—Research (222)(a)(12)*. Includes costs of research related to energy type projects approved under the authority of Section 222(a)(12) of the EOA.

51. *Economic Development—Rural Development Finance (Title VII, Part C)*. Includes costs associated with the development, testing and operation of rural financial support mechanisms in conjunction with loans from the Rural Development Loan Fund.

52. *Economic Development—Community Development Finance (Title VII, Part C)*. Includes costs associated with the development, testing and operation of community financial support mechanisms in conjunction with loans from the Community Development Loan Fund.

53. *Energy—Demonstrations (222)(a)(12)*. Includes costs associated with experimental, pilot or demonstration projects which test new or approved approaches to solving the energy problems of the poor.

54. *Energy—T&TA Seminars (222)(a)(12)*. Includes costs associated with holding energy related T&TA seminars for persons from two or more grantees. Such seminars should help grantees plan, conduct and/or evaluate energy programs.

56. *Energy—T&TA On Site Assistance (222)(a)(12)*. Includes the cost of providing energy related T&TA services to specific grantee personnel at the grantees' location. Such services should help a specific grantee plan, conduct and/or assess energy projects.

57. *Energy—T&TA Other (222)(a)(12)*. Includes any costs of a T&TA nature related to Energy which is not classified as services or on-site assistance in program accounts 54 and 56.

58. *Energy—Evaluation (222)(a)(12)*. Includes costs associated with evaluation of energy projects approved under the authority of Section 222(a)(12) of the EOA.

60. *Summer Recreation—Personnel (222)(a)(13)*. Includes all personnel costs associated with the summer recreation program which is aimed at expanding and improving recreational services and activities for the economically disadvantaged youths. (Non-personnel costs associated with this program are shown under Program Account 10)

61. *Economic Development—Training & Technical Assistance (Title VII, Part D)*. Includes training and technical assistance costs related to economic development projects approved under the authority of Title VII, Part D of the EOA.

63. *Economic Development—Special Impact (Title VII, Part A)*. Includes costs associated with community development corporation projects approved under the authority of Title VII, Part A of the EOA.

64. *Special Assistance (234)*. Includes costs associated with projects serving groups of low income individuals who are not being effectively served by other Title II programs.

66. *Economic development—Demonstration (Title VII, Part D)*. Includes costs associated with pilot and demonstration activities approved under the authority of Title VII, Part D of the EOA.

67. *Economic Development—Research (Title VII, Part D)*. Includes costs associated with research activities approved under the authority of Title VII, Part D of the EOA.

68. *Economic Development—Evaluation (Title VII, Part D)*. Includes costs associated with evaluation activities approved under the authority of Title VII, Part D of the EOA.

69. *Economic Development—Planning Grants (Title VII, Part D)*. Includes costs associated with economic development planning grants approved under the authority of Title VII, Part D of the EOA.

71. *Evaluation—Type I (Title IX)*. Includes costs associated with national impact evaluation strategies approved under the authority of Title IX.

73. *Evaluation—Type II (Title IX)*. Includes costs associated with determining the relative effects of different program strategies, intervention techniques and administrative processes employed to implement a national program approved under the authority of Title IX.

75. *Evaluation—Type III (Title IX)*. Includes costs associated with assessing the effectiveness and efficiency of individual grantees and projects.

78. *Evaluation—Other (Title IX)*. Includes costs associated with assessment projects not included under program accounts 71, 73 and 75. Examples might include short-term studies that respond to policy-relevant questions.

80. *Energy—Emergency Energy Assistance (222)(a)(12)*. Includes costs associated with a special one-time assistance program to provide immediate assistance in those crisis situations which endanger the health and survival of eligible low-income household members.

82. *Research and Evaluation (Title I); (232)*. Includes costs associated with basic research and related evaluation conducted to provide meaningful information for formulating new programs and policies affecting the poverty population in program areas not included elsewhere. Specifically excluded are nutrition (29, 39, 48) energy (50, 53, 56) rural housing (31, 32, 33, 36, 37, 38) economic development (67, 68) and Title IX (71, 73, 75, 78).

84. *Demonstration (232)*. Includes costs associated with pilot or demonstration projects designed to test or assist in the development of new approaches or methods which will aid CSAs poverty population.

98. *Program Administration*. Includes costs incurred by Federal employees for the overall direction, management, coordination and support of all CSA programs and related anti-poverty programs of other Federal, State and local agencies.

BILLING CODE 6315-01-M

APPENDIX E TO SUBPART 1067.70—CHART OF DOCUMENTS

CHART OF DOCUMENTS:

TYPE OF ACTIVITY	FORM NO. AND TITLE	TO CSA	CAA FILES	WHEN TO SUBMIT	CSA INSTRUCTIONS
<u>PLANNING:</u>					
1. Planning Documents					
a. CAA planning process narrative	None	x		12-18 months before initial PPS	6710-1a, "CSA Grantee Program Management System. Vol. I: A Manual for CAA Planning, Application and Performance"
b. Governing board certification letter	None	x		"	"
2. CAA Four Year Plan of Action					
a. Plan Statement	CSA 511, "Four Year Plan Statement"	x		180 days before initial PPS	"
b. Plan Certification	CSA 510, "Grantee Plan Summary Data and Certification"	x		"	"
<u>ESTABLISHING ELIGIBILITY:</u>					
1. Eligibility Certification	CSA 395 rev. 1/79, "Grantee Refunding Certification"	x		"	"

APPENDIX E

CHART OF DOCUMENTS:

TYPE OF ACTIVITY	FORM NO. AND TITLE	TO CSA	CAA FILES	WHEN TO SUBMIT	CSA INSTRUCTIONS
<u>APPLYING FOR FUNDS:</u>					
1. Clearinghouse Procedure	SF 424, "Federal Assistance"			To clearinghouse 150 days before PPS	6710-3a, "CSA Procedures for the Federal Project Notification and Review System"
2. Initial Grants and Supplemental Funding	SF 424, "Federal Assistance"	x		90 days before PPE	6710-1a "CSA Grantee Program Management System. Vol. I: A Manual for CAA Planning, Application and Performance"
	CSA 512, "Grantee Work Program Summary and Application Certification"	x		"	"
	CSA 513, "Grantee Board and Participants Characteristics"	x		"	"
	CSA 514, "Grantee Work Program and Progress Report"	x		"	"
	CSA 515, "Grantee Budget Information"	x		"	"
	CSA 509, "Delegate Agency Basic Information/Funding Estimate"	x		"	"
	Affirmative Action Plan* AAP Data Sheet*	x		"	"
	SF 100, "Employer Information Report, EEO-1"	x		"	"
	None	x		Before release of funds	6801-1 and 6801-1, Change 1, "Grantee Fiscal Responsibility and Auditing"
3. Statement of Accounting System					

*Not required for Supplemental Funding

APPENDIX E

CHART OF DOCUMENTS:

TYPE OF ACTIVITY	FORM NO. AND TITLE	TO CSA	CAA FILES	WHEN TO SUBMIT	CSA INSTRUCTIONS
<u>AMENDMENTS:</u>					
	SF 424, "Federal Assistance"	x		30 days before effective date	6710-3a, "CSA Procedures for the Federal Project Notification and Review System"
	CSA 512, "Grantee Work Program Summary and Application Certification"	x		"	6710-1a, "CSA Grantee Program Management System. Vol. I: A Manual for CAA Planning, Application and Performance"
	CSA 513, "Grantee Board and Participants Characteristics"	x		"	"
	CSA 514, "Grantee Work Program and Progress Report"	x		"	"
	CSA 25b, "Justification for Program Account Amendment"	x		"	"
<u>REPORTING:</u>					
1. Preliminary Audit Survey	None	x		90 days after effective date of initial grant	6801-1 and 6801-1, Change 1, "Grantee Fiscal Responsibility and Auditing"
2. Program Progress Reports	CSA Form 514, "Grantee Work Program and Progress Report"	x		60 days after reporting period (6th, 15th, 24th month)	6710-1a, "CSA Grantee Program Management System. Vol. I: A Manual for CAA Planning, Application and performance"
3. Progress Report of Affirmative Action Plan and updated AAP Data Sheet if needed	None	x		With 15th month PPR	6004-2, "Requirement for Affirmative Action Civil Rights Program"

APPENDIX E

CHART OF DOCUMENTS:

TYPE OF ACTIVITY	FORM NO. AND TITLE	TO CSA	CAA FILES	WHEN TO SUBMIT	CSA INSTRUCTIONS
4. Quarterly Financial Reporting	SF 269, "Financial Status Report" SF 272, "Federal Cash Transactions Report"	x		15 working days after end of each quarter of program period & within 90 days of PPE	6800-8, "Financial Reporting Requirements"
5. Administrative Costs	CSA 315(d) "The Administrative Costs Report"	x		Annually, 20 days after end of 6th month of each year of program period	6807-1, "Limitation on CAA Administrative Costs"
6. Property Inventory					
a. Equipment requirements list	None	x		With initial grant application	7001-01a, "Grantee Property Administration"
b. Property inventory	None	x		Annually 75 days before end of each year of program period	"
DOCUMENTS RELATED TO DELEGATE AGENCIES:					
1 a. Compensation Comparability b. Compliance with Civil Rights Requirements c. Maintenance of Effort	CSA 395, rev 1/79, "Grantee Refunding Certification"		x		6710-1a, "CSA Grantee Program Management System. Vol. I: A Manual for CAA Planning, Application and Performance"

APPENDIX E

CHART OF DOCUMENTS:

TYPE OF ACTIVITY	FORM NO. AND TITLE	TO CSA	CAA FILES	WHEN TO SUBMIT	CSA INSTRUCTIONS
2. Delegate Agency Contract	CSA Form 280, "Agreement for Delegation of Activities Under Grant No..."		X		6710-1a, "CSA Grantee Program Management System. Vol. I: A Manual for CAA Planning, Application and Performance"
3. Bonding (if delegate will spend an average of \$1,000 per month or more)	None		X		

Appendix F to Subpart 1067.70—Agreement for Delegation of Activities Under Grant No. _____

This agreement entered into as of _____, 19____, including all attachments and conditions annexed hereto (which are expressly made part hereof), shall govern certain activities of the _____ (name of program account for the delegated activities) financed under Grant No. _____ during the period _____ to _____, which are to be carried out by _____ (name of delegate agency), hereinafter referred to as the "Delegate", on behalf of _____ (name of grantee), hereinafter referred to as the "Grantee."

The Grantee and Delegate agree as follows:

1. **WORK TO BE PERFORMED.** The Delegate shall, in a satisfactory manner as determined by the Grantee, perform all activities in Attachment "A".

2. **COMPLIANCE WITH APPROVED PROGRAM.** All activities authorized by this agreement will be performed in accordance with the approved work program, the approved budget, the grant conditions and relevant CSA directives.

3. **REPORTS, RECORDS & EVALUATIONS.** The Grantee shall supervise, evaluate, and provide guidance and direction to the Delegate in the conduct of activities delegated under this contract. The Delegate agrees to submit to the Grantee such reports as may be required by CSA directives or by the Grantee, including the reports listed in Attachment "B" according to the schedule there set out.

The Delegate also agrees to prepare and retain, and permit the Grantee to inspect as it deems necessary for grant purposes (in addition to inspections authorized by the conditions in the grant from CSA) the records listed in Attachment "C", as well as all other records that may be required by relevant CSA directives, with the exception of confidential client information. The Delegate further agrees that the Grantee may carry out monitoring and evaluation activities to include, at a minimum, those listed in Attachment "D", and will effectively ensure the cooperation of the Delegate's employees and board members in such efforts.

4. **CHANGES.** The Grantee may, from time to time, request changes in the scope of the services of the Delegate to be performed hereunder. Such

changes, including any increase or decrease in the amount of the Delegate's compensation, which are mutually agreed upon by and between the Grantee and the Delegate, must be incorporated in written amendments to this contract.

5. **COMPLIANCE WITH LOCAL LAWS.** The Delegate shall comply with all applicable laws, ordinances, and codes of the state and local governments.

6. **COVENANT AGAINST CONTINGENT FEES.** The Delegate warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant the Grantee shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee, or to seek such other remedies as legally may be available.

7. **SCHEDULE OF PAYMENT.** Subject to receipt of funds from CSA, the Grantee agrees to reimburse the Delegate for authorized expenditures. An advance of \$_____ for estimated expenditures for _____ (months) will be made to the Delegate, who will submit to the Grantee vouchers that are sufficient to support payment under the Grantee's accounting procedures established or approved by the Grantee's accountant. Within _____ days the Grantee will approve or disapprove payment of the vouchers, and will make additional payments equal to the amount of such approved expenditures to the Delegate. In no event, however, will the Delegate receive reimbursement for personnel costs exceeding \$_____, or for non-personnel costs exceeding \$_____, except as it has received prior written authorization from the Grantee, which is incorporated into and shall be attached to this contract.

8. **TERMINATION.** The Grantee may, by giving reasonable written notice specifying the effective date, terminate this contract in whole or in part for cause, which shall include: (1) failure, for any reason, of the Delegate to fulfill in a timely and proper manner its obligations under this contract, including compliance with the approved program and attached conditions, with statutes and Executive Orders, and with such

CSA directives as may become generally applicable at any time; (2) submission by the Delegate to CSA or to the Grantee of reports that are incorrect or incomplete in any material respect; (3) ineffective or improper use of funds provided under this contract; and (4) suspension or termination by CSA of the grant to the Grantee under which this contract is made, or the portion thereof delegated by this contract. The Grantee may also assign and transfer this contract to another grantee when required to do so by CSA direction.

If the Delegate is unable or unwilling to comply with such additional conditions as may be lawfully applied by CSA to the grant to the Grantee, the Delegate shall terminate the contract by giving reasonable written notice to the Grantee, signifying the effective date thereof. In such event the grantee may require the delegate to ensure that adequate arrangements have been made for the transfer of the delegated activities to another Delegate or to the Grantee.

In the event of any termination, all property and finished or unfinished documents, data, studies, and reports purchased or prepared by the Delegate under this contract shall be disposed of according to CSA directives, and the Delegate shall be entitled to compensation for any un-

reimbursed expenses reasonably and necessarily incurred in satisfactory performance of the contract. Notwithstanding the above, the Delegate shall not be relieved of liability to the Grantee for damages sustained by the Grantee by virtue of any breach of the contract by the Delegate and the Grantee may withhold any reimbursement to the Delegate for the purpose of set-off until such time as the exact amount of damages due the Grantee from the Delegate is agreed upon or otherwise determined.

9. NON-FEDERAL SHARE. The Delegate will contribute \$. to the program funds. Such contribution shall be in cash in the amount of \$., and in-kind in the amount of \$. (If none, state "none.")

10. REVIEW OF NEW DIRECTIVES. The Grantee will submit promptly to the Delegate for comment those proposed additional directives that it receives from CSA for comment.

In witness whereof, the Grantee and the Delegate have executed this agreement as of the date first above written.

.....
Delegate

.....
Grantee

By:
Position:

By:
Position:

June 1979

BILLING CODE 6315-01-C

Appendix G to Subpart 1067.70—General Conditions Governing Grants

General conditions governing grants under titles II, III-B and VII of the Economic Opportunity Act of 1964, as amended (including amendments made by the Community Services Act of 1974).

Program funds expended under authority of this funding action are subject to the provisions of the Community Services Act of 1974, the general conditions listed below, any attached special grant conditions, and Community Services Administration (CSA) directives. The grantee is expected to inform CSA promptly if it fails to receive, or has reason to believe it has failed to receive, all CSA applicable directives or any attachments to the Statement of OEO Grant. Many of those provisions do not represent invariable policies of the CSA and exceptions should be requested in cases in which compliance with one or more of them would cause unnecessary difficulties in carrying out the approved program. Requirements found in grant conditions or CSA directives may be waived only by a written notification signed by an authorized CSA official. Any such waiver must be explicit; no waiver may be inferred from the fact that the funding action is responsive to a grant funding request which may have contained material inconsistent with one or more of these conditions.

1. Definitions. As used in these conditions:

(a) An "approved program" consists only of those activities described in the grant funding request for which funding is approved in the Statement of OEO Grant and its attachments (which may include modifications of proposed activities) or in CSA approved written amendments to the Statement of OEO Grant.

(b) "Program account funding period" extends from the effective date of a new or refunding action through the termination date or expiration of planned number of months for which funding is provided.

(c) "Total program funds" refers to all amounts approved for expenditure for the approved program as shown on the Statement of OEO Grant, whether such amounts are derived from Federal or non-Federal sources, or whether they are provided in cash or in kind.

(d) "CSA directives" are statements of policy and procedure published in the CSA publications system.

2. *Applicability of conditions to delegate agencies.* These conditions are applicable both to the grantee and to any delegate agency or organization that, pursuant to an agreement with the grantee, undertakes responsibility for any part of the approved program. Such an agreement may be entered into only if (1) the intention to make such a delegation to the particular agency has been set forth in the funding request for this grant action or has otherwise been approved by CSA, and (2) the contract contains all of the provisions found in the approved "Standard Contract Form for Delegation of Program Accounts."

3. *Limitations on expenditure of program funds.* Expenses charged against program funds may not be incurred prior to the effective date of the grant or subsequent to

the grant termination date and may be incurred only as necessary to carry out the purposes and activities of the approved program. Such expenditures may not exceed the maximum limits shown on the Statement of OEO Grant or those subsequently approved for that approved program, subject to allowable flexibility guidelines published by CSA. All expenses incurred for the approved program must be supported by approved contracts, purchase orders, requisitions, bills, or other evidence of liability consistent with the grantee or delegate agency's established purchasing procedures. Expenses charged against program funds must also be incurred in accordance with CSA directives. Liabilities of the grantee or its delegate agencies to third parties as a result of termination action which are costs of phasing out in accordance with CSA directives or are specifically approved shall be considered proper expenditures of program funds. CSA will determine the disposition of unexpended funds at the termination of the grant.

4. *Limitations of expenditures of Federal funds.* Expenditures of funds derived from Federal grant funds must not exceed in any event the amount of the Federal grant shown in the Statement of OEO Grant, (Column 9, OEO Form 314). Moreover, if a minimum non-Federal percentage of program funds is shown in the Statement of OEO Grant (Column 10, OEO Form 314), the portion of the total expenditures of the approved program derived from non-Federal sources, valued in accordance with CSA Instructions, must not be less than that minimum percentage of the total program funds for the approved program. This requirement must be met for each program account funding period, and should be substantially true for each financial reporting period. Deficiencies of non-Federal share in one program account may be supplied by an excess in other program accounts consistent with applicable CSA Instructions concerning the pooling of non-Federal share. Further, the amount of total program funds derived from Federal grant funds must not exceed the grantee's allowable costs for the approved program which have been or are to be paid in cash.

5. *Property.* No program funds may be expended or costs incurred for the purchase of real property except as in accordance with regulations on the acquisition, ownership, and disposition of personal property as set forth in CSA directives.

6. *Discrimination prohibited.* No person in the United States shall on the ground of race, color, religion, sex, age, or national origin, be excluded from participation in, be denied the proceeds of, or be subject to discrimination under the program approved as a result of this funding request. The grantee and its delegate agencies will comply with the regulations promulgated by the Director of CSA, pursuant to the Civil Rights Act of 1964, and pursuant to the Community Services Act of 1974.

7. *Discrimination in employment prohibited.* In all hiring or employment made possible by or resulting from this grant action, each employer (1) will not discriminate against any employee or

applicant for employment because of race, color, religion, sex, age, or national origin; and (2) will take affirmative action to ensure all applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, age, or national origin. This requirement shall apply to, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates or pay or other forms of compensation; and selection for training, including apprenticeship. The grantee and its delegate agencies shall comply with all applicable Statutes and Executive Orders on equal employment opportunity and this grant action shall be governed by the provisions of all such Statutes and Executive Orders, including enforcement provisions, as implemented by, but not limited to, CSA directives.

8. *Religious institutions.* The grantees and its delegate agencies shall ensure that any part of the approved program that is conducted by a church or church related institution is entirely non-sectarian in content and purpose, and that CSA directives on grants and delegations to churches or church related institutions are satisfied.

9. *Labor standards.* All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this grant shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-5).

10. *Patents.* Any discovery or invention arising out of or developed in the course of work aided by the grant shall be promptly and fully reported to the Director of CSA for determination as to whether patent protection on such invention or discovery shall be sought and how the rights in the invention or discovery, including rights under any patent issued thereon shall be disposed of and administered, in order to protect the public interest.

11. *Copyrights.* If the grant results in a book or other copyrightable material, the author is free to copyright the work, but CSA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, all copyrighted material and any material which can be copyrighted resulting from the approved program.

12. *Reports, records, and inspections.* The grantee and its delegate agencies shall submit financial, program progress, evaluation, and other reports as required by CSA directives, and shall maintain such property, personnel, financial and other records and accounts as are deemed necessary by CSA to assure proper accounting for all program funds. The grantee and its delegate agencies and contractors shall permit on-site inspections by CSA representatives, and shall effectively require employees and board members to furnish such information as, in the judgment of the CSA representatives, may be relevant to a question of compliance with grant

conditions and CSA directives, or the effectiveness, legality, and achievements of the program. All grant records will be made available to the authorized representatives of CSA or the Comptroller General of the United States, and will be retained for three years after the expiration of this grant unless permission to destroy them is granted by the Director of CSA.

13. *Covenant against contingent fees.* The grantee warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this funding action upon an agreement or understanding for commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant the government shall have the right to annul this funding action without liability or, in its discretion, to deduct from the grant or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee, or to seek such other remedies as may be legally available.

14. *Suspension and termination.* The Director of CSA may in accordance with published regulations, suspend or terminate this grant in whole or in part for cause, which shall include: (1) failure or unwillingness of the grantee or its delegate agencies to comply with the approved program including attached conditions, with applicable statutes and Executive Orders, or with such CSA directives as may become generally applicable at any time; (2) submission by the grantee or its delegate agencies to CSA of reports which are incorrect or incomplete in any material respect; (3) ineffective or improper use of Federal funds by the grantee or its delegate agencies; (4) making any change which significantly impairs the representative character of the grantee's policymaking body or the grantee's capacity to enlist community support; (5) failure of the grantee either to adequately monitor and evaluate program activities delegated to other agencies, or to provide effective guidance to such agencies in carrying out the purpose and activities of the portions of the approved program delegated to them. This grant may also be suspended or terminated in whole or in part in the event the grantee is a Community Action Agency and a new agency is recognized by CSA as the Community Action Agency for all or part of the area served by the grantee in accordance with CSA directives. In such event part of the grant funds and the grantee's or delegate agencies' functions, obligations, records (or copies), authority and property relating to assistance provided to the grantee or its delegate agencies under this funding shall be transferred by the grantee and its delegate agencies to such newly recognized agency. No suspension or termination will effect any expenditures or legally binding commitments made prior to receiving notice of the suspension or termination, provided such expenditures or commitments were made in good faith and not in anticipation of termination and are otherwise allowable. Funds shall not be treated as committed for this purpose solely by virtue of a grantee's contract or other commitment to a delegate agency. Upon suspension or termination, the disposition of unexpended Federal funds and property purchased with program funds will be subject to CSA direction.

15. *Successor authority of Community Services Administration.* By virtue of the Community Services Act of 1974 (P.L. 93-644), the Community Services Administration (CSA) is, in all respects and for all purposes, the successor authority to the Office of Economic Opportunity (OEO).

Pursuant to section 601(d)(2) of the Community Services Act of 1974, all references to the Office of Economic Opportunity, in official documents including but not limited to, grant documents and regulations, shall be deemed to refer to the Community Services Administration, as set forth in OEO Notice 6000-3 "Successor Authority to the Office of Economic Opportunity," dated January 15, 1975 and published in Volume 40 of the *Federal Register* at page 3213 (January 20, 1975).

All references to "CSA Directives" or "CSA Instructions" in these general conditions, and special conditions attached hereto and the grant-making documents themselves shall be read so as to include all regulations issued by the Office of Economic Opportunity and any subsequent regulations issued by the Community Services Administration. Such regulations, whether referred to as "OEO" or "CSA" regulations, Instructions or Notice, remain in force and are deemed to be the policy statements of the Community Services Administration until superseded, rescinded, or changed.

All references herein to "Statement of OEO Grant", or a portion thereof, are deemed to refer to the document, regardless of form or title, utilized by the Community Services Administration to make grants under the authority of the Community Services Act of 1974.

All references to the Community Services Act of 1974 shall be read so as to include the Economic Opportunity Act of 1964 as amended.

BILLING CODE 6315-01-M

APPENDIX H TO SUBPART 1067.70—CROSS REFERENCE OF OLD AND NEW FORMS

CROSS REFERENCE OF OLD AND NEW FORMS:

SECTION OF MANUAL	OLD FORM RETAINED	NEW FORM	REPLACES OLD FORM
Planning		CSA 510, "Grantee Plan and Summary Data Certification" CSA 511, "Four Year Plan Statement"	None
Eligibility		CSA 395, rev. 1/79, "Grantee Refunding Certi- fication"	OEO 395, "Grantee Refunding Certifica- tion" CAP 11, "Assurance of Compliance with the OEO's Regulations Under Title VI of the Civil Rights Act of 1964" CAP 82, "Maintenance of Effort Certi- fication"
Grant Applica- tion/Funding Request	Affirmative Action Plan AAP Data Sheet SF 424, "Federal As- sistance"	CSA 512, "Grantee Work Pro- gram Summary and Applica- tion Certification" CSA 513, "Grantee Board and Participants Character- istics" CSA 514, "Grantee Work Pro- gram and Progress Report"	OEO Form 394, "Checkpoint Procedures for Coordination" CAP 84, "Participant Characteristics Plan" CAP 3, "CAA Basic Information (partly)" CSA 419, "Summary of Work Programs and Budget" CSA 440, "Project Progress Review Report"

APPENDIX H

CROSS REFERENCE OF OLD AND NEW FORMS:

SECTION OF MANUAL	OLD FORM RETAINED	NEW FORM	REPLACES OLD FORM
Grant Application/Funding Request - (Cont)		*CSA 515, "Grantee Budget Information" CSA 509, "Delegate Agency Basic Information/Funding Estimate" SF 100, "Employer Information Report EEO-1"	CAP 25, "Program Account Budget" CAP 25a, "Program Account Budget Support Sheet" CAP 87, "Delegate Agency Basic Information"
Grant Package	CSA 314, "Statement of CSA Grant" CSA 25c, "Explanation of Budget and Work Program Changes" CSA 29, "Special Condition"		
Amendments	CSA 25b, "Justification for Program Account Amendment" SF 424, "Federal Assistance"	CSA 512, "Grantee Work Program Summary and Application Certification" CSA 513, "Grantee Board and Participants Characteristics" CSA 514, "Grantee Work Program and Progress Report"	OEO Form 394, "Checkpoint Procedure for Coordination" CSA 419, "Summary of Work Programs and Budget"

APPENDIX H

CROSS REFERENCE OF OLD AND NEW FORMS:

SECTION OF MANUAL	OLD FORM RETAINED	NEW FORM	REPLACES OLD FORM
Reporting	Affirmative Action Plan AAP Data Sheet	CSA 512, "Grantee Work Pro- gram Summary and Application Certification" CSA 513, "Grantee Board and Participants Character- istics" CSA 514, "Grantee Work Pro- gram Progress Report"	CSA 440, "Project Progress Review Report"

[FR Doc. 79-26607 Filed 8-29-79; 8:45 am]
BILLING CODE 6315-01-C

Department of Energy Federal Register

Thursday
August 30, 1979

Part III

Department of Energy

Privacy Act of 1974; Systems of Records

DEPARTMENT OF ENERGY

Privacy Act of 1974; Proposal To Consolidate and Republish Previously Established Systems of Records; Adoption of Previously Proposed System; Proposal of New systems; Proposed Deletion of Systems

AGENCY: Department of Energy (DOE)

ACTION: Proposal to consolidate and republish previously established systems of records; adoption of one previously proposed system; proposal of eight new systems not previously noticed; and proposes deletion of two systems.

SUMMARY: The systems of records established or proposed by DOE's predecessor agencies were formally transferred to the Secretary (or to the Federal Energy Regulatory Commission (FERC) within the Department, as appropriate to their respective functions) (42 FR 54856, October 11, 1977). Since certain of these systems described like records and the description of other systems were no longer accurate in some respects, DOE is consolidating and republishing its systems. While this proposal does not, in the main, address those systems transferred to the FERC, a number of those systems are affected, as further discussed herein.

Additionally, DOE is formally noticing the adoption of a system previously proposed by the Department, proposing eight new systems not heretofore noticed, and proposing the deletion of two systems formerly noticed by predecessor agencies.

DATES: Written comments on or before October 1, 1979.

ADDRESSES: Written comments should be directed to the following address:

U.S. Department of Energy
Public Hearing Management
2000 M Street, NW., Room 2313
Box WQ
Washington, DC 20461

FOR FURTHER INFORMATION CONTACT:

Milton Jordan, Director
U.S. Department of Energy
Division of FOI and Privacy Acts Activities
Forrestal Building, Room GB-137
Washington, DC 20585
(202) 252-5955

William D. Luck
U.S. Department of Energy
Office of General Counsel
12th and Pennsylvania Avenue, NW.
Room 6144
Washington, DC 20461
(202) 633-9296

SUPPLEMENTARY INFORMATION:

- I. Report on New Systems: Proposal to Consolidate and Republish Previously Established Systems.
- II. Discussion: Adoption of Previously Proposed System and Proposal to Establish a New Subsystem to that System.
- III. Report on New Systems: Proposal of Eight New Systems, Not Previously Noticed.
- IV. Discussion: Proposal to Delete Two Systems Previously Established by Predecessor Agencies.
- V. Comment Procedures.
- VI. Table of Contents of All DOE Systems as Adopted or Proposed.
- VII. Table Correlating DOE Proposed System Designations with Those of Predecessor Agencies.
- VIII. Table Correlating Predecessor Agency System Designations with Those Proposed by DOE.
- Listing of All DOE Systems as Adopted or Proposed.

I. Report on New Systems: Proposal To Consolidate and Republish Previously Established Systems

A. Background: This Report on New Systems, covering the proposed consolidation of previously established systems into 59 systems, is submitted by the Department of Energy (DOE), as required by the Privacy Act of 1974, 5 U.S.C. 552a(o), and paragraph 2a(2) of Transmittal Memorandum No. 1 to Office of Management and Budget (OMB) Circular A-108. OMB Circular A-108 requires a Report on New Systems by a Government agency whenever a new system of records is proposed or there occurs a change in the number or types of individuals on whom records are maintained; and expansion in the type or categories of information maintained; an alteration in the manner in which the records are organized, indexed, or retrieved so as to change the nature of scope of those records; an alteration in the

purposes for which the information is used; or a change in the equipment configuration on which the system is operated so as to create the potential for either greater or easier access.

The DOE was established by the Department of Energy Organization Act (Pub. L. 95-91) (DOE Act), which was made effective October 1, 1977, by Executive Order 12009, dated September 13, 1977 (42 FR 46267, September 15, 1977). The DOE Act consolidated in DOE various energy functions previously performed by several Federal agencies so that Federal energy policy and programs might be effectively coordinated and administered. The DOE Act transfers to, and vests in, the Department and the independent collegial body within the Department, the Federal Energy Regulatory Commission (FERC), the functions of the former Federal Energy Administration, the former Energy Research and Development Administration, the former Federal Power Commission, and certain functions previously performed by several other departments and entities.

The departments, agencies, and commissions, or components thereof, which, prior to the DOE Act, discharged the functions which that Act vests in the DOE, established and proposed certain systems of records in accordance with the Privacy Act of 1974 and the substantive authorities vested in them. Those systems of records (or portions thereof) either in existence or proposed prior to October 1, 1977, which relate to the functions which were transferred by the DOE Act to either the Secretary of Energy or to the FERC (or delegated to the FERC by the Secretary) were formally transferred to the Secretary and to the FERC, as appropriate to their respective functions (42 FR 54856, October 11, 1977). In addition, since the formal transfer to DOE of systems of records maintained or proposed by its predecessors, the Department has amended certain of its systems, and proposed the establishment of another (this last matter is taken up in Section II of SUPPLEMENTARY INFORMATION).

At this time, DOE is proposing to consolidate, rename, and renumber its systems of records, in order to better reflect their character as DOE systems, rather than as systems of DOE's predecessor agencies. In some cases, systems with overlapping concerns are being merged. This is the case, for example, with regard to personnel records, travel records, and other administrative records, where predecessor agencies had each established separate systems, but DOE requires only one system for each category of records. In other cases, systems which may have applied only to personnel or regional offices of one predecessor agency have been broadened to encompass larger numbers of employees or facilities.

Accordingly, DOE is publishing the reorganized and renumbered systems which it is proposing. It is intended that at the expiration of the 60-day advance notice period these systems will be operated as proposed. In the interim, DOE will continue to operate each of its current systems of records in accordance with the corresponding system description most recently published.

The most recent republication notices for the DOE systems so affected are as indicated.

Agency Establishing System and Where Noticed

Federal Energy Administration

42 FR 53480 (September 30, 1977) for systems FEA-1 through FEA-23

42 FR 54450 (October 6, 1977) for FEA-24 and FEA-25

Energy Research and Development Administration

42 FR 53435 (September 30, 1977)

Federal Power Commission

41 FR 38932 (September 13, 1976)

Department of the Interior (for functions transferred to DOE from the Bureau of Mines, Bureau of Reclamation, and the Power Administrations)

42 FR 18968 (April 11, 1977). See also 43 FR 13640 (March 31, 1978), noticing the transfer of former Interior systems to DOE.

Additionally, subsequent to the publication of the notices just referenced, DOE proposed amendments to the following systems. In each case, no comments to the contrary were received and, by the terms of the proposal notice, the amendments were therefore adopted as proposed at the expiration of the comment period. The following systems were so amended:

System and Where Noticed

System FEA-14, 43 FR 18739 (May 2, 1978)

System FEA-23 43 FR 32855 (July 28, 1978)

B. Effect on Federal Energy Regulatory Commission: It should be noted that in general this Report pertains only to that portion of the DOE which excludes the FERC. This Report concerns the FERC only in that seven systems of records, formerly maintained by the FERC's predecessor, the Federal Power Commission (and by virtue of the previously mentioned transfer of systems to the Secretary and FERC, now formally noticed as being maintained by the FERC), will be incorporated entirely into systems to be formally maintained

by DOE. Additionally, one other FERC system will be incorporated in part into a DOE system. The affected FERC systems are those designated as FPC-1, Appeals, Grievances and Complaint Records (in part); FPC-9, Computer Usage Production Statistics for the Office of Regulatory Information Systems; FPC-13, Data Operator Performance Statistics for the Office of Regulatory Information Systems; FPC-19, Mailing List for News Releases; FPC-20, Pay and Pay-Related Records; FPC-21, Personnel Investigations Records; FPC-22, Personnel Records, and FPC-23, Recruiting, Examining and Placement Records.

C. Effect on Individual Privacy and Safeguards Against Unauthorized Access: The consolidation of these systems should have no negative effect on the privacy and other rights of subject individuals. The restructuring of DOE's systems is largely a technical matter. The agency is not creating any more covered records as a result of this action. Indeed, from the perspective of safeguarding against unauthorized access to covered records, the proposed consolidation should have a salutary effect, since it will eliminate situations where different officials were formally responsible for maintaining substantially identical records only because of differing historical derivations of particular systems.

D. Regulations to Implement the Privacy Act: DOE has not yet established Department-wide regulations to implement the Privacy Act, since the consolidations discussed herein were considered necessary prior to proposal of such rules. Until such time as DOE proposes and adopts such Privacy Act regulations, the Department is operating under the Privacy Act regulations of both the former FEA (10 CFR Part 206) and the former ERDA (10 CFR Part 708). This is reflected in the Notification, Record Access, and Contesting Records sections of the various system descriptions, which indicate that "DOE will determine whether 10 CFR Part 206 or Part 708 will apply." Generally, this determination will be made, if possible, by reference to the historical antecedent for the system and/or the record(s) in question. All such determinations will be made on a case-by-case basis. It is hoped that DOE will publish proposed regulations soon and this proposed consolidation should hasten that result.

Those systems under the control of the FERC remain governed by the regulations of the former Federal Power Commission, 18 CFR Part 3b.

II. Discussion: Adoption of Previously Proposed System and Proposal To Establish a New Subsystem to That System.

On September 1, 1978, DOE proposed a system designated at that time as DOE-X, Participants in Experiments, Studies, and Surveys (43 FR 39171). At this time, DOE is adopting the system, as amended in certain respects, and proposing the establishment of an additional subsystem to the system. Under the proposed renumbering of systems contemplated by this notice the system will be known as DOE-67, Participants in Experiments, Studies, and Surveys.

A. Deletion of Proposed Subsystem: One proposed subsystem of DOE-67 was to have covered records generated in response to a survey instrument identified as EIA-86, Residential Energy Consumption Survey. However, DOE is still in the process of revising this form and expects to issue it in approximately 6 months. As a result, the proposed subsystem pertaining to those records has been deleted; it will be repropounded at a later date.

B. Adoption of Subsystems A and B: Greater Specificity in System Description: The Office of Management and Budget, in its September 25, 1978 letter to DOE acknowledging the report on new systems for DOE-X and granting DOE's request for waiver of the 60-day advance notice period to Congress and OMB, suggested that DOE describe the subsystems of DOE-X in greater detail. Accordingly, DOE in this respect has amended the system description previously proposed. DOE-67, as so amended, is contained in the Listing of All DOE Systems as Adopted or Proposed (see Section IX of SUPPLEMENTARY INFORMATION). While the amendments serve to better describe the subsystems of DOE-67, DOE does not consider the amendments to be so significant as to require proposal of DOE-67 as a new system. Therefore, Subsystems A and B, which correspond to portions of the system previously proposed, are hereby adopted as amended.

C. Comments Received on Proposal to Establish DOE-X: Two comments were received by DOE in response to the Federal Register notice proposing DOE-X. However, neither comment has resulted in any amendment to the system. Both EXXON Company, U.S.A. and Kerr-McGee Corporation, as companies required to file form EIA-23, took exception to language in the Report on New Systems and in the "routine uses" section of the system description which suggested that disclosure of covered records outside DOE might occur in appropriate cases. The comments were to the effect that the companies did not favor their responses to the EIA-23 being treated in such a manner. However, since the Privacy Act definition

of "individual" covers only natural persons and since both the notice and system description indicated that the only submitters of form EIA-23 to be covered by the system are "individuals," DOE does not consider the companies' comments to be pertinent, because their responses to the EIA-23 are not part of the system of records.

None of the persons whose records are encompassed by those subsystems of DOE-67 proposed in the DOE-X notice submitted comments on the proposal.

D. Proposal to Establish a New Subsystem of DOE-67

1. Purpose: The Energy Information Administration (EIA) of DOE is developing a program to produce data on energy consumption for major sectors of the economy. The data base for energy consumption in the residential sector of the economy is a survey of households. The first survey, the Form EIA-84, National Interim Energy Consumption Survey, is currently in the field and for purposes of the Privacy Act, the resultant records have been established as Subsystem B in DOE-67. Personal transportation is included in the EIA-84 survey, but those personal transportation data are based on respondent claims of miles traveled and miles-per-gallon for vehicles operated by the household. More accurate methods of measuring vehicle fuel economy in personal transportation are needed, since 43 percent of the direct energy used by households is consumed by household vehicles.

The EIA plan to produce this transportation data is to develop a Transportation Panel whose members would keep records on their fuel purchases and miles traveled. Data on personal transportation, based on the actual use of individual vehicles, will include annual fuel consumption, annual miles traveled, and mileage. The data will be used by DOE and the Department of Transportation for planning purposes and to monitor fuel consumption and vehicle efficiency in the transportation sector.

To obtain such data, DOE plans to conduct a preliminary methodology pretest using Form EIA-141, Transportation Panel. This proposed form has been submitted for clearance to the Office of Management and Budget, in accordance with the provisions of the Federal Reports Act. The methodological pretest will involve two groups of households—a sample of 192 households to test the panel instruments and procedures, and a sample of 60 households to obtain variance estimates. The pretest samples will be selected from the 4,400 households surveyed by the EIA-84. Two types of households will be omitted from the methodological pretest sample: (1) households which had no cars, trucks, or similar vehicles at the time of the household interview; and (2) households which moved between the time of the household interview and the beginning of the transportation panel survey period.

2. Authority, Potential Consequences on Individual Privacy and Safeguards Against Unauthorized Access: Since this data collection effort is so closely related to that involving the Form EIA-84, the records of which are being maintained as Subsystem B of DOE-67, these heading topics are addressed in a fashion virtually identical to the treatment of the Subsystem B records, as more fully set forth in the accompanying system description of DOE-67 in the Listing of All DOE Systems as Adopted or Proposed (see Section IX of SUPPLEMENTARY INFORMATION).

III. Report on New Systems: Proposal of Eight New Systems, Not Previously Noticed

A. Background: This Report on New Systems, consisting of eight separate parts, is submitted by the Department of Energy (DOE) as required by the Privacy Act of 1974, 5 U.S.C. 552a(o), and paragraph 2a(2) of Transmittal Memorandum No. 1 to Office of Management and Budget (OMB) Circular A-108. OMB Circular A-108 requires a Report on New Systems by a Government agency whenever a new system of records is proposed or certain significant changes occur to previously established systems. At this time, DOE is proposing to establish eight systems of records not heretofore noticed. Their proposed designations are as follows:

- DOE-10, Time and Accountability Records.
- DOE-11, Emergency Locator Records.
- DOE-53, Automatic Data Processing (ADP) Management Records.
- DOE-57, Congressional Profiles.
- DOE-60, Environmental Impact Document Monitoring, Processing, and Correspondence Tracking System (IMPACT).
- DOE-62, Historical Files—Published Information Concerning Selected Persons in the Energy Field.
- DOE-65, Energy Extension Service Records.
- DOE-66, Minority Energy Technical Assistance (META) Program Records.

In one case, that of DOE-11, two subsystems of the proposed system had been previously established as separate systems. In addition to making those systems subsystems of a larger, generic system,

this proposal would add to the larger system an additional subsystem consisting of records not previously noticed. The other proposed new systems consist entirely of records not previously noticed. The eight separate portions of this Report on New Systems follow. The system descriptions for these eight systems are contained in the Listing of All DOE Systems as Adopted or Proposed (see Section IX of SUPPLEMENTARY INFORMATION).

B. DOE-10, Time and Accountability Records

1. Purpose: Certain DOE offices, in order to monitor and manage effectively the work they are engaged in, to enable a prudent allocation of their personnel resources, and to plan for future requirements maintain time and accountability reports. This proposed system consists of three subsystems, one each covering such reports pertaining to (1) personnel in the Offices of Enforcement and Special Counsel within the Economic Regulatory Administration, (2) personnel in the Office of Energy Data of the Energy Information Administration, and (3) the attorneys and paraprofessionals in the Office of General Counsel. The specifics of the three subsystems are addressed in detail in the accompanying documentation.

2. Authority: This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: The records maintained in connection with this proposed system contain only the minimum information necessary for the effective management of the offices concerned. As the system description for this system indicates, there is very little, if any, information retained which would ordinarily be considered to be personal. Also, with regard to each of the subsystems, the records are maintained not to monitor the work performance of individuals, but rather to better understand, control, and prepare adequately for the work flow of the office involved. As a result, DOE does not believe that the maintenance of this system will have any substantial effect on the privacy and other personal or property rights of the subject individuals.

The safeguards for these subsystems are considered to be more than adequate. Access is restricted to authorized management personnel in each subject office, on a need-to-know basis. The technical safeguards for the respective subsystems are recited in the accompanying system description.

C. DOE-11, Emergency Locator Records

1. Purpose: The systems designated as FEA-23, Telephone Numbers and Addresses of DOE Senior and Support Staff, and FEA-24, Strategic Petroleum Reserve Emergency Personnel List, were originally established as a necessary precaution to guard against an emergency situation during which the appropriate official could not otherwise be contacted. Given the similarity of purpose of these two systems, and given the present need to formally establish a system of records to encompass similar records maintained for similar purposes by the Department's Energy Information Administration (EIA), DOE is proposing these three systems as subsystems of a proposed system to be designated as DOE-11, Emergency Locator Records. This arrangement is administratively more convenient for DOE than having three separately established systems, in that it more readily enables the future establishment of additional subsystems, if necessary. The consolidation of these systems into one system should also serve to simplify for the public the task of identifying these related systems from among the list of other DOE systems.

2. Authority: This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: The consolidation of these three systems into one system with three subsystems should have no effect on either the privacy and other rights of subject individuals, or on the safeguards employed against unauthorized access.

With respect to the establishment of the Energy Information Administration component of this proposed system, DOE does not believe that the maintenance of the subsystem will have any substantial effect on the privacy and other personal or property rights of individuals, since no information is or will be retained in the subsystem other than that which is given voluntarily to the EIA by the subject individuals. The use of the EIA locator records is totally internal to EIA operations, with no access to information contained therein allowed to persons other than those in the immediate office of the EIA Administrator. This limited distribution of these records, coupled with the limited intended use of the records contained in this subsystem, indicates that the operation of the subsystem will have

minimal effect on individual privacy and other personal or property rights.

D. DOE-53, Automatic Data Processing (ADP) Management Records

1. Purpose: A significant function of the DOE Office of ADP Services, located within the Department's Energy Information Administration (EIA), is to manage access to the EIA computer system and to provide some measure of assurance that sensitive information is being properly safeguarded. In order to accomplish this function, it is necessary to record and continually reference the names and other identifying information about those persons who are authorized users of the computer system.

2. Authority: This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: The records maintained in connection with this proposed system contain only the minimum information necessary for the management of the EIA computer system. As the system description for this system indicates, there is very little, if any, information retained which would ordinarily be considered to be personal.

Even to the extent that the information could be considered to be personal, it is not information of a sensitive nature. As a result, DOE does not believe that the maintenance of this system will have any substantial effect on the privacy and other personal or property rights of the subject individuals.

In addition, given the described nature of the records, the level of safeguards is considered to be adequate, notwithstanding that lower risk storage alternatives were available. Access of these records is limited to authorized personnel on a need-to-know basis.

DOE-57, Congressional Profiles

1. Purpose: DOE personnel, particularly those within the Office of Congressional Affairs, have a continuing need in the ordinary course of conducting the Department's business to keep informed of stands taken on energy issues by members of Congress and to have available some minimal background information on each member and the member's district or State. Having such information on file enables DOE to be better informed, more accurate, and more responsive in its dealings with Congress. As a result, DOE collects and maintains publicly available information (derived from published sources, releases by members' offices, abstracts from the Congressional Record, committee hearings, and other public sources) by the name of each individual member of the current Congress.

2. Authority: This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: DOE does not believe that the maintenance of this system will have any substantial effect on the privacy and other personal or property rights of the subject individuals. The records retained in this system are not of a sensitive nature; they are compiled from public sources and consist of the kind of information generally available about public figures. Nonetheless, these records are maintained in a building with a 24-hour guard service and access is limited to authorized personnel on a need-to-know basis.

F. DOE-60, Environmental Impact Document Monitoring Processing and Correspondence Tracking System (IMPACT)

1. Purpose: This system is designed to assist the Assistant Secretary for Environment (ASEV) (i) in distributing to interested persons copies of draft and final environmental impact statements (EIS) and notices concerning their publication, comment extensions, and hearings; (ii) in determining whether comments and/or requests for additional information have been submitted in a timely manner; (iii) in determining the status of the National Environmental Policy Act (NEPA) comment process for a specific project or program; (iv) in determining the magnitude and scope of response to any particular EIS; and (v) in maintaining a record of correspondence in case of future litigation.

Whenever an individual contacts DOE requesting or commenting on a NEPA document, his/her name, address, and affiliation (and, if apparent, population segment, e.g., Federal Government, public interest group, library, etc.) are recorded in the system, as are the date of the contact, the NEPA document referenced, and related information.

The ASEV Office of NEPA Affairs uses information contained in this system in planning its activities for assuring compliance with NEPA, such as the review and distribution of NEPA-related docu-

ments. The correspondence-tracking features of the system are intended to better enable DOE's ASEV to comply with certain statutory requirements of NEPA, Council on Environmental Quality (CEQ) guidelines relating to the implementation of NEPA, and related executive orders and judicial decisions. Section 102 of NEPA establishes the requirement for the preparation of EIS's and 40 CFR 1500.9(d) of the CEQ guidelines requires that "agency procedures should make provisions for facilitating the comments of public and private organizations and individuals by announcing the availability of draft environmental statements . . ." and, " . . . maintain a list of groups . . . known to be interested in the agency's activities and directly notify such groups. . . ."

The prime function of the system is to select individuals to receive NEPA documents relative to their particular interests, based upon the individuals' prior requests, comments, or self-described interests. The system is used to produce mailing labels and letters as needed for the selected individuals and to record the receipt and/or acknowledgement of their requests or comments. The system may be queried to determine if all requests have been answered, or to analyze the population segments, location, or other demographic characteristics of the correspondents on any specific NEPA document. This in turn assists the Office of NEPA Affairs in planning its activities.

The system also tracks the procedural history and status of the DOE NEPA review process for each particular NEPA document.

2. Authority: This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

Authority for the maintenance of this system is contained in Sections 102(13) and 203 of the Department of Energy Organization Act, which specify that DOE carry out environmental responsibilities and functions, including determining the conformance of DOE activities to environmental protection laws and policies. In addition, the National Environmental Policy Act, Pub. L. 91-190, and Council on Environmental Quality guidelines require that all Federal agencies disseminate to the public pertinent information relative to the NEPA process.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: The records maintained in connection with this proposed system contain only the minimum information necessary to the management of the NEPA comment process. As the system description for this system indicates, there is very little, if any, information retained which would ordinarily be considered to be personal. Even to the extent that the information could be considered to be personal, it is not information of a sensitive nature. As a result, DOE does not believe that the maintenance of this system will have any substantial effect on the privacy and other personal or property rights of the subject individuals.

It might be argued that the use of a computerized recordkeeping system as part of a data retention function could increase the risk of unauthorized access to the extent that the computer system's access method can be violated. A lower risk alternative would be to record the information contained in the system manually. However, the argument against the computerization of the records was not considered sufficiently persuasive in light of the aims of the IMPACT program. Given the continuing increase in EIS-related correspondence, the manual retrieval of these records would be more likely to result in a lower level of service to DOE's correspondents on NEPA matters and greater confusion in determining whether all interested parties were being properly informed. In addition, given the described nature of the records, the level of safeguards is considered to be more than adequate, notwithstanding the lower risk storage alternative which is available. This system will be operated via a dual-level password mechanism with access and control limited to the ASEV and specified personnel in the Office of NEPA Affairs.

G. DOE-62, Historical Files—Published Information Concerning Selected Persons in the Energy Field

1. Purpose: The Historian's Office within the Executive Secretariat of the Department of Energy is responsible for assembling significant materials on the history of the Federal role in energy development in the United States. In furtherance of this function, published information (from newspaper and magazine articles, press releases, announcements, and speeches) is collected and maintained by individual name, regarding individuals whom the Historian's Office considers to be prominently involved in historic events of interest to the energy community. The resulting materials are used both in the preparation of official histories and in responding to specific requests for historical information.

2. Authority: This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, to prescribe such procedur-

al and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: DOE does not believe that the maintenance of this system will have any substantial effect on the privacy and other personal or property rights of the subject individuals. The subject individuals are persons of at least some public renown. The records retained in this system are not of a sensitive nature; they are compiled from public sources and consist of the kind of information generally available about public figures. Nonetheless, these records are maintained in locked vault, and the Historian's Office must authorize any release of these documents.

H. DOE-65, Energy Extension Service Records

1. Purpose: Title V of the Energy Research and Development Administration Authorization Act of 1977 (Public Law 95-39) is the National Energy Extension Service Act (the Act). In Section 502 of the Act, Congress made the following findings:

(1) that the general welfare and the common defense and security require a greater public knowledge of energy conservation opportunities;

(2) that scientific identification and practical demonstration of specifically designed energy conservation opportunities, the dissemination of information relating thereto, and the prompt delivery and acceptance of specific energy conservation opportunities require a national effort;

(3) that the national effort required to develop, demonstrate, and encourage acceptance and adoption of energy conservation opportunities should be coordinated at the Federal level by the (Department of Energy);

(4) that a special effort must be made to develop and demonstrate practical alternative energy technologies such as solar heating and cooling;

(5) that successful implementation of energy conservation and new technologies will require both public awareness and individual capability to use the conservation opportunities and new technology;

(6) that this required awareness and capability can only be achieved on a national basis by an active outreach effort;

(7) that existing energy outreach programs are underfunded;

(8) that any Federal outreach program should be organized with the States as full participants, and each State should plan and coordinate the outreach activities within the State, optimizing the use of existing outreach capabilities;

(9) that Federal assistance should be provided for energy outreach activity, including coordinated energy outreach activities and technical support in each State for such efforts;

(10) that the (Department of Energy) should provide overall national direction and review of federally assisted State energy outreach programs.

As a result, the Act creates the Energy Extension Service (EES) and directs in Section 504 that the EES: shall develop and implement a comprehensive program for the identification, development, and practical demonstration of energy conserving opportunities, techniques, or methods responsive to local needs or resources, and alternative energy technologies such as solar heating and cooling, for—

(1) agricultural, commercial, and small business operations; and

(2) new and existing residential, commercial, and agricultural buildings or structures.

The program developed by the DOE EES is to be undertaken on a State-by-State basis by State Energy Extension Service, in accordance with those plans designed and submitted by the States under the Act which are approved by the DOE pursuant to the criteria detailed in the Act. The State EES's are to emphasize the provision of direct, face-to-face assistance to energy consumers and organizations that influence their energy consumption. The State EES's are not intended to duplicate or substitute for similar existing outreach activities, but rather to supplement them and provide for new forms of assistance. Where appropriate, full advantage is to be taken of the capabilities of existing State organizations in implementing the State EES's in order to avoid creating large new bureaucracies. Once a State's plan has been approved, DOE will provide funds adequate for the support of the proposed energy outreach plan (subject to the limitations contained in Section 512(c) (1) and (2) of the Act).

Section 505(b)(4) of the Act makes it a condition of approval of a State's plan that:

" . . . the State will maintain, or require other participating entities within the State to maintain, and make available upon request to the (DOE), such records with respect to the use and expenditure of any Federal funds paid to the State, or to entities within the State, under this title as the (DOE) may require."

Consequently, each State will maintain records on the name, address, and telephone number of State EES clients, in order to account for the contacts made by that State in the course of executing

its EES program. These records constitute what is described in the accompanying system description as subsystem A of the proposed system.

In addition, the Act imposes upon DOE an obligation to evaluate the implementation of the EES program by participating States. As a result of this requirement, DOE will maintain a list of all State EES employees, contractors, volunteers, and their project roles in the implementation of the various State EES programs. These records constitute what is more fully described in the accompanying system description as subsystem B of the proposed system.

2. Authority: The Energy Extension Service Act (also known as Title V of the Energy Research and Development Administration Authorization Act of 1977 (Pub. L. 95-39)) and the DOE regulations implementing that Act, 10 CFR Part 465 (43 FR 45536, October 2, 1978) to provide the programmatic authority for the maintenance of the records contained in both subsystems A and B of this proposed system.

The administrative predicate for the establishment of this system is the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: DOE does not believe that the maintenance of the system will have any substantial effect on the privacy and other personal or property rights of the subject individuals. With respect to subsystem A, no information is retained in the system other than that which is given voluntarily to the State EES's by the subject individuals. Moreover, as the system description indicates, there is little information retained which is of a personal nature, and to the extent the information is considered to be personal, it is not of a very sensitive nature. With respect to subsystem B, all of the information is really of a professional, as distinct from a personal, nature. And, in the case of both subsystems, the maintenance of the records stems from statutory requirements in the Energy Extension Service Act (discussed supra under Purpose).

Safeguards are considered to be adequate. For subsystem A records, the agreements with the States stipulate that the offices maintaining the records will exercise all diligence in controlling access to them, with only authorized personnel and routine users allowed access. All personnel who handle or process these records are instructed and cautioned as to the confidentiality of the data and its proper disposition. For subsystem B, the records are retained in lockable metal file cabinets, with access limited to authorized personnel on a need-to-know basis.

I. DOE-68, Minority Energy Technical Assistance Program (METAP) Records

1. Purpose: The Department of Energy has recently taken steps to encourage participation in energy conservation programs by minority and low-income persons. DOE has funded a grant to the Center for Urban Environmental Studies (CUES), a nonprofit, nonpartisan organization, to design, develop, and implement a pilot project known as the Minority Energy Technical Assistance Program (METAP). The project will have a duration of approximately two years. The purpose of METAP is to test a model program for use in educating State and local officials in energy conservation. The three primary elements of the project will be (a) a needs assessment survey to determine the levels of awareness and interest on energy matters of the sample group of State and local elected officials, (b) a training program for such officials, and (c) development of an information and referral system. Should the pilot program be successful, it will be made available for use among all elected officials. The records which will be generated in the course of conducting the needs assessment survey will be specific as to the official queried, and it is these records which constitute this system of records.

2. Authority: Section 5(b)(7) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, directs the Secretary, to the extent he is otherwise authorized to "develop and oversee the implementation of equitable voluntary and mandatory energy conservation programs and promote efficiencies in the use of energy resources." Section 381(b)(1)(A) of the Energy Policy and Conservation Act, Pub. L. 94-163, provides that the Secretary shall "establish and carry out a responsible public education program—to encourage energy conservation and energy efficiency."

The administrative predicate for the establishment of this system is the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

3. Potential Consequences on Individual Privacy and: 4. Safeguards Against Unauthorized Access: DOE does not believe that the maintenance of this system will have any substantial effect on the privacy and other personal or property rights of the subject individuals. The subject individuals are elected officials and, therefore, persons of at least some public renown. The records to be retained in this system will not be of a personal nature; they will reflect the perceptions of the sampling of elected officials, with respect to their energy information needs and those of their constituents. Nonetheless, the records will be accorded the safeguards described in the accompanying system description.

IV. Discussion: Proposal to Delete Two Systems Previously Established by Predecessor Agencies

The Office of Management and Budget, which according to the Privacy Act is responsible for providing "continuous assistance to and oversight of the implementation of (the Act) by agencies," has interpreted the term "individual" (as defined in the Act) in such a way as to suggest that a collection of records about individuals acting in their entrepreneurial capacity, as opposed to their personal capacity, does not constitute a "system of records" (also as defined by the Act) requiring formal establishment and maintenance. OMB's Privacy Act Guidelines of July 1, 1975 (40 FR 28948, July 9, 1975), include the following entry:

Individual. Subsection (a)(2) "The term 'individual' means a citizen of the United States or an alien lawfully admitted for permanent residence."

This definition is intended to "distinguish between the rights which are given to the citizen as an individual under this Act and the rights of proprietorships, businesses, and corporations which are not intended to be covered by this Act. This distinction was to insure that the bill leaves untouched the Federal Government's information activities for such purposes as economic regulations . . ." (Senate Report 93-1183, p. 79)

The (Senate Report) language cited above suggests that a distinction can be made between individuals acting in a personal capacity and individuals acting in an entrepreneurial capacity (e.g., as sole proprietors) and that this definition (and, therefore, the Act) was intended to embrace only the former. This distinction is, of course, crucial to the application of the Act since the Act, for the most part, addresses "records" which are defined as ". . . information about individuals" (subsection (a)(4)). Agencies should examine the content of the records in question to determine whether the information being maintained is, in fact, personal in nature. A secondary criterion in deciding whether the subject of an agency file is, for purposes of the Act, an individual, the manner in which the information is used, i.e., is the subject dealt with in a personal or entrepreneurial role.

This interpretation has led DOE to propose the deletion of two systems previously established by predecessor agencies. The systems are those designated as Bonneville Power Administration—12, Report of Inventions, and Southwestern Power Administration—2, Contracts System. In each case, the records concern individuals functioning in entrepreneurial capacities, and no information of a personal nature is maintained. Moreover, while other predecessor agencies to DOE maintained records similar to those contained within BPA-12 and SWPA-2, none had considered it necessary to establish systems encompassing such records. Accordingly, DOE proposes to delete BPA-12 and SWPA-2 from its inventory of systems.

V. Comment Procedures

As provided by Section 3(e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(11)), interested persons are invited to submit written data, views, or arguments related to these proposals to Public Hearing Management, Department of Energy, Box WQ, 2000 M Street, NW., Room 2313, Washington, D.C. 20461. Hand-carried comments may be delivered to that same office between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except on legal public holidays.

Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "DOE Privacy Act Systems Proposals." Ten copies should be submitted. All comments received on or before 30 days after publication will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except on legal public holidays. These comments and all other relevant information will be considered by DOE before the various proposals are adopted in their final form.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

If no comments to the contrary are received with respect to a particular proposed system, it is the intent of DOE to operate any such system as proposed at the expiration of the 60-day advance notice period for informing Congress and the Office of Management and Budget of proposed new systems, as defined in OMB Circular A-108.

DOE is submitting the Reports on New System required by Circular A-108 concurrently with the publication of this Federal Register notice.

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

(Privacy Act of 1974, Pub. L. 93-579; Department of Energy Organization Act, Pub. L. 95-91; Executive Order 12009, 42 FR 46267; and those authorities vested in DOE's predecessor agencies which are incorporated by reference in Title III of the Department of Energy Organization Act.)

In consideration of the foregoing, the measures described above are proposed. Set forth below as Sections VI-IX of SUPPLEMENTARY INFORMATION, respectively, are a Table of Contents of All DOE Systems as Adopted or Proposed, a Table Correlating DOE Proposed System Designations with those of Predecessor Agencies, a Table Correlating Predecessor Agency System Designations with those Proposed by DOE, and, finally, a Listing of All DOE Systems as Adopted or Proposed.

Issued in Washington, D.C., August 21, 1979.

William S. Heffelfinger,
Director of Administration.

VI. Table of Contents of All DOE Systems as Adopted or Proposed

DOE-1 DOE Personnel and General Employment Records (this system of records supplements the General Personnel Records System of the Office of Personnel Management)

DOE-2 DOE Personnel: Supervisor-Maintained Personnel Records
DOE-3 DOE Personnel: Appraisal and Development Records
DOE-4 Applications for DOE Employment
DOE-5 Personnel Records of Former and Present Contractor Employees

DOE-6 Consultants to DOE Contractors
DOE-7 Applications and Reference Checks for Overseas Employment with the International Atomic Energy Agency
DOE-8 Intergovernmental Personnel Act Contracts
DOE-9 Members of DOE Advisory Committees
DOE-10 Time and Accountability Records
DOE-11 Emergency Locator Records
DOE-12 Nationwide Traineeship Reporting System
DOE-13 Payroll and Leave Records
DOE-14 Compensation for Contractor Employees (25,000 dollars or more)

DOE-15 Payroll and Pay-Related Data for Employees of Terminated Contractors

DOE-16 Reports of Financial Interest
DOE-17 Certificates of Eligibility for FHA Insured Loans
DOE-18 Accounts Payable Financial System
DOE-19 Accounts Receivable Financial System
DOE-20 Imprest Fund Cashiers
DOE-21 Emergency Defense Mobilization Files
DOE-22 Plant Services History
DOE-23 Property Accountability System
DOE-24 Land Records

DOE-25 Employee Parking Records (this system concerns parking managed and controlled by DOE under the general direction of the General Services Administration)

DOE-26 Domestic Travel Records
DOE-27 Foreign Travel Records
DOE-28 General Training Records
DOE-29 Technology Training Program—Skill Training at Technician Level

DOE-30 Nuclear Qualification Examination Records (for personnel to be assigned to ships, shipyards prototypes, and Shippingport Atomic Power Station)

DOE-31 Firearms Qualifications Records
DOE-32 Government Motor Vehicle Operator Records
DOE-33 Personnel Medical Records
DOE-34 Employee Assistance Program (Alcohol and Drug Abuse Program)

DOE-35 Personnel Radiation Exposure Records
DOE-36 Statistical Analysis Using Personnel Security Questionnaire (Health and Mortality Study)

DOE-37 Equal Opportunity Complaint Files

DOE-38 Occupational and Industrial Accident Records
DOE-39 Labor Standards Complaints and Grievances
DOE-40 Contractor Employees Insurance Claims
DOE-41 Legal Files (Claims, Litigations, Criminal Violations, Patents, and Others)

DOE-42 Personnel Security Clearance Index
DOE-43 Personnel Security Clearance Files
DOE-44 Special Access Authorization for Categories of Classified Information

DOE-45 Weapon Data Access Control System
DOE-46 Clearance Board Cases
DOE-47 Security Investigations
DOE-48 Security Education and/or Infraction Reports
DOE-49 Security Correspondence Files
DOE-50 Personnel Assurance Program Records
DOE-51 Employee and Visitor Access Control Records
DOE-52 Alien Visits and Participation
DOE-53 Access Authorization for ADP Equipment
DOE-54 Investigative Files of the Inspector General
DOE-55 Freedom of Information and Privacy Act Requests for Records

DOE-56 Congressional Constituent Inquiries
DOE-57 Congressional Profiles
DOE-58 General Correspondence Files
DOE-59 Mail Lists for Requesters of Energy-Related Information
DOE-60 Environmental Impact Document Monitoring, Processing, and Correspondence Tracking System (IMPACT)

DOE-61 Census of High Energy Physicists
DOE-62 Historical Files—Published Information Concerning Selected Persons in the Energy Field

DOE-63 Electric Rate Demonstration Data Base
DOE-64 Low-Income Weatherization Home Report Records
DOE-65 Energy Extension Service Records
DOE-66 Power Sales to Individuals
DOE-67 Participants in Experiments, Studies, and Surveys
DOE-68 Minority Energy Technical Assistance Program (METAP) Records

VIII. Table Correlating Doe Proposed System Designations with those of Predecessor Agencies

Note: The following abbreviations are used throughout this table:

APA Alaska Power Administration
BPA Bonneville Power Administration
DOE Department of Energy
EBM Bureau of Mines
ERDA Energy Research and Development Administration
FEA Federal Energy Administration
FPC Federal Power Commission
OS Office of the Secretary, Department of the Interior
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
Proposal System Designation and Present System Designation(s) (if any)

DOE-1—ERDA-15, FEA-1, FEA-10, FPC-22
DOE-2—ERDA-11
DOE-3—ERDA-3
DOE-4—ERDA-12, FEA-1, FPC-23
DOE-5—ERDA-31
DOE-6—ERDA-7
DOE-7—ERDA-2
DOE-8—FEA-16
DOE-9—FEA-17
DOE-10—proposed new system
DOE-11—FE-23, FEA-24, and one subsystem is newly proposed
DOE-12—ERDA-40
DOE-13—APA-1, BPA-2, EBM-1, ERDA-27, FEA-2, FPC-20, SEPA-1, SWPA-1
DOE-14—ERDA-6
DOE-15—ERDA-28
DOE-16—ERDA-10, FEA-8
DOE-17—ERDA-16
DOE-18—FEA-3
DOE-19—BPA-11, FEA-4
DOE-20—SWPA-6
DOE-21—OS-15
DOE-22—BPA-8
DOE-23—APA-1, BPA-9, SEPA-1, SWPA-4
DOE-24—BPA-10
DOE-25—BPA-13, FEA-14, SWPA-4 (part)
DOE-26—APA-1, BPA-1, ERDA-41, FEA-5, SEPA-1, SWPA-

DOE-27—APA-1, BPA-1, ERDA-19, FEA-5, SEPA-1, SWPA-5
 DOE-28—BPA-7, FEA-13 (safety training portion)
 DOE-29—ERDA-14
 DOE-30—ERDA-25
 DOE-31—ERDA-17
 DOE-32—APA-1, BPA-15, ERDA-20, FEA-15, SEPA-1
 DOE-33—BPA-3, ERDA-24, FEA-9
 DOE-34—FEA-12
 DOE-35—ERDA-30
 DOE-36—ERDA-37
 DOE-37—ERDA-9, FEA-11
 DOE-38—APA-1, BPA-4, BPA-6, ERDA-26, SEPA-1, SWPA-7
 DOE-39—ERDA-22
 DOE-40—ERDA-13
 DOE-41—ERDA-23
 DOE-42—BPA-14, EBM-7, ERDA-33, FEA-6, FPC-21
 DOE-43—BPA-14, EBM-7, ERDA-33, FEA-6, FPC-21
 DOE-44—ERDA-36
 DOE-45—ERDA-39
 DOE-46—ERDA-5
 DOE-47—ERDA-18, FEA-6, FPC-21
 DOE-48—ERDA-35
 DOE-49—ERDA-8
 DOE-50—ERDA-29
 DOE-51—ERDA-38
 DOE-52—ERDA-1
 DOE-53—FPC-9, FPC-13, proposed new system as regards remainder of DOE
 DOE-54—ERDA-21, FEA-7
 DOE-55—FEA-20
 DOE-56—FEA-19
 DOE-57—proposed new system
 DOE-58—FEA-22
 DOE-59—ERDA-42, FEA-18, FPC-19
 DOE-60—proposed new system
 DOE-61—ERDA-4
 DOE-62—proposed new system
 DOE-63—FEA-21
 DOE-64—FEA-25
 DOE-65—proposed new system
 DOE-66—Bureau of Reclamation-31
 DOE-67—DOE-X
 DOE-68—proposed new system

VIII. Table Correlating Predecessor Agency System Designations With Those Proposed by DOE

Note: The following abbreviations are used throughout this table:

APA Alaska Power Administration
 BPA Bonneville Power Administration
 DOE Department of Energy
 EBM Bureau of Mines
 ERDA Energy Research and Development Administration
 FEA Federal Energy Administration
 FPC Federal Power Commission
 OS Office of the Secretary, Department of the Interior
 SEPA Southeastern Power Administration
 SWPA Southwestern Power Administration
 Present System Designation and Proposed System Designation(s)
 (if any)

APA-1—DOE-13, DOE-23, DOE-26, DOE-27, DOE-32, DOE-38
 BPA-1—DOE-26, DOE-27
 BPA-2—DOE-13
 BPA-3—DOE-33
 BPA-4—DOE-38
 BPA-5—DOE-32
 BPA-6—DOE-38
 BPA-7—DOE-28
 BPA-8—DOE-22
 BPA-9—DOE-23
 BPA-10—DOE-24
 BPA-11—DOE-19
 BPA-12—DOE-proposed to be deleted
 BPA-13—DOE-25
 BPA-14—DOE-42, DOE-43
 Bureau of Reclamation-31—DOE-66
 DOE-X—DOE-67
 EBM-1*—DOE-13
 EBM-2*—DOE-26
 EBM-3*—DOE-26
 EBM-7*—DOE-42, DOE-43

ERDA-1—DOE-52
 ERDA-2—DOE-7
 ERDA-3—DOE-3
 ERDA-4—DOE-61
 ERDA-5—DOE-46
 ERDA-6—DOE-14
 ERDA-7—DOE-6
 ERDA-8—DOE-49
 ERDA-9—DOE-37
 ERDA-10—DOE-16

*Only that portion of the system pertaining to DOE will be affected; that portion pertaining to the Department of the Interior will remain unaffected.

ERDA-11—DOE-2
 ERDA-12—DOE-4
 ERDA-13—DOE-40
 ERDA-14—DOE-29
 ERDA-15—DOE-1
 ERDA-16—DOE-17
 ERDA-17—DOE-31
 ERDA-18—DOE-47
 ERDA-19—DOE-27
 ERDA-20—DOE-32
 ERDA-21—DOE-54
 ERDA-22—DOE-39
 ERDA-23—DOE-41
 ERDA-24—DOE-33
 ERDA-25—DOE-30
 ERDA-26—DOE-38
 ERDA-27—DOE-13
 ERDA-28—DOE-15
 ERDA-29—DOE-50
 ERDA-30—DOE-35
 ERDA-31—DOE-5
 ERDA-32—DOE-43
 ERDA-33—DOE-42
 ERDA-34—designation was previously reserved—never working system
 ERDA-35—DOE-48
 ERDA-36—DOE-44
 ERDA-37—DOE-36
 ERDA-38—DOE-51
 ERDA-39—DOE-45
 ERDA-40—DOE-12
 ERDA-41—DOE-26
 ERDA-42—DOE-59
 FEA-1—DOE-1, DOE-4
 FEA-2—DOE-13
 FEA-3—DOE-18
 FEA-4—DOE-19
 FEA-5—DOE-26, DOE-27
 FEA-6—DOE-42, DOE-43, DOE-47
 FEA-7—DOE-54
 FEA-8—DOE-16
 FEA-9—DOE-33
 FEA-10—DOE-1
 FEA-11—DOE-37
 FEA-12—DOE-34
 FEA-13—DOE-28
 FEA-14—DOE-25
 FEA-15—DOE-32
 FEA-16—DOE-8
 FEA-17—DOE-9
 FEA-18—DOE-59
 FEA-19—DOE-56
 FEA-20—DOE-55
 FEA-21—DOE-63
 FEA-22—DOE-58
 FEA-23—DOE-11
 FEA-24—DOE-11
 FEA-25—DOE-64
 FPC-1 (in part)—DOE-1
 FPC-9—DOE-53
 FPC-13—DOE-53
 FPC-19—DOE-59
 FPC-20—DOE-13
 FPC-21—DOE-42, DOE-43, DOE-47
 FPC-22—DOE-1
 FPC-23—DOE-4
 OS-15—DOE-21
 SEPA-1—DOE-13, DOE-23, DOE-26, DOE-27, DOE-32, DOE-38

SEPA-2—DOE-13
 SWPA-2—proposed to be deleted
 SWPA-4—DOE-23, DOE-25
 SWPA-5—DOE-26, DOE-27
 SWPA-6—DOE-20
 SWPA-7—DOE-38

IX. LISTING OF ALL DOE SYSTEMS AS ADOPTED OR PROPOSED

DOE-1

System name: DOE Personnel and General Employment Records (this system of records supplements the General Personnel Records System of the Office of Personnel Management).

Security classification: Unclassified.

System location: The locations listed in items 1 through 4, 6 through 12, 14 through 19, 21 through 26, 28, 29, 31, 33 and 35 of Appendix A and the following additional locations:

Environmental Measurement Laboratories
 376 Hudson Street
 New York, New York 10014
 Grand Junction Office
 P.O. Box 2567
 Grand Junction, Colorado 81501
 Pittsburgh Naval Reactors Office
 P.O. Box 109
 West Mifflin, Pennsylvania 15122
 Schenectady Naval Reactors Office
 P.O. Box 1069
 Schenectady, New York 12301

Categories of individuals covered by the system: Current and former employees, consultants, board members, and applicants (only to the extent they are considered for competitive selection), specifically including all such personnel of the Federal Energy Regulatory Commission.

Categories of records in the system: Name, social security number, sex, grade level, occupational code, Official Personnel Folders (SF-66), Service Record Cards (SF-7), records on suggestions and awards, training request and authorization data, training course evaluation statements, appraisals resulting from annual supervisor-employee review, pay requests and dispositions, reduction-in-force registers (including associated records of competitive levels and competitive areas), reemployment and repromotion priority lists, retirement-associated eligibility and calculations, records on competitive selections (Form 178, Standard Form 39, and supporting documents), central copy of approved position descriptions, correspondence related to and copies of employee appeals, grievances, and complaints, including records of hearing's or examiner's reports, lists of separated employees, correspondence from employees requesting transfer or reassignment, average grade data, minority group code, data related to and derived from the "Personnel Automated Records and Information System" (PARIS).

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; 5 U.S.C. 2102 et seq.; Office of Personnel Management regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, computer printouts, punched cards, magnetic tape and disk, microfilm.

Retrievability: By name and social security number.

Safeguards: Records are maintained in locked file cabinets in controlled access rooms. Computerized records are maintained in the DOE computer center with access limited to those with a need to know.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director of Personnel
 U.S. Department of Energy
 Washington, D.C. 20585

Field Offices: The managers and directors of field locations 1 through 4, 6, 7, 9 through 12, 14 through 19, 21 through 26, 28, 29, 31, 33 and 35 in Appendix A and of the Pittsburgh Naval Reactors, and Schenectady Naval Reactors Offices and the Environmental Measurement Laboratory listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 4, 6 through 12, 14 through 19, 21 through 26, 28, 29, 31, 33, and 35 of Appendix A and the Pittsburgh Naval Reactors Office, the Schenectady Naval Reactors Office and the Environmental Measurement Laboratory listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR, Part 206 or Part 708 should apply.

b. Required identifying information: Complete name and, if appropriate, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 4, 6 through 12, 14 through 19, 21 through 26, 28, 29, 31, 33 and 35 of Appendix A, the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices, and the Environmental Measurement Laboratory listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name and, if appropriate, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 4, 6 through 12, 14 through 19, 21 through 26, 28, 29, 31, 33 and 35 of Appendix A, the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices, and the Environmental Measurement Laboratory listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name and, if appropriate, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

Record source categories: The subject individual, supervisors, other Government agencies, former employers, references provided by subject individual.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k), (2), (5), or (6).

DOE-2

System name: DOE Personnel: Supervisor-Maintained Personnel Records.

Security classification: Unclassified.

System location: The locations listed as items 1-35 in Appendix A and the following additional locations:

Clinch River Breeder Reactor Plant Project
 P.O. Box U
 Oak Ridge, Tennessee 37830
 Grand Junction Office
 P.O. Box 2567
 Grand Junction, Colorado 81501
 Pittsburgh Naval Reactors Office
 P.O. Box 109
 West Mifflin, Pennsylvania 15122

Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Current DOE employees; in a few cases, records include former employees, assigned military personnel, or applicants for employment.

Categories of records in the system: The contents vary from office to office, but include all or some of the following: copies and summaries of employment history, job descriptions, education, address, next of kin, phone number, date of birth, awards and commendations received, participation in professional or community activities, training, earnings and leave data, travel actions, certification or qualification examinations, injury reports, appraisals, copy of ADP-produced Form 702, copy of Form 50, assignment records, security infraction notices, records of supervisor-employee discussions, reprimands, admonitions, adverse actions, contingency planning data, security clearance status, and government property in employee's possession.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, computer printout, punched cards, magnetic tape, disk, paper, microfiche.

Retrievability: By name.

Safeguards: Records are maintained in files under the control of supervisory officials.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director of Personnel
U.S. Department of Energy
Washington, D.C. 20585

Also the managers and directors of offices maintaining such records are the System Managers for their respective portions of this system.

Field Offices:

The managers and directors of field locations 1 through 7 and 9 through 35 in Appendix A and of the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR, Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The great majority of the data comes directly from the individuals or cognizant supervisory officials; other data comes from copies of personnel action documents.

Systems exempted from certain provisions of the act: The Secretary has exempted certain information in this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6).

DOE-3

System name: DOE Personnel: Appraisal and Development Records.

Security classification: Unclassified.

System location: The locations listed as items 2, 3, 6 through 12, 14, 15, 26, 28, 29 in Appendix A and the following additional locations:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: All DOE employees.

Categories of records in the system: Supervisor-employee appraisal, (by name of employee), of performance, and preparation of development plans; and, for employees GS-15 and above, an appraisal of managerial potential for the agency Executive Development Program.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On paper ERDA Forms 622, 622A, 622B, 622C, with some older records on Form 625; computer printouts; punched cards; magnetic tape; disk; other paper; and microfiche.

Retrievability: By name.

Safeguards: Records are usually maintained in lockable file cabinets under the control of supervisory personnel.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

The Director of Personnel
Washington, D.C. 20585

Also the managers and directors of offices maintaining such records are the System Managers for their respective portions of this system.

Field Offices: The managers and directors of field locations 1 through 7 and 9 through 35 in Appendix A and of the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Supervisors and employees.

Systems exempted from certain provisions of the act: None.

DOE-4

System name: Applications for DOE Employment.

Security classification: Unclassified.

System location: The locations listed as items 1 through 35 in Appendix A and the following additional locations:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Individuals applying for, or inquiring about, employment with DOE and the Federal Energy Regulatory Commission.

Categories of records in the system: Letters of inquiry, application supply file (Standard Form 171, "Personal Qualifications Statement"; general applications, resumes of personal data, education, and work experience and education, military and employment history statements); personnel evaluation forms; completed reference check letters and record check forms; interview summary sheets; candidate ratings performed by DOE; authorization of payment of travel expenses; correspondence related to recruitment, application and employment; test records and academic transcripts (as appropriate); referrals for consideration; medical records; certification of performance ability and medical reports concerning candidates under selective placement programs, such as handicapped persons, offenders and Vietnam veterans; and other documents related to application and employment.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Key operating officials and supervisors (including military personnel assigned to DOE or directly associated with the naval or military application functions of DOE); Referrals of applicants; evaluation of qualifications and selection of candidates under consideration for employment; or in other activities directly concerned with their official responsibilities.

Colleges and universities participating in the DOE recruiting program: Performance of regular practices in placement of students and in receiving information concerning evaluation or selection of their graduates.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, computer printouts, punched cards, magnetic tape, disk, paper, and microfiche.

Retrievability: By name, occupational category, date, register number; in college recruitment files, retrievable by educational institution's name.

Safeguards: Physical security varies with records maintained either in a locked and guarded building or in locked file cabinets. In either case, access is limited on a need-to-know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director of Personnel
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field locations 1-7 and 9-35 in Appendix A and of the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the Systems Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or part 708 should apply.

b. Required identifying information: Full name, social security number, date of birth, occupational category and location at which application or other material was submitted; in case of college recruitment material, applicable college or university name, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A, and the Pittsburgh and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, date of birth, occupational category and location at which application or other material was submitted; in case of college recruitment material, applicable college or university name, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, and the Pittsburgh and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6, and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, date of birth, occupational category and location at which application or other material was submitted; in case of college recruitment material, applicable college or university name, and time period.

Record source categories: Individuals seeking, or referred for, employment; personal references provided by individuals; personnel administrators, officials, assistants, and other staff; interviewers; current and former employers, teachers, supervisors, and other Government agencies; Congressmen, testing officials, State Employment Service; and educational institutions.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (2, 5, 6).

DOE-5

System name: Personnel Records of Former and Present Contractor Employees.

Security classification: Unclassified.

System location: The locations listed as items 2, 6, 8, 9, 12, 14, 26, 28, and 29 in Appendix A and the following additional locations:

Clinch River Breeder Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Former and present contractor employees.

Categories of records in the system: Name, employment history, earnings, medical history, and other related information.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in locked or guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Contractor Industrial Relations
U.S. Department of Energy
Washington, D.C. 20545

Field Offices: The managers and directors of field locations 2, 6, 9, 12, 14, 26, 28, and 29 of Appendix A and of the Clinch River Breeder Reactor Plant Project and Schenectady Naval Reactors Office listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project and the Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project and the Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project and the Schenectady Naval Reactors Offices listed above under system location in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual's employer.

Systems exempted from certain provisions of the act: None.

DOE-6

System name: Consultants to DOE Contractors.

Security classification: Unclassified.

System location: The locations listed as items 2, 6, 8, 9, 12, 14, 26, 28, and 29 in Appendix A and the following additional locations:

Clinch River Breeder Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Consultants to DOE contractors.

Categories of records in the system: Biographical notes, personal data, correspondence, employment history, education, salary/total compensation, area of specialization, contractual arrangements and duration, service provided and research support.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in locked file cabinets in secured and guarded buildings with access on a need-to-know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Contractor Industrial Relations
U.S. Department of Energy

Washington, D.C. 20545

Field Offices: The managers and directors of field locations 2, 6, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River, Breeder Reactor Plant Project, Pittsburgh Naval Reactors, and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project, the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project, the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project, the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Reports from individuals, contractors, and Dun and Bradstreet.

Systems exempted from certain provisions of the act: None.

DOE-7

System name: Applications and Reference Checks for Overseas Employment with the International Atomic Energy Agency.

Security classification: Unclassified.

System location: The location listed as item 8 in Appendix A.

Categories of individuals covered by the system: United States citizens interested in employment with International Atomic Energy Agency, Vienna, Austria.

Categories of records in the system: Education, employment history, salary, and personal reference checks.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: United States Mission to IAEA, Vienna and other governmental agencies interested in foreign programs: Evaluation prior to offers of employment.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name, specialty, IAEA organizational designation.

Safeguards: Records are maintained in locked file cabinets, with access limited to personnel of the Office of Personnel and the Office of International Affairs.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Director or Personnel
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure: a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Individuals seeking employment, references, and information provided by knowledgeable agency personnel.

Systems exempted from certain provisions of the act: None.

DOE-8

System name: Intergovernmental Personnel Act Contracts.

Security classification: Unclassified.

System location: The locations listed as items 1-35 in Appendix A.

Categories of individuals covered by the system: Individuals who are now or have been under IPA contract to DOE.

Categories of records in the system: Names, addresses, social security numbers, telephone numbers, salaries, and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to State and local governments or institutions of higher education to implement IPA contracts, and the routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Records are retained for five years and then destroyed.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director of Personnel
U.S. Department of Energy
Washington, D.C. 20585

Field Offices: The managers and directors of field locations 1 through 7 and 9 through 35 in Appendix A are designated the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

Record source categories: The subject individual, State or local governments, institutions of higher education.

System exempted from certain provisions of the act: None.

DOE-9.

System name: Members of DOE Advisory Committees.

Security classification: Unclassified.

System location:

Office of the Secretary
U.S. Department of Energy
Washington, D.C. 20585

Categories of individuals covered by the system: All individuals who are members of a DOE Advisory Committee.

Categories of records in the system: Name, biographical information, home address and telephone number, work address and telephone number, type of business or organizational affiliation, present position with business or other organization, numbers of years in present position, other related experience, congressional district, and photographs.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The name and mailing address of any Advisory Committee member is provided to anyone requesting it.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in a locked room, with access limited to those whose official duties require access.

Retention and disposal: Records are retained in a binder while the individual is a member of a committee. Upon a member's termination, records are destroyed or returned to individual.

System manager(s) and address:

Director
Advisory Committee Management Office
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual, the individual's supervisor, members of Congress, and public interest groups.

Systems exempted from certain provisions of the act: None.

DOE-10

System name: Time and Accountability Records.

Subsystem A: Office of Enforcement Case Time/Activity Report System

Subsystem B: Energy Information Administration Time and Accountability/Resource Accountability Reports (TA/RAR)

Subsystem C: Office of General Counsel Time and Accountability Reports

Security classification: Subsystems A, B, and C: Unclassified.

System location: Subsystem A: For the national office, paper records are located at:

Office of Enforcement Information
Economic Regulatory Administration
U.S. Department of Energy
2000 M Street, NW
Washington, D.C. 20461

The machine-readable records are located at:

Optimum Systems, Inc.
5615 Fishers Lane
Rockville, MD 20852

For the ERA regional offices, records are at the locations listed as items 5, 13, 27, 30, and 32 in Appendix A.

Subsystem B:

Paper records:

Energy Information Administration
U.S. Department of Energy
2000 M Street, NW
Washington, D.C. 20461

Machine-readable records:

Optimum Systems, Inc.
5615 Fishers Lane
Rockville, MD 20852

Subsystem C:

Office of General Counsel
U.S. Department of Energy
Washington, D.C. 20585

and/or other location(s) designated by the General Counsel.

Categories of individuals covered by the system:

Subsystem A: Economic Regulatory Administration employees of the Offices of Enforcement and Special Counsel.

Subsystem B: Energy Information Administration employees of the Office of Energy Data.

Subsystem C: All Office of General Counsel attorneys and para-professionals, whether in Headquarters or field offices.

Categories of records in the system:

Subsystem A: Name, social security number, reporting period, office location code, job series code, grade, date on board, date terminated, case number, activity code, work function, hours.

Subsystem B: Name, social security number, reporting period, office location code, job series code, grade, date on board, date terminated, project number, task type, actual hours, computer charges by project, date.

Subsystem C: Name, office unit, reporting period, office location code, grade, case number, project code or description, client code or description, matter code or description, task code or description, hours.

Authority for maintenance of the system: Subsystems A, B, and C: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Subsystem A: Retrieval of data for area offices, regional offices, and the national office for audit management reporting, allocation and development of audit resources, cost-benefit analysis, program and case management, and budget plans.

Subsystem B: Use of data for person-month and resource accountability reports, to inform managers on expenditures of time, to determine levels of ADP support provided to other DOE officers, and for budget plans.

Subsystem C: Retrieval of data for all General Counsel managerial levels (at regional offices, operations offices, and Headquarters) for management reporting, allocation and deployment of legal resources, cost-benefit analysis, program and case management and budget justification and plans.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Subsystems A and C: Paper records, tape, disk, and microfilm.

Subsystem B: Paper records, disk.

Retrievability:

Subsystem A: Name, social security number, reporting period, office location code, job series code, grade, date on board, date terminated, case number.

Subsystem B: Name.

Subsystem C: Name, reporting period, office location code, grade, case number.

Safeguards: Subsystems A and C: Physical, technical, and administrative security is maintained, with access restricted to authorized personnel via passwords.

Subsystem B: Records are maintained in binders in secured area locked by a combination lock.

Retention and disposal:

Subsystem A: Computer record retention is 15 months. Backup history file retention is in accordance with GSA standards.

Subsystem B: Records retained for 2 years.

Subsystem C: Records retained for 2-1/2 years.

System manager(s) and address: Subsystem A:

For records at the national office:

Assistant Administrator for Enforcement
Economic Regulatory Administration
U.S. Department of Energy
2000 M Street, NW.
Washington, D.C. 20461

For records at ERA's regional offices:

The Regional Directors of Enforcement
in the regional offices.

Subsystem B:

Director, Office of Energy Data and Interpretation
Office of Energy Data
Energy Information Administration
U.S. Department of Energy
Washington, D.C. 20461

Subsystem C:

Administrative Officer
Office of General Counsel
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure:

Subsystem A: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in items 5, 8, 13, 27, 30, and 32 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Subsystem B: Requests by an individual to determine if a system of records contains information about him should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Subsystem C: Requests by an individual to determine if a system of records contains information about him should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in items 2, 6, 8, 9, 12, 14, and 16-25 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures:

Subsystem A: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in items 5, 8, 13, 27, 30, and 32 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Subsystem B: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Subsystem C: Requests by an individual for access to a system of records that contains information about him should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 6, 8, 9, 12, 14, and 16-25 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures:

Subsystem A: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 5, 8, 13, 27, 30, and 32 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Subsystem B: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Subsystem C: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in items 2, 6, 8, 9, 12, 14, and 16-25 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: Subsystems A and C: The subject individual.

Subsystem B: The subject individual, except that the computer charge-back report is the source for computer charges for actual time used.

Systems exempted from certain provisions of the act: Subsystems A, B, and C: None.

DOE-11

System name: Emergency Locator Records. Subsystem A: Telephone Numbers and Addresses of DOE Officials and Support Staff.

Subsystem B: Strategic Petroleum Reserve Emergency Personnel List.

Subsystem C: Energy Information Administration Emergency Personnel List.

Security classification: Subsystem A, B, C: Unclassified.

System location: Subsystem A:

Director, Office of the Secretary
U.S. Department of Energy
James Forrestal Building
Washington, D.C. 20585

Subsystem B:

Strategic Petroleum Reserve
Project Management Office
U.S. Department of Energy
800 Commerce Road West
New Orleans, LA 70123

Subsystem C:

Strategic Petroleum Reserve Office
U.S. Department of Energy
1726 M Street, NW.
Washington, D.C. 20461

Subsystem C:

Energy Information Administration
U.S. Department of Energy
Washington, D.C. 20461

Categories of individuals covered by the system:

Subsystem A: DOE senior staff officials and support staff.

Subsystem B: Individuals employed by DOE and other Federal agencies and departments and DOE contractors who are involved in the operation of the Strategic Petroleum Reserve Project.

Subsystem C: Office directors and key support staff of the Energy Information Administration and other various Federal officials involved in EIA business.

Categories of records in the system: Subsystem A: Name, home telephone number, home address, individual's title, and spouse's name.

Subsystem B: Name, home address, and business and home telephone numbers.

Subsystem C: Name, home telephone number, and home address.

Authority for maintenance of the system: Subsystems A, B, C: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Subsystem A: The records are available only to Office of the Secretary principals and their selected senior representative. This means that the Secretary, his Executive Assistant; the Under Secretary, his Executive Assistant; the Deputy Under Secretaries; the Special Assistant; the two Assistants to the Secretary; and the Director, Office of the Secretary, and his Executive Assistant, are the only persons in OSE who have access to this listing. Distribution is not made to all OSE staff members, nor is the list made available to other DOE principals, with the exception of the General Counsel, the Assistant Secretary for Policy and Evaluation, the Director, Office of Public Affairs, and the Assistant Secretary for International Affairs.

Subsystem B: The records are made available to the DOE personnel, contractors, and other Government agency personnel involved

with the operation of the Strategic Petroleum Reserve Project. The information is used in order to enable contact with appropriate personnel in the event of a program emergency.

Subsystem C: The records are made available only to the staff of the Administrator of the Energy Information Administration to enable contact with appropriate personnel in the event of a program emergency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Subsystems A, B, C: Paper records.

Retrievability: Subsystems A, B, C: Name of subject individual.

Safeguards:

Subsystems A and B: Records are located in lockable drawers or file cabinets in secured rooms with access limited to those whose official duties require access.

Subsystem C: Access is limited to authorized personnel (the immediate staff of the Administrator of the Energy Information Administration) on a need-to-know basis.

Retention and disposal: Subsystems A, B, C: Records are revised when appropriate, at which point the older records are destroyed.

System manager(s) and address: Subsystem A:

Director, Office of the Secretary
U.S. Department of Energy
James Forrestal Building
Washington, D.C. 20585

Subsystem B:

Project Manager
Strategic Petroleum Reserve
Project Management Office
U.S. Department of Energy
800 Commerce Road West
New Orleans, LA 70123

Subsystem C:

Executive Assistant to the Administrator
Energy Information Administration
U.S. Department of Energy
Washington, D.C. 20461

Notification procedure: Subsystems A, B, C: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Subsystems A, B, C: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Subsystems A, B, C: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: Subsystems A, B, C: The subject individual.

Systems exempted from certain provisions of the act: Subsystems A, B, C: None.

DOE-12

System name: Nationwide Traineeship Reporting System.

Security classification: Unclassified.

System location: The location listed as items 8 and 26 in Appendix A.

Categories of individuals covered by the system: College graduate students participating in the DOE-sponsored traineeship/laboratory graduate program.

Categories of records in the system: Academic background, employment history, traineeship area of study, and mailing/permanent addresses.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: University traineeship advisers—compliance with contract terms covering traineeship administration functions.

Contractor officials—for possible employment selection/notification.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, punched cards, and magnetic tape.

Retrievability: By name, institution, laboratory, traineeship program class, and traineeship identification number.

Safeguards: Records are maintained in a secure building. Access to magnetic tapes is controlled through established DOE computer center procedures (personnel screening and physical security). Access is on a need-to-know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (item 8 in Appendix A):

The Director
Education Programs Office
U.S. Department of Energy
Washington, D.C. 20545

Field Offices: The manager or director of field location 26 of Appendix A is the System Manager for his portion of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address from among items 8 and 26 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 8 and 26 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 8 and 26 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: University traineeship advisers.

Systems exempted from certain provisions of the act: None.

DOE-13

System name: Payroll and Leave Records.

Security classification: Unclassified.

System location: The locations listed as items 1-35 in Appendix A and the following additional locations:

Grand Junction Office

P.O. Box 2567
Grand Junction, Colorado 81501
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

Categories of individuals covered by the system: DOE personnel and consultants, specifically including personnel and consultants of the Federal Energy Regulatory Commission.

Categories of records in the system: Time and attendance records, earning records, payroll actions and deduction information requests and authorizations for overtime/night differential, and Office of Personnel Management retirement records.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 66(a)); 5 U.S.C. 5101-5115; T. 766 General Accounting Office Policy and Procedures Manual; Federal Personnel Manual Supplement 296-31/293-31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Treasury Department—Collection of withheld taxes, printing payroll checks and issuing savings bonds.

Internal Revenue Service—Federal income tax processing.

State and Local Governments—State and local income tax processing.

Office of Personnel Management—Retirement records and benefits.

Social Security Administration—Social Security records and benefits.

Department of Labor—Processing Workmen's Compensation claims.

DOD-Military Retired Pay Offices—Adjusting of Military Retirement.

Savings Institutions—Crediting accounts for savings made through payroll deductions.

Employee Unions—Crediting accounts for employees with union dues deductions.

Health Insurance Carriers—To process insurance claims.

GAO-Audit—Verification of accuracy and legality of disbursement.

Veterans' Administration—For evaluation of veteran's benefits to which the individual may be entitled.

States' Departments of Employment Security—For determining entitlement to unemployment compensation or other State benefits.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, punched cards, magnetic tape and disk, and microfiche.

Retrievability: By name, social security number, and payroll number.

Safeguards: Access to magnetic tapes and disk files is controlled through established DOE computer center procedures (personnel screening and physical security). Paper records are maintained in locked cabinets and desks. Access to any record is on a need-to-know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Controller
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field location 1-7 and 9-35 in Appendix A and of the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy,

at the appropriate address from among those listed in items 1-35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in items 1-35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in items 1-35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

Record source categories: The subject individual, supervisors, timekeepers, official personnel records, and the IRS.

Systems exempted from certain provisions of the act: None.

DOE-14

System name: Compensation for Contractor Employees (25,000 dollars or more).

Security classification: Unclassified.

System location: The locations listed as items 2, 6, 8, 9, 12, 14, 26, 28, and 29 in Appendix A and the following additional locations:

Clinch River Breeder Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301.

Categories of individuals covered by the system: Administrative, professional, and scientific personnel.

Categories of records in the system: Name, contractor, salary history, and current salary.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Usually paper records; sometimes other media.

Retrievability: By name.

Safeguards: Records are kept in lockable file cabinets in guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records

within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

The Director
Office of Contractor Industrial Relations
U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 2, 6, 9, 12, 26, 28, and 29 in Appendix A and of the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors, and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Contractor salary administrative personnel.

Systems exempted from certain provisions of the act: None.

DOE-15

System name: Payroll and Pay-Related Data for Employees of Terminated Contractors.

Security classification: Unclassified.

System location: The locations listed as items 2, 8, 14 and 26 in Appendix A, and the following additional location:

Clinch River Breeder Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830

Categories of individuals covered by the system: Former contractor employees.

Categories of records in the system: Employee payroll data from terminated contractors, employment history, job titles, complaints, salary reviews, and similar information.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in DOE records holding area.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director

Office of Contractor Industrial Relations

U.S. Department of Energy

Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 2, 14, and 26 of Appendix A and of the Clinch River Breeder Reactor Plant Project listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 14 and 26 of Appendix A and the Clinch River Breeder Reactor Office listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 14 and 26 of Appendix A and the Clinch River Breeder Reactor Office listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 14 and 26 of Appendix A and the Clinch River Breeder Reactor Office listed above under system location in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: DOE contractors.

Systems exempted from certain provisions of the act: None.

DOE-16

System name: Reports of Financial Interest.

Security classification: Unclassified.

System location: The locations listed as items 2, 5, 6, 8, 9, 12, 13, 14, 26, 27, 28, 29, 30, 32 and 34 in Appendix A and the following additional locations:

Brookhaven Area Office

Upton, New York 11973

Grand Junction Office

Office of the Chief Counsel

P.O. Box 2567

Grand Junction, Colorado 81501

Kansas City Area Office

Office of Counsel

P.O. Box 202

Kansas City, Missouri 64141

Los Alamos Area Office

Office of the Chief Counsel

528 35th Street

Los Alamos, New Mexico 87544

Pittsburgh Naval Reactors Office

Office of the Chief Counsel

P.O. Box 109

West Mifflin, Pennsylvania 15122

Rocky Flats Area Office

P.O. Box 928

Golden, Colorado 80401

Schenectady Naval Reactors Office

Office of the Chief Counsel

P.O. Box 1069

Schenectady, New York 12301

Categories of individuals covered by the system: Current or former officers, employees and special Government employees of the DOE or its predecessor agencies, excluding employees of the Federal Energy Regulatory Commission (FERC) (and its predecessor, the Federal Power Commission (FPC)), required to submit financial interest forms in accordance with Executive Order 11222; Title VI of the Department of Energy Organization Act; and regulations or other instructions issued by the DOE and its predecessor agencies (except for the FERC and FPC) in implementation of the Government financial interest program.

Categories of records in the system: Information contained in DOE Report of Financial Interests (Forms DOE-459, 460, 461), in ERDA Conflict of Interest Forms 443 and 269, and in FEA Financial Interest Forms FEA F-82, F-91, and F-254, including individual's name, position title, date of appointment, employment and financial interests, creditors, interest in real property, names and addresses of other persons requested to supply information, individual's certificate of truth and veracity, and correspondence pertaining to the individual's financial interest statement.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; 5 CFR, Part 735 (also Federal Personnel Manual, Chapter 735).

Routine uses of records maintained in the system, including categories of such users and the purposes of such uses: Cognizant appointing officials—to assist the Department, Office of Personnel Management, and the President in determining whether individuals have conflicts or apparent conflicts of interest in the performance of official duties; for counseling of personnel in avoiding violations; for assignment of duties; for law enforcement review.

The public—pursuant to statute, portions of the DOE Forms 459 and 460 (Parts A thereof), and all of FEA Form F-254 are required to be made available to the public.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Records are maintained in locked filing cabinets and rooms, or in Class C manipulation-proof, three-way combination locked steel containers. Access is by authorized personnel only.

Retention and disposal: Records generated pursuant to the Department of Energy Organization Act are retained for six years after receipt. ERDA forms and related papers are retained for two years after the individual leaves the position for which the submission is required, or two years after separation, whichever is earlier. FEA records are maintained until the individual severs connection with the agency; no time period for retention after severance was developed by the FEA. Records within DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

General Counsel
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers, directors, or administrators of field locations 2, 5, 6, 9, 12, 13, 14, 26, 27, 28, 29, 30, 32, and 34 of Appendix A are System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 5, 6, 9, 12, 13, 14, 26, 27, 28, 29, 30, 32, and 34 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Individual's name, DOE (or ERDA or FEA) location of last employment or cognizant office, and time period of employment.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 5, 6, 9, 12, 13, 14, 26, 27, 28, 29, 30, 32, and 34 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Individual's name, DOE (or ERDA or FEA) location of last employment or cognizant office, and time period of employment.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 5, 6, 9, 12, 13, 14, 26, 27, 28, 29, 30, 32, and 34 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Individual's name, DOE (or ERDA or FEA) location of last employment or cognizant office, and time period of employment.

Record source categories: The individual on whom the record is maintained, or other person (such as a trustee, attorney or accountant) identified by the individual as a supplier of information.

Systems exempted from certain provisions of the act: None.

DOE-17

System name: Certificates of Eligibility for FHA Insured Loans.

Security classification: Unclassified.

System location:

Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

Categories of individuals covered by the system: Persons having Certificates of Eligibility for FHA insured loans.

Categories of records in the system: Name, employment, and loan information.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Federal Housing Administration (FHA)—for approval by area manager and processing of loan.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in a locked building.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records

within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Field Offices:

Manager
Albuquerque Operations Office
U.S. Department of Energy
P.O. Box 5400
Albuquerque, New Mexico 87115

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 2 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 2 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 2 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth and time period.

Record source categories: Subject individual, employer, real estate broker.

Systems exempted from certain provisions of the act: None.

DOE-18

System name: Accounts Payable Financial System.

Security classification: Unclassified.

System location:

The paper records are located at: The locations listed as items 1-35 in Appendix A.

The machine readable records are located at:

Optimum Systems, Inc.
5615 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Creditors due money from the agency (including employees), former employees, and members of the general public.

Categories of records in the system: Name and address; amount owed and service performed; underpayment or other accounting information; and invoice number.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Paying creditors and the additional routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name and purchase order or contract number, as appropriate.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and rooms locked when not in use. Access is restricted to authorized personnel.

Retention and disposal: Records are retained until payment is made and account is audited. They are then disposed of in accordance with the DOE records control schedule.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Controller
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field locations 1-7 and 9-35 of Appendix A are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individual, contracting officer and, as appropriate, accounting records.

Systems exempted from certain provisions of the act: None.

DOE-19

System name: Accounts Receivable Financial System.

Security classification: Unclassified.

System location: The locations listed as items 1-35 in Appendix A.

Categories of individuals covered by the system: Persons owing money to DOE.

Categories of records in the system: Name and address, services rendered, amount receivable, billing date, and invoice number, if any.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; 31 U.S.C. 66a; 5 U.S.C. 5701-09; Federal Property Management Regulations 101-7; Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Billing debtors and reporting to the Office of Personnel Management.

Additional routine uses as listed in Appendix B:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, magnetic tape, microfilm, and microfiche.

Retrievability: By name or invoice number.

Safeguards: Access to records is by authorized personnel only.

Retention and disposal: Records are retained until payment is received and account is audited, then disposed of in accordance with records control schedule.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Chief, Financial Operations
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field locations 1-7 and 9-35 in Appendix A are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address listed from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address listed from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Contesting record procedures:

a. Requests from an individual to correct the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address listed from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Record source categories: The individual who is the subject of the record, contracting officer, accounting records.

Systems exempted from certain provisions of the act: None.

DOE-20

System name: Imprest Fund Cashiers.

Security classification: Unclassified.

System location: The location listed as item 33 in Appendix A, and the following additional locations:

Arkansas Area Office
Southwestern Power Administration
305 North Floyd Street
Jonesboro, Arkansas 72402

Line Maintenance Crew
Southwestern Power Administration
907 North Mississippi
Ada, Oklahoma 74820

Missouri Area Office
Southwestern Power Administration
Golden Avenue and Battlefield Road
Springfield, Missouri 65804

Oklahoma Area Office
Southwestern Power Administration
1409 West Chawnee Street
Muskogee, Oklahoma 74401

Categories of individuals covered by the system: Employees of the Southwestern Power Administration who are imprest fund cashiers.

Categories of records in the system: Name, date of appointment, authorized amount of funds, and reports of unannounced administrative reviews.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For control of funds handling appointments.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records (letter memoranda or forms).

Retrievability: By name and by office location.

Safeguards: Records are maintained in a locked building.

Retention and disposal: Records are destroyed after six years.

System manager(s) and address: Field Offices:

Chief
Division of Administrative Management
Southwestern Power Administration
U.S. Department of Energy
333 West Fourth Street
Tulsa, Oklahoma 74103

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 33 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 33 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 33 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth and time period.

Record source categories: Subject individual supervisors, and employees appointed to conduct administrative reviews.

Systems exempted from certain provisions of the act: None.

DOE-21

System name: Emergency Defense Mobilization Files.

Security classification: Unclassified.

System location:

Office of Fuels Regulation
Economic Regulatory Administration
2000 M Street, NW.
Washington, D.C. 20461

Office of Utility Systems
Economic Regulatory Administration

2000 M Street, NW.
Washington, D.C. 20461

Categories of individuals covered by the system: Members of the National Defense Executive Reserve and other individuals assigned responsibilities in the event of a national defense emergency.

Categories of records in the system: Biographical and related records.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Defense Production Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: DOE officials and officials of other departments and agencies—use of records to administer the National Defense Executive Reserve Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in lockable drawers or file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are retained for two years following the resignation or death of the subject individual.

System manager(s) and address:

Assistant Administrator for Fuels Regulation (or his designee)
Economic Regulatory Administration
U.S. Department of Energy
2000 M Street, NW.
Washington, D.C. 20461

Assistant Administrator for Utility Systems (or his designee)
U.S. Department of Energy
1111 20th Street, NW.
Washington, D.C. 20461

Notification procedure: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: The subject individual.

Systems exempted from certain provisions of the act: None.

DOE-22

System name: Plant Services History.

Security classification: Unclassified.

System location: The location listed as item 4 in Appendix A.

Categories of individuals covered by the system: Individuals who have been or are employed by the Branch of Plant Services.

Categories of records in the system: Records concerning labor performed by the above-defined individuals, including type of work, rate, pay, travel and per diem status, and for whom these services were performed.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary uses of the

records are (a) to provide a detailed record of costs incurred for labor against any plant services requested on a monthly basis, (b) to provide backup for charges for work performed for other Federal agencies under the cross-servicing agreements authorized by GSA Bulletin FPMR 100.G-23, and (c) to provide backup for charges against contractors and other vendors for corrective work performed by the Branch of Plant Services.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: By name, position number, and time period involved.

Safeguards: Records are maintained in a locked building.

Retention and disposal: Tapes are erased after 10 years.

System manager(s) and address: Field Offices:

Chief, Branch of Plant Services
Bonneville Power Administration
U.S. Department of Energy
P.O. Box 3621
Portland, Oregon 97208

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 4 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 4 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in item 4 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information. Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Daily time reports and leave applications completed and signed by subject individuals.

Systems exempted from certain provisions of the act: None.

DOE-23

System name: Property Accountability System.

Security classification: Unclassified.

System location: The locations listed as items 1, 4, 31, and 33 in Appendix A and the following additional location:

Branch of Plant Services
EJ, Bonneville Power Administration
5400 NE Highway 99
P.O. Box 491
Vancouver, Washington 98660

Categories of individuals covered by the system: DOE employees authorized to be custodians of controlled DOE equipment.

Categories of records in the system: Contains records concerning the types, quantity, make and models, and value of equipment assigned to individuals and crews. Also, the employees assigned equipment, their account numbers, organization, and location.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Federal Property and Administrative Services Act of 1949, Section 202(b), 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: The primary uses of the records are (a) to provide inventories to satisfy other FPMR requirements; (b) to maintain a record of location of emergency equipment; (c) to control equipment assignments authorized under union contracts; (d) to provide management information necessary for the budgeting and allocation of equipment funds; and (e) to provide evidence of assignment, location, and value in the event that Government property is stolen.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disks, paper records.

Retrievability: By name, position number, and/or employee identification number.

Safeguards: Access is restricted to authorized personnel.

Retention and disposal: Tapes are erased after ten years. Paper records are held no longer than six years after final payment.

System manager(s) and address: The managers or directors of field locations 1, 4, 31, and 33 and of the Bonneville office listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1, 4, 31, and 33 in Appendix A and the Bonneville office listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1, 4, 31, and 33 in Appendix A and the Bonneville office listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1, 4, 31, and 33 in Appendix A and the Bonneville office listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: DOE employees who have authority to have tools and work equipment and their supervisors.

Systems exempted from certain provisions of the act: None.

DOE-24

System name: Land Records.

System location: The following subunits of the Bonneville Power Administration:

Branch of Land
1002 Holladay Street, NE.

P.O. Box 3621
 Portland, Oregon 97208
 Portland Area Office
 Lloyd Plaza Building
 P.O. Box 3621
 Portland, Oregon 97208
 Ross Complex 5400 Highway 99, NE.
 P.O. Box 491, NE.
 Vancouver, Washington 98660
 Spokane Area Office
 U.S. Court House
 West 920 Riverside
 Room 561
 Spokane, Washington 99201
 Walla Walla Area Office
 West 101 Poplar
 P.O. Box 1518
 Walla Walla, Washington 99362.

Categories of individuals covered by the system: Individuals and/or companies from whom or to whom BPA has acquired or given interests in land.

Categories of records in the system: The Records contain the individual's name, description of land tract, type of agreement, rights granted or received, and history of the transaction.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To answer questions regarding land rights which BPA has granted to individuals or land rights individuals have granted to BPA; and as a data source used to update maps.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer punched cards and magnetic tapes; maintained manually in file folders and card files; the land tract register is stored in a safe; computer (punched cards) are stored in a cabinet.

Retrievability: By line identification, tract number, and contract number; cross referenced by name of landowner, grantee, or grantor.

Safeguards: Access to the records is limited to authorized persons. During nonworking hours, access to the records is restricted by their storage in locked metal file cabinets or a locked room.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Bonneville Power Administration, 1002 Holladay Street, NE., P.O. Box 3621, Portland, Oregon 97208, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Bonneville Power Administration, 1002 Holladay Street, NE., P.O. Box 3621, Portland, Oregon 97208, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Bonneville Power Administration, 1002 Holladay Street, NE., P.O. Box 3621, Portland, Oregon 97208, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7 40 FR 7320 (February 19,

1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Information in this system comes from individual landowners, grantees, or grantors; BPA officials; and State and local authorities.

Systems exempted from certain provisions of the act: None.

DOE-25

System name: Employee Parking Records (this system concerns parking managed and controlled by DOE under the general direction of the General Services Administration).

Security classification: Unclassified.

System location: The locations listed in Appendix A and the following additional locations:

1. Strategic Petroleum Reserve Project Management Office
 900 Commerce Road East
 New Orleans, Louisiana 70123
2. Naval Petroleum Reserves
 Box 11
 Tupman, California 93276
3. Naval Petroleum Reserves
 400 East 1st Street, Suite 311
 Casper, Wyoming 82611
4. Carbondale Mining Resource Center
 P.O. Box 2587
 Carbondale, Illinois 62901
5. Pittsburgh Naval Reactors Office
 P.O. Box 109
 West Mifflin, Pennsylvania 15122
6. Schenectady Naval Reactors Office
 P.O. Box 1069
 Schenectady, New York 12301
7. Clinch River Breeder Reactor Project Office
 P.O. Box V, Jefferson Circle
 Oak Ridge, Tennessee 37830

Categories of individuals covered by the system: All DOE employees who apply as members of a carpool for DOE parking spaces managed and controlled by DOE under the general direction of the General Services Administration. Also, employees of DOE, of DOE contractors, and of nearby employers at the locations listed in Appendix A and the additional locations listed under "System Locations."

Categories of records in the system: Name; Federal service computation date; payroll or other assigned number; office address and telephone; home address and telephone; make, year, State of registration, and tag number of pool vehicles; and number of days per week in the carpool; and other carpooling information.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Federal Management Circular 1-74.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Dissemination to individuals seeking to join a carpool which operates from their residence area.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records and magnetic tape.

Retrievability: By name, location of parking assignment, home address, payroll or other assigned number, and license number.

Safeguards: Paper records are maintained in a lockable metal file cabinet. Magnetic tapes are stored in a restricted area. Access is limited to DOE and contractor personnel who need the information to perform their official duties.

Retention and disposal: Parking records are retained until new parking assignments are made (approximately six months). Carpool records are retained for two years.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director
 Office of Administrative Services
 U.S. Department of Energy

Washington, D.C. 20585

Field Offices: The managers and directors of field locations listed in Appendix A and additional locations listed under "System Locations."

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address listed in Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address listed in Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address among items 4, 8, 26, and 33 of Appendix A in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual.

Systems exempted from certain provisions of the act: None.

DOE-26

System name: Domestic Travel Records.

Security classification: Unclassified.

System location: The locations listed as items 1 through 35 in Appendix A and the following additional locations:

Clinch River Breeder Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the System: DOE employees who have traveled on official business or changed official duty stations, and other individuals authorized to travel at Government expense for DOE. Also official guests of DOE.

Categories of records in the system: Name address, social security number, destination, itinerary, mode and purpose of travel, date of travel, expenses (including amount advanced, if any), amounts claimed, and amounts reimbursed. Travel orders, travel vouchers, receipts, and passport record card.

Authority for maintenance of the System: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; 5 U.S.C. 5701-5709; Federal Property Management Regulations 101-7; Federal Travel Regulations; Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; Federal Claims Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to the U.S.

Treasury for payment of claim, to General Accounting Office for audit and verification of accuracy and legality of disbursements, to IRS to inform regarding taxable travel reimbursements.

Additional routine uses are listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, punched cards, magnetic tape and disk, microfiche, and computer printouts.

Retrievability: By name, social security number, travel order number, and chronologically.

Safeguards: Access to magnetic tapes and disk files is controlled through established DOE computer center procedures (personnel screening and physical security). Records are maintained in locked cabinets and desks with access on a need-to-know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Controller
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field locations 1 through 7 and 9 through 35 in Appendix A, and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors, and Schenectady Naval Reactors Offices listed above under system location are System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 25 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, and location of employment and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, and location of employment, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, and location of employment, and time period.

Record source categories: Subject individuals, supervisors, and finance (or accounting) office standard references.

Systems exempted from certain provisions of the act: None.

DOE-27

System name: Foreign Travel Records.

Security classification: Classified and unclassified.

System location: The locations listed as items 1 through 35 in Appendix A and the following additional locations:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: DOE employees and contractor employees authorized to travel to foreign countries.

Categories of records in the system: Security evaluation of individual's access to classified information and background data relating to proposed foreign travel; travel itinerary and summary report following completion of travel.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; 5 U.S.C. 5701-5709; Federal Property Management Regulations 101-7; Federal Trade Regulations; Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; Federal Claims Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to U.S. Treasury for payment of claims, to General Accounting Office for audit and verification of accuracy and legality of disbursements, to IRS to inform regarding taxable reimbursements, to State Department for passports, and to law enforcement and intelligence agencies for post-travel discussions.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, punched cards, magnetic tape, disk, paper, microfiche.

Retrievability: By name.

Safeguards: Access is limited to employees with a need to know. Records are maintained in guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 1 through 7 and 9 through 35 of Appendix A and the Pittsburgh and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, employment location, and dates of travel.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval

Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, employment location, and dates of travel.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A, and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR, Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, employment location and dates of travel.

Record source categories: Subject individuals and supervisors.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5).

DOE-28

System name: General Training Records.

Security classification: Unclassified.

System location: The locations listed as items 1-35 in Appendix A.

Categories of individuals covered by the system: All individuals who have requested and participated in training programs administered by DOE, other agencies, or other organizations.

Categories of records in the system: Name, grade, organization, date of birth, social security number; home address and telephone number and special interest area; education completed, course name, justification for attending the course, direct and indirect costs or training, coded information dealing with purpose, type, source; OF 170; course evaluation form, accounting records and central personnel data file quarterly training report.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Government Employees Training Act of 1958; Federal Personnel Manual Bulletin 290-15; Federal Personnel Manual, Chapter 410 and Appendix A thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these records is transmitted to intra- and interagency program offices for purposes of determining eligibility for training; to Federal agencies, including the Office of Personnel Management, as source documents for training reports; to training institutions that personnel have requested to attend; and to other Federal agencies as the information documents for payment of funds for training.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name and social security number.

Safeguards: Records are maintained in secured file cabinets with access limited to those whose official duties require access.

Retention and disposal: Training requests and authorizations are retained for three years and then destroyed. Other training records are incorporated in the individual's personnel folder.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Training and Development
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers, directors, or administrators of field locations 1-7 and 9-35 of Appendix A are System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individuals and the individual's supervisors.

Systems exempted from certain provisions of the act: None.

DOE-29

System name: Technology Training Program—Skill Training at Technician Level.

Security classification: Unclassified.

System location: The locations listed as items 8, 9, and 26 in Appendix A and the following additional location:

Oak Ridge Associated Universities
Oak Ridge Operations Office
P.O. Box 117
Oak Ridge, Tennessee 37830

Categories of individuals covered by the system: Technicians in skill-level training for industrial employers within the energy industry, e.g., construction, electro/mechanical drafting, inhalation toxicologists, radiation monitoring, welding inspection, vacuum technology, and laser and optics technology.

Categories of records in the system: Applications for training assignment, work histories, education, training evaluations.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, punched cards, magnetic tapes, disks, paper, microfiche.

Retrievability: By name.

Safeguards: Records are maintained in a guarded building.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (Location 8 in Appendix A):

Director

Office of Contractor Industrial Relations

U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 9, 14, and 26 of Appendix A are the Systems Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 8, 9, 14, and 26 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 8, 9, 14, and 26 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 8, 9, 14, and 26 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individual and contractor by whom the individual is employed.

Systems exempted from certain provisions of the act: None.

DOE-30

System name: Nuclear Qualification Examination Records (for personnel to be assigned to ships, shipyards, prototypes and Shippingport atomic power station).

Security classification: Unclassified.

System location:

Headquarters
U.S. Department of Energy
Washington, D.C. 20585

Categories of individuals covered by the system: Candidates for the following positions: United States naval nuclear ship commanding officers, engineer officers, naval nuclear prototype plant managers, naval reactors representatives, shipyard and prototype shift test engineers, and Shippingport atomic power station operations supervisors and nuclear control operators.

Categories of records in the system: Completed examinations and associated records necessary to locate the exams.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Defense—performance of regular duties.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name and examination serial number.

Safeguards: Access is controlled by the cognizant engineer.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters:

Director
Division of Naval Reactors
U.S. Department of Energy
Washington, D.C. 20545

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Name, position for which examination taken, and the approximate date of the exam.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Name, position for which examination taken, and the approximate date of the exam.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Name, position for which examination taken, and the approximate date of the exam.

Record source categories: The subject individuals.

Systems exempted from certain provisions of the act: None.

DOE-31

System name: Firearms Qualification Records.

Security classification: Unclassified.

System location: The locations listed as items 2, 6, 8, 9, 12, 14, 29, and 31 in Appendix A and the following additional locations:

Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79105

Dayton Area Office
Mound Laboratory
Box 66
Miamisburg, Ohio 45342

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

Kansas City Area Office
P.O. Box 202
2000 E. Bannister Road
Kansas City, Missouri 64141

Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

Pinellas Area Office
GE Pinellas Peninsula
P.O. Box 11500
St. Petersburg, Florida 33733

Pittsburgh Naval Reactors Office

P.O. Box 109
West Mifflin, Pennsylvania 15122

Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

Sandia Area Office
Technical Area I
Kirtland Air Force Base-East
Albuquerque, New Mexico 87115

San Francisco Livermore Site Office
Trailer 125
Room 106
Livermore, California 94550

Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Department of Energy employees and contractor employees who familiarize themselves or qualify with firearms in the performance of their regular duties.

Categories of records in the system: Records of an individual's annual qualification scores; approvals of gun permits; records concerning accountability of firearms.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Wackenhut Services Inc. (Nevada) Training and Administrative Personnel—performance of regular duties.

Los Alamos County Sheriff—deputation of individuals.
Los Alamos County Clerk—recording of Deputy Commission.
Los Alamos District Court Clerk—recording of Deputy Commission.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Access is limited to employees having a need to know. Records are stored in security areas under guard and/or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 2, 6, 9, 12, 14, 29 and 31 of Appendix A and the Pittsburgh and Schenectady Naval Reactors Offices listed under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 6, 8, 9, 12, 14, 29, and 31 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 12, 14, 29, and 31 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 12, 14, 29, and 31 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Gun permit notifications and firearm qualifications results from individuals and training personnel.

Systems exempted from certain provisions of the act: None.

DOE-32

System name: Government Motor Vehicle Operator Records.

Security classification: Unclassified.

System location:

The locations listed as items 1 through 35 in Appendix A and the following additional locations:

Bonneville Power Administration
Portland Area Office
919 Northeast 19th Avenue
P.O. Box 3621
Portland, Oregon 97208

Bonneville Power Administration
Seattle Area Office
415 First Avenue North
Room 250
Seattle, Washington 98109

Bonneville Power Administration
Spokane Area Office
Room 561
United States Court House
West 920 Riverside Avenue
Spokane, Washington 99201

Bonneville Power Administration
Ross Complex
5400 Northeast Highway 99
P.O. Box 491
Vancouver, Washington 98660

Bonneville Power Administration
Walla Walla Area Office
West 101 Poplar
P.O. Box 1518
Walla Walla, Washington 99362

Carbondale Mining Research Center
P.O. Box 2587
Carbondale, Illinois 62901

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

Naval Petroleum Reserve
P.O. Box 11
Tupman, California 93276

New Brunswick Laboratory
P.O. Box 150

New Brunswick, New Jersey 08930

Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Solar Energy Research Institute
1536 Cole Boulevard
Golden, Colorado 80401

Strategic Petroleum Reserve
900 Commerce Road, East
New Orleans, Louisiana 70123

Categories of individuals covered by the system: Each DOE employee and contractor employee whose job duties require frequent or occasional use of Government-owned or leased vehicles and who apply for Motor Vehicle Operator Identification Cards (Standard Form 46). Also, some U.S. Geological Survey personnel, U.S. Forest Service personnel, and Nuclear Regulatory Commission personnel.

Categories of records in the system: Name, job title, office, physical description, birthplace, social security number, type and serial number of State driver's license, record of traffic arrests and/or accidents over the past five years, and signature. A second form (SF-47) contains the employee's full name, date of birth, job title, home address, and general health history.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; 40 U.S.C. 491(j); Federal Property Management Regulations concerning use of Government-owned and leased vehicles.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine eligibility for operation of Government motor vehicles.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfiche, computer printouts, punched cards, magnetic tape, disk.

Retrievability: By name, chronologically by expiration date and date of any incidents, and numerically by badge number.

Safeguards: Maintained in buildings with controlled access, combination file safe, and key lock file.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director of Administrative Services
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field locations 1 through 7 and 9 through 35 of Appendix A and/or the Carbondale Mining Research Center, Naval Petroleum Reserve, Pittsburgh Naval Reactors, Schenectady Naval Reactors, Solar Energy Research Institute, and Strategic Petroleum Reserve Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those indicated above under System Manager, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, location(s) of DOE installation, where Government driver's license was issued, and time period.

Record access procedures:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those indicated above under System Manager, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, location(s) of DOE installation, where Government driver's license was issued, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed above under System Manager, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, location(s) of DOE installation, where Government driver's license was issued, and time period.

Record source categories: Individual applications, accident reports, examinations (for qualifications) by medical personnel, National Driver Register, reports by citizens on alleged misuse of Federal vehicles, and State or local police.

Systems exempted from certain provisions of the act: None.

DOE-33

System name: Personnel Medical Records.

Security classification: Unclassified.

System location: The locations listed as items 1 through 35 in Appendix A and the following additional locations:

Bendix Corporation
P.O. Box 1159
Kansas City, Missouri 64141
Bettis Atomic Power Laboratory
P.O. Box 79
West Mifflin, Pennsylvania 15122
Brookhaven National Laboratory
Industrial Medicine Division
Upton, New York 11973
Carbondale Mining Research Center
P.O. Box 2587
Carbondale, Illinois 62901
Clinch River Breeder
Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830
Dayton Area Office
Mound Laboratory
Box 66
Miamisburg, Ohio 45342
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Kansas City Area Office
2006 East Bannister
Box 202
Kansas City, Missouri 64141
Knolls Atomic Power Laboratory
P.O. Box 1072
Schenectady, New York 12301
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544
Naval Petroleum Reserve
P.O. Box 11
Tupman, California 93276
Naval Reactors Facility
P.O. Box 2068
Idaho Falls, Idaho 83411
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

Schenectady Naval Reactors Office

P.O. Box 1069
Schenectady, New York 12301

Solar Energy Research Institute
1536 Cole Boulevard
Golden, Colorado 80401

Strategic Petroleum Reserve
900 Commerce Road, East
New Orleans, Louisiana 70123

Categories of individuals covered by the system: Present and former DOE employees and DOE contractor employees. This system includes individuals admitted to or treated at Kadlec Hospital, Richland, prior to September 9, 1956.

Categories of records in the system: Medical histories on employees resulting from medical examinations and radiation exposure. In cases of injury, description of injury occurrence and treatment. In addition, medical records of periodic physical examinations and psychological testing, blood donor program records, audiometric testing, routine first aid, and other visits. Also, hospital in-patient records and emergency room out-patient records for private patients at Kadlec Hospital.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; 5 U.S.C. 7901; OMB Circular A-72

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Physicians, U.S. Department of Labor, various State departments of labor and industries, and contractors—use information (a) to ascertain suitability of an employee for job assignments with regard to health, (b) to provide benefits under Federal programs or contracts, and (c) to maintain a record of occupational injuries or illnesses in the performance of regular diagnostic and treatment services to patients.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, magnetic tape, paper, microfilm.

Retrievability: By name, social security number, plant area.

Safeguards: Active records are maintained in locked file cabinets in locked buildings. Inactive records are maintained in locked storage vaults.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Division of Operational and Environmental Safety
U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 1 through 7 and 9 through 35 are designated the System Managers for their respective portions of this system.

Notification procedures:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Applicable location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

Record access procedures:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act

regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Applicable location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Applicable location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

Record source categories: The individual who is the subject of the record, physicians, medical institutions, Office of Workers Compensation Programs, military retired pay systems records, Federal civilian retirement systems, pay and leave records, Office of Personnel Management retirement life insurance and health benefits records system, and the Office of Personnel Management personnel management records system.

Systems exempted from certain provisions of the act: None.

DOE-34

System name: Employee Assistance Program (Alcohol and Drug Abuse Program).

Security classification: Unclassified.

System location: The locations listed as items 1-35 in Appendix A.

Categories of individuals covered by the system: Employees receiving counseling and referral services to resolve alcohol and/or drug abuse problems.

Categories of records in the system: Name, address, job title, grade level, date of employment, work history, community social service agency referrals, medical reports.

Authority for maintenance of the system: Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970; Federal Personnel Manual Letter No. 792-4; 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Records are retained in accordance with applicable DOE record disposition schedules.

System manager(s) and address: Headquarters (location 8 Appendix A):

Director
Office of Equal Opportunity
U.S. Department Of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field locations 1 through 7 and 9 through 35 of Appendix A are the System Managers for their respective portions of the system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual and the individual's supervisors.

Systems exempted from certain provisions of the act: None.

DOE-35

System name: Personnel Radiation Exposure Records.

Security classification: Unclassified.

System location: The locations listed as items 2, 3, 6-12, 14, 15, 26, 28, and 29 in Appendix A and the following additional locations:

Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79105
Batavia Area Office
P.O. Box 2000
Batavia, Illinois 60510
Brookhaven Area Office
Upton, New York 11973
Brookhaven National Laboratory
Health Physics and Safety Division
Building 535
20 North Technology Street
Upton, New York 11973
Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45342
Division of Naval Reactors
2521 Jefferson Davis Highway
Arlington, Virginia 22202
Environmental Measurements Laboratory
376 Hudson Street
New York, New York 10014
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Hanford Environmental Health Foundation
Kadlec Medical-Dental Building
Richland, Washington 99352
Idaho Branch Office
P.O. Box 2469
Idaho Falls, Idaho 83401
Idaho Health Services Laboratory, CF-690
INEL and Computer Science Center
Idaho Falls, Idaho 83401
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

Naval Reactors Representative Office
Building 195
Charleston Naval Shipyard
Charleston, South Carolina 29408

Naval Reactors Representative Office
P.O. Box 21
Groton, Connecticut 06340

Naval Reactor Representative Office
Mare Island Naval Shipyard
P.O. Box 2053
Mare Island, California 94592

Naval Reactors Representative Office
Newport News Shipbuilding & Dry Dock Company
P.O. Box 973
Newport News, Virginia 23607

Naval Reactors Representative Office
Norfolk Naval Shipyard
P.O. Box 848
Portsmouth, Virginia 23705

Naval Reactors Representative Office
P.O. Box 1687
Pascagoula, Mississippi 39567

Naval Reactors Representative Office
Pearl Harbor Naval Shipyard
P.O. Box 128
FPO San Francisco 96610

Naval Reactors Representative Office
Portsmouth Naval Shipyard
Building 178
P.O. Box 2008
Portsmouth, New Hampshire 03801

Naval Reactors Representative Office
Puget Sound Naval Shipyard
P.O. Box 1A
Bremerton, Washington 98314

New Brunswick Laboratory
P.O. Box 150
New Brunswick, New Jersey 08903

Pinellas Area Office
P.O. Box 11500
St. Petersburg, Florida 33733

Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

Puerto Rico Office
P.O. Box BB
San Juan, Puerto Rico 00935

Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

Sandia Area Office
P.O. Box 5800
Albuquerque, New Mexico 87115

Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Shippingport Branch Office
P.O. Box 11
Shippingport, Pennsylvania 15077

West Milton Field Office
P.O. Box 1069
Schenectady, New York 12301

Windsor Field Office
P.O. Box 393
Windsor, Connecticut 06095

Categories of individuals covered by the system: DOE personnel, contractor personnel, and any other persons having access to certain DOE facilities.

Categories of records in the system: DOE and contractor personnel and other individuals' radiation exposure records, and other records in connection with the transuranic registry.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: U.S. Navy uses these records to monitor radiation exposure of Naval and other personnel at Navy activities.

NRC uses these records to monitor radiation exposure of contractor personnel. DOE and its contractors and consultants, other contractors, and organizations, including various States' departments of labor and industry groups, use these records to monitor radiation exposure of personnel.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, paper records, index cards, magnetic tape, punched cards, microfilm and disc.

Retrievability: By name, alphanumeric code, and social security number.

Safeguards: Records are maintained in locked file cabinets, locked safes, guarded areas, and secured buildings, with access on a need-to-know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Division of Operational and Environmental Safety
U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 2, 3, 6, 7, 9, 10, 11, 12, 14, 15, 26, 28, and 29 in Appendix A and of the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 3, 6-12, 14, 15, 26, 28 and 29 of Appendix A, and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 3, 6-12, 14, 15, 26, 28, and 29 of Appendix A, and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 3, 6-12, 14, 15, 26, 28, and 29 of Appendix A, and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual, accident/incident investigations, film badges, dosimetry records, and previous employment records.

Systems exempted from certain provisions of the act: None.

DOE-36

System name: Statistical Analysis Using Personnel Security Questionnaire (Health and Mortality Study).

Security classification: Unclassified.

System location:

Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

Categories of individuals covered by the system: Department of Energy and predecessor agency employees, consultants and contractor employees, and consultants who were granted access authorizations (clearances).

Categories of records in the system: Records of employees of the Manhattan Engineering District Project, Atomic Energy Commission, Energy Research and Development Administration, and DOE, including copies of Personnel Security Questionnaires completed after termination of employment.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statistical analyses using Personnel Security Questionnaires.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name and social security number.

Safeguards: Records are maintained in guarded security areas in locked file cabinets. Access is limited to individuals having a need to know.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Field Offices:

The managers and directors of field locations 12 and 14 in Appendix A are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 12 and 14 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Name, social security number, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 12 and 14 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Name, social security number, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among

items 12 and 14 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Name, social security number, and time period.

Record source categories: Clearance histories of Manhattan Engineering District, Atomic Energy Commission, Energy Research and Development Administration, and DOE employees; access permittees' security clearance; and reports from investigative agencies.

Systems exempted from certain provisions of the act: None.

DOE-37

System name: Equal Opportunity Complaint Files.

Security classification: Unclassified.

System location: The locations listed as items 1 through 35 in Appendix A and the following additional locations:

Clinch River Breeder Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Each DOE employee, or applicant for employment, DOE contractor employees, or Assigned Facilities contractor employee who, in accordance with the provisions of Federal Personnel Manual No. 713, has filed a written complaint of discrimination based on race, religion, national origin, or sex with DOE or with another Federal agency which has referred the complaint to DOE.

Categories of records in the system: Name, address, job title, wage rate, earnings, dates of employment, data on applications for employment, race, sex, work history, the complaint, investigation reports (with affidavits), Equal Opportunity (EO) Officer disposition with respect to complaint, and agency head decision regarding complaint.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Equal Employment Opportunity Act of 1972; Federal Personnel Manual No. 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name of complainant.

Safeguards: Records are located in a combination safe with access limited to those whose official duties require access.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Equal Opportunity
U.S. Department of Energy
Washington, D.C. 20585

The managers and directors of field locations 1-7 and 9-35 of Appendix A and of the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1-35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval

Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) of 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1-35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1-35 of Appendix A and the Clinch River Breeder Reactor Plant Project, Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6, 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name and time period.

Record source categories: The subject individual, coworkers, other employees, and contractor employees.

Systems exempted from certain provisions of the act: None.

DOE-38

System name: Occupational and Industrial Accident Records.

Security classification: Unclassified.

System location: The locations listed as items 1-35 in Appendix A and the following additional locations:

Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79105
Brookhaven Area Office
Upton, New York 11973
Carbondale Mining Research Center
P.O. Box 2587
Carbondale, Illinois 62901
Clinch River Breeder Reactor Plant Project
P.O. Box U
Oak Ridge, Tennessee 37830
Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45342
Environmental Measurements Laboratory
376 Hudson Street
New York, New York 10014
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Idaho Branch Office
P.O. Box 2469
Idaho Falls, Idaho 83401
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141
Los Alamos Area Office
P.O. Box 5800
Los Alamos, New Mexico 87544
Naval Petroleum Reserve
P.O. Box 11
Tupman, California 93276
Nevada Test Site
Mercury, Nevada 89023
New Brunswick Laboratory
P.O. Box 150
New Brunswick, New Jersey 08903

Pinellas Area Office
P.O. Box 11500
St. Petersburg, Florida 33733
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Puerto Rico Area Office
P.O. Box BB
San Juan, Puerto Rico 00935
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401
Sandia Area Office
P.O. Box 5800
Albuquerque, New Mexico 87115
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301
Shippingport Branch Office
P.O. Box 11
Shippingport, Pennsylvania 15077
Solar Energy Research Institute
1536 Cole Boulevard
Golden, Colorado 80401
Strategic Petroleum Reserve
900 Commerce Road, East
New Orleans, Louisiana 70123
West Milton Field Office
P.O. Box 1069
Schenectady, New York 12301
Windsor Field Office
P.O. Box 393
Windsor, Connecticut 06095

Categories of individuals covered by the system: DOE employees, contractor employees, and any other persons having access to DOE facilities. Also individuals involved in accidents with employees or contractor employees or other persons having access to DOE facilities.

Categories of records in the system: Accident/incident information, occupational injury and illness experience, property damage experience, motor vehicle accidents.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Federal Tort Claims Act, 28 U.S.C. 2671-2680; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Physicians: For purpose of treating patients.

Property owners and insurance companies: For purpose of processing insurance claims.

DOE Contractors and consultants, State departments of labor and industries and other State agencies, U.S. Department of Labor, National Drivers Registry, and Department of Transportation: For purposes of processing insurance claims and accident reporting.

Pertinent provisions of 29 CFR 1904.7 apply to the records maintained in this system of records.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, punched cards, paper records, microfilm.

Retrievability: By name and by alphabetic, numeric, or alphanumeric code.

Safeguards: Records are maintained in locked file cabinets, locked safes, guarded areas, and secured buildings with access limited to personnel with a need to know.

Retention and disposal: Records retention and disposal authorities are contained in DOE 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director
Division of Operational and Environmental Safety
U.S. Department of Energy

Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 1-7, 9-35 and the Carbondale Mining Research Center, Naval Petroleum Reserve, Pittsburgh Naval Reactors, Schenectady Naval Reactors, Solar Energy Research Institute, and Strategic Petroleum Reserve Offices listed as under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those indicated above under System Manager, in accordance with DOE's Privacy Act, regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, and/or birth date, geographic location of the accident, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contain information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those indicated above under System Manager, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, and/or birth date, geographic location of the accident, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those indicated above under System Manager, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, and/or birth date, geographic location of the accident and time period.

Record source categories: The subject individual, the individual's supervisor, medical officers or personal physicians, accident investigators, investigation boards, investigating law enforcement officers, the National Drivers Register, and previous employer records.

Systems exempted from certain provisions of the act: None.

DOE-39

System name: Labor Standards Complaints and Grievances.

Security classification: Unclassified.

System location: Locations are listed in items 2, 6, 8, 9, 14, 26, and 29 in Appendix A and the following additional locations:

Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Current and former contractor employees.

Categories of records in the system: Complaints against contractors, labor unions.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: U.S. Department of Labor—contract labor standards enforcement.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name and case number.

Safeguards: Records are maintained in locked files.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director
Office of Contractor Industrial Relations
U.S. Department of Energy
Washington, D.C. 20545

Field Offices: The managers and directors of field locations 2, 6, 8, 9, 14, 26, and 28 of Appendix A, and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 6, 8, 9, 14, 26, and 28 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 14, 26, and 28 Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 6, 8, 9, 14, 26, and 28 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individuals, contractors, members of the public.

Systems exempted from certain provisions of the act: None.

DOE-40

System name: Contractor Employees Insurance Claims.

Security classification: Unclassified.

System location:

Headquarters
U.S. Department of Energy
Washington, D.C. 20585

Categories of individuals covered by the system: Claimants under workmen's compensation insurance, third-party claimants against DOE contractors.

Categories of records in the system: Accident reports, physician statements, pictures, maps, sketches, claimant and witness statements, doctor and hospital bills, reports from engineers firms, claims activity reports.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Insurance companies—in administering claims against DOE Contractors and DOE.

State and local agencies—for consideration of insurance claims.

Physicians—for claim evaluations.

Lawyers—for claim evaluations.

State industrial commissions—for claim evaluations.

Claims adjustment services firms—for claim evaluations.

The additional routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, records, and computer printouts.

Retrievability: By name and claim number.

Safeguards: Records are maintained in a locked building.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters:

Director
Office of Contractor Industrial Relations
U.S. Department of Energy
Washington, D.C. 20545

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, DC 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, DC 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, DC 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Claimants, witnesses, insurance company claim files.

Systems exempted from certain provisions of the act: None.

DOE-41

System name: Legal Files (Claims, Litigations, Criminal Violations, Patents, and Others).

Security classification: Unclassified.

System location: The locations listed in items 1-35 in Appendix A and the following additional location:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: DOE related debtors and bankrupts; claimants with respect to radiation, tort, patent, contract employee compensation and workmen's compensation matters; injured parties, litigants and complaints generally; inventors; those against whom claims have been filed; persons suspected of violating DOE regulations and criminal laws.

Categories of records in the system: Claims relating personal injury, radiation injury, property damage and other tort matters, and contract matters; litigation records, accident reports; addendums to inspection reports; employment records; consultants agreements; cases alleging discrimination; conflict of interest files; criminal litigation records; Personal Security Review Board cases; medical records; photographs; telephone records; investigations; government orders; inventions; correspondence and other data relating to the foregoing.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Justice; GAO; State and local law enforcement agencies; civil and criminal courts; administrative arbitrators; litigants; investigators; Congress; attorneys; physicians; consultants; insurance carriers—for appraisal, evaluation, settlement and denial of claims and other matters and as a basis for administrative and legal action and all matters pertaining thereto, including civil and criminal remedies.

The additional routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name and control card locator.

Safeguards: Records are maintained in vaults and locked safes (under surveillance during business hours).

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

General Counsel
U.S. Department of Energy
Washington, D.C. 20585

Field Offices: The managers and directors of field locations 1-7 and 9-35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1-35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individuals, inspection reports, other agencies, Office of General Counsel attorneys, other agency officers and staff, contractors, investigators, and auditors.

Systems exempted from certain provisions of the act: The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 522a(k) (1), (2) and (5).

DOE-42

System name: Personnel Security Clearance Index.

Security classification: Both classified and unclassified material.

System location: The locations listed as items 2, 4, 6, 8, 9, 12, 14, 28, and 29 in Appendix A and the following additional locations:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Employees and applicants for employment with DOE and DOE contractors and access permittees for whom access authorizations (clearances) have been initiated, granted, and/or terminated.

Categories of records in the system: Records identifying history and status of processed access authorizations (clearances).

Category A—Personnel security index: Name, position, organization, social security number, and date and place of birth. May also contain position sensitivity description, date of appointment, date and type of clearance, basis of clearance, briefing and debriefing data, date folder was retired, and date folder was destroyed.

Category B—Automatic data processing index: Name and social security number. Contains references to organization, position sensitivity, access clearances issued, security briefing data, date of background investigation, date of security interview, and existence of personnel security folder of index card.

Category C—Identification pass index: Name, social security number, location, issue date and expiration date of passes issued to individuals who hold valid, permanent identification passes for DOE Headquarters offices, and a photograph of the individual.

Category D—DOE credential index: Name, organization, location and position of individuals who hold DOE credentials.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Executive Order 10450 and 9830; Federal Personnel Manual, Chapters 731 and 736.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In investigations concerning DOE personnel, contractors, and access permittees, with regard to loyalty, classified access, and suitability determinations.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, data cells, magnetic tape, punched cards, and disc packs.

Retrievability: By name and access authorization (clearance) number.

Safeguards: Access is limited to employees having a need to know. Records are stored in secured building subject to guard patrols and/or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Field Offices: The managers and directors of field locations 2, 4, 6, 9, 12, 14, 28, and 29 in Appendix A and of the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 4, 6, 8, 9, 12, 14, 28, and 29 in Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, social security number, and dates of employment.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy at the appropriate address from among items 2, 4, 6, 8, 9, 12, 14, 28, and 29 in Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, social security number, and dates of employment.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 4, 6, 8, 9, 12, 14, 28, and 29 in Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, social security number, and dates of employment.

Record source categories: Personnel Security Questionnaire and fingerprint card executed by the subject individual, other sources contacted during security investigation, and DOE Security Offices.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5).

DOE-43

System name: Personnel Security Clearance Files.

Security classification: Both classified and unclassified material.

System location: The locations listed as items 2, 4, 6, 8, 9, 12, 14, 26, 28, and 29 in Appendix A and the following additional locations:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Employees and applicants for employment with DOE and DOE contractors; consultants; other individuals requiring access to classified information and facilities; access permittees who are authorized access.

Categories of records in the system: Results of investigations concerning individuals processed for access authorizations (clearances).

Personnel security folders: Name, grade, organization, date and place of birth, and social security number. Contains requests for security clearance, OPM Standard Forms 85, 86, 87 and 171, and OS Forms DPS 24 and 24A; results of national agency check and inquiries and a record of authorized individuals who have had access to the folder. May also contain action checklist, termination checkout sheet OPM Standard Forms 50, 52, or 73, as well as notification to Office of Personnel Management of agency action on case.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Executive Orders 10450 and 9830; Federal Personnel Manual, Chapters 731 and 736.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name and numeric code.

Safeguards: Access is limited to employees having a need to know. Records are stored in locked file cabinets in locked buildings.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director

Office of Safeguards and Security

U.S. Department of Energy

Washington, D.C. 20545

The managers and directors of field locations 2, 4, 6, 9, 12, 14, 26, 28, and 29 in Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 4, 6, 8, 9, 12, 14, 26, 28, and 29 in Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, date of birth, social security number, clearance processing location, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 4, 6, 8, 9, 12, 14, 26, 28, and 29 in Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, date of birth, social security number, clearance processing location, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 4, 6, 8, 9, 12, 14, 26, 28, and 29 in Appendix A, and the Pittsburgh Naval Reactors

and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR, Part 206 or Part 708 should apply.

b. Required identifying information: Full name, date of birth, social security number, clearance processing location, and time period.

Record source categories: Personnel Security Questionnaire and fingerprint card executed by the subject individual; background investigation reports by Federal Bureau of Investigation, Office of Personnel Management, and other Government agencies conducting background investigations; summaries and transcripts of interviews with the individual; interrogatory letters to the individual; local police department reports; and security infraction reports received from the individual's supervisor.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(1), (2) and (5); or including internal memoranda specifically identified as OS Forms DPS 24 and 24A.

DOE-44

System name: Special Access Authorization for Categories of Classified Information.

Security classification: Unclassified.

System location: The locations listed in items 2, 8, 9, 10, 12, 14, 26, 28, and 29 in Appendix A and the following additional locations:

Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79105
Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45342
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544
Pinellas Area Office
P.O. Box 5400
Albuquerque, New Mexico 87115
Rocky Flats Area Office
P.O. Box 298
Golden, Colorado 80401
Sandia Area Office
P.O. Box 5400
Albuquerque, New Mexico 87115

Categories of individuals covered by the system: Individuals authorized to access special categories of information and compartmentalized DOE facilities and/or areas.

Categories of records in the system: Letters and memoranda of authorization to special categories of classified information.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DOE contractors—for purposes of performing contractual functions.

NATO, National Security Agency, and CIA—for determining individuals who have access to classified information generated by these agencies.

The additional routine listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files; also magnetic tape (at Headquarters).

Retrievability: By name.

Safeguards: Access is limited to employees with a need-to-know. Records are stored in security areas under either guard or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records

within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters:

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations in 2, 9, 10, 12, 14, 26, 28, and 29 of Appendix A are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 9, 10, 12, 14, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 9, 10, 12, 14, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 10, 12, 14, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Individual reports from Federal investigation agencies; letters and/or plans from DOE operating offices, operating divisions and contractor facilities.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I) and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5).

DOE-45

System name: Weapon Data Access Control System.

Security classification: Unclassified.

System location: The locations listed as items 2, 8, 12, 14, and 28 in Appendix A and the following additional locations:

Amarillo Area Office
Panther Point
P.O. Box 1086
Amarillo, Texas 79105
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544
Pinellas Area Office
P.O. Box 11500
St. Petersburg, Florida 33733

Rocky Flats Area Office

P.O. Box 928
Golden, Colorado 80401
Sandia Area Office
P.O. Box 5406
Albuquerque, New Mexico

Categories of individuals covered by the system: DOE, DOD, and other Government agency employees, Government contractors and consultants requiring access to classified weapons data and/or DOE nuclear weapons program facilities.

Categories of records in the system: Name, social security number, date of birth, citizenship, employer, type of clearance, number and date of clearance, categories of information requested and authorized, locations to be visited and dates of visit, purpose of visit, point of contact, and Government agency certifying "need-to-know."

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: DOE and DOE contractors—to determine whether persons have appropriate security clearances to gain access to classified weapons data.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfiche, paper, magnetic tapes, and computer printouts.

Retrievability: By name and by specific weapon program.

Safeguards: Records are maintained in buildings with controlled access.

Retention and disposal: Headquarters master copy is retained for three years. Field Office copies are destroyed as the system is undated every two weeks. Records within DOE are destroyed by shredding, or burial in a sanitary landfill, as appropriate.

System manager(s) and addresses:

Headquarters:

Director
Office of Military Application
U.S. Department of Energy
Washington, D.C. 20545

Field Offices:

The managers and directors of field locations 2, 12, 14, 28, and 29 in Appendix A are the System Managers for their respective portion of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 12, 14, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 12, 14, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 12, 14, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19,

1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The individuals themselves, Government agencies, and Government contractors.

Systems exempted from certain provisions of the act: None.

DOE-46

System name: Clearance Board Cases.

Security classification: Unclassified.

System location:

Headquarters Washington, D.C. 20585

Categories of individuals covered by the system: DOE employees, access permittees, consultants and prospective employees, and contractors and contractor access permittees.

Categories of records in the system: Results of investigations concerning individuals processed for access authorizations (clearances).

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel involved in administrative review—information used for reference during review board hearings.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Access is limited to employees having a need-to-know. Records are stored in security areas under guard and/or guard protection.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth and time period.

Record source categories: Personnel Security Questionnaire and Fingerprint Card executed by individual; background investigation reports by Federal Bureau of Investigation, Office of Personnel Management and other Government agencies; summaries and transcripts of interviews with the individual; transcripts of Administrative Review Board hearings with individual; correspondence to individual concerning administrative processing of clearance action; and local and State police agency reports.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4),

(G), (H), (I) and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5).

DOE-47

System name: Security Investigations.

Security classification: Unclassified.

System location: The locations listed as items 2, 8, 9, 26, 28, and 29 in Appendix A and the following additional location:

Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

Categories of individuals covered by the system: DOE employees, specifically including employees of the Federal Energy Regulatory Commission; Contractor employees, private citizens.

Categories of records in the system: Reports to determine cause and circumstance of accidents and/or incidents.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Executive Orders 10450 and 9830; Federal Personnel Manual, Chapters 731 and 736.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Property Owners and Insurance Companies—Insurance claims.

DOE Fire and Safety and Administrative Personnel—Evaluation of fire and safety incidents.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Access is limited to individuals having a need-to-know. Records are maintained in locked and guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (location 8 in Appendix A):

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Field Offices: The managers and directors of field locations 2, 9, 26, 28, and 29 of Appendix A are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 9, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, employer, dates of employment, and social security number.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 9, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, employer, dates of employment, and social security number.

Contesting record procedures:

a. Requests by an individual to amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 9, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and

708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Indicate full name, date of birth, employer, dates of employment, and social security number.

Record source categories: The subject individual, other sources contacted during security investigations, and official records.

Systems exempted from certain provisions of the act: Internal memoranda specifically identified as OS Forms DPS 24 and 24A are exempted from certain of the Privacy Act's requirements, in accordance with 5 U.S.C. 552a(k)(2), (5). Additionally, with regard to certain records, pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from 5 U.S.C. 552a(d) and the Commission's rules issued pursuant thereto, 18 CFR 3b.221 and 3b.224, to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality, because the screening of personnel to assure that only qualified and trustworthy individuals are placed in governmental positions will, at times, require information to be collected under a pledge of confidentiality.

DOE-48

System name: Security Education and/or Infraction Reports.

Security classification: Unclassified.

System location: The locations listed as items 2, 8, 9, 12, 14, 26, and 29 in Appendix A and the following additional locations:

Amarillo Area Office

Pantex Plant

P.O. Box 1086

Amarillo, Texas 79105

Dayton Area Office

P.O. Box 66

Miamisburg, Ohio 45342

Kansas City Area Office

P.O. Box 202

Kansas City, Missouri 64141

Los Alamos Area Office

528 35th Street

Los Alamos, New Mexico 87544

Pinellas Area Office

P.O. Box 11500

St. Petersburg, Florida 33733

Pittsburgh Naval Reactors Office

P.O. Box 109

West Mifflin, Pennsylvania 15122

Rocky Flats Area Office

P.O. Box 928

Golden, Colorado 80401

Schenectady Naval Reactors Office

P.O. Box 1069

Schenectady, New York 12301

Categories of individuals covered by the system: DOE and employees having access authorization (clearance) to classify information and/or materials.

Categories of records in the system: Records of security education lectures, and investigative and summary reports of security infraction incidents.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Access is limited to employees with a need to know. Records are stored in security areas.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters:

Director

Office of Safeguards and Security

U.S. Department of Energy

Washington, D.C. 20545

Field Offices: The managers and directors of field locations 2, 9, 12, 14, 26, and 29 and the Pittsburgh and Schenectady Naval Reactors Offices listed under system location are the System Managers for their respective portion of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 9, 12, 14, 26, and 29 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 9, 12, 14, 26, and 29 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 9, 12, 14, 26, and 29 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Training officers; security personnel; individual's supervisor; and local, State, and Federal authorities.

Systems exempted from certain provisions of the act: None.

DOE-49

System name: Security Correspondence File.

Security classification: Unclassified.

System location:

Headquarters

U.S. Department of Energy

Washington, D.C. 20585

Categories of individuals covered by the system: Individuals of interest to DOE officials.

Categories of records in the system: Correspondence received from individuals, articles from news media, and informational reports.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Access is limited to individuals having a need to know. Records are stored in security area under guard protection.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Notification procedure:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individual, official records, articles from news media.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I) and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5).

DOE-50

System name: Personnel Assurance Program Records.

Security classification: Unclassified.

System location: The locations listed as items 2, 12, and 28 in Appendix A and the following additional locations:

Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79605
Sandia Area Office
P.O. Box 5800
Albuquerque, New Mexico 87115

Categories of individuals covered by the system: DOE or contractor employees performing work which afford both technical knowledge and access to assembled nuclear explosives or certain nuclear weapon components.

Categories of records in the system: Results of medical examinations, employment review, credit-consumer reports; data pertaining to access authorizations (clearances); and training records pertaining to individual's duties involving assembled nuclear explosives or certain nuclear weapon components.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Access is limited to employees having a need to know. Records are stored in locked file cabinets in secured buildings.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Field Offices: The managers and directors of field locations 2, 12, and 28 of Appendix A are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 12, and 28 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 12, and 28 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 12, and 28 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Medical records, occupational training records, and personnel security records.

Systems exempted from certain provisions of the act: None.

DOE-51

System name: Employee and Visitor Access Control Records.

Security classification: Unclassified.

System location: The locations listed as items 2, 7, 8, 9, 12, 14, 26, 28, and 29 in Appendix A and the following additional locations:

Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79105
Dayton Junction Office
P.O. Box 66
Miamisburg, Ohio 45342
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

Pinellas Area Office
P.O. Box 11500
St. Petersburg, Florida 33733
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401
Sandia Area Office
P.O. Box 5400
Albuquerque, New Mexico 87115
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Individuals visiting DOE facilities, DOE employees seeking access to DOE facilities and classified records.

Categories of records in the system: Records of individual visiting DOE and employee identification files (including photographs) maintained for access purposes.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DOE contractors—to control access to classified information and areas.

Department of Defense contractors—to authorize access to classified information and areas.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files and microfiche.

Retrievability: By name.

Safeguards: Access is limited to employees with a need to know. Records are stored in guarded security areas.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Field Offices: The managers and directors of the field locations 2, 7, 9, 12, 14, 26, 28, and 29 of Appendix A and of the Schenectady Naval Reactors Office listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 7, 9, 12, 14, 26, 28, and 29 of Appendix A and the Schenectady Naval Reactor Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 7, 8, 9, 12, 14, 26, 28, and 29 of Appendix A and the Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 7, 8, 9, 12, 14, 26, 28, and 29 of Appendix A, and the Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR, Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individual, Department of Defense, DOE offices and contractors, National Aeronautics and Space Administration, and other Government agencies.

Systems exempted from certain provisions of the act: None.

DOE-52

System name: Alien Visits and Participation.

Security classification: Unclassified.

System location: The locations listed as items 2, 8, 12, 14, 26, 28, and 29 in Appendix A and the following additional locations:

Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45342
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

Categories of individuals covered by the system: Resident aliens who visit and participate at DOE offices and contractor facilities.

Categories of records in the system: Federal agency checks and DOE records regarding alien visits and participation at DOE offices and/or contractor facilities.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name and visit number.

Safeguards: Access is limited to employees with a need to know. Records are stored in security areas under guard and/or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: Headquarters (Location 8 in Appendix A):

Director
Office of Safeguards and Security
U.S. Department of Energy
Washington, D.C. 20545

Field Offices: The managers and directors of field locations 2, 12, 14, 26, 28, and 29 of Appendix A are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 2, 8, 12, 14, 26, 28, and 29 of Appendix A in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, nationality, and date and location of visit.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 12, 14, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, nationality, and date and location of visit.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 2, 8, 12, 14, 26, 28, and 29 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, nationality, and date and location of visit.

Record source categories: Subject individual; reports from Federal investigation agencies; and letters and/or plans from DOE operating offices, operating divisions, and contractor facilities.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5).

DOE-53

System name: Access Authorization for ADP Equipment.

Security classification: Unclassified.

System location:

Office of ADP Services
Energy Information Administration
Washington, D.C. 20461
Optimum System, Inc.
5615 Fishers Lane
Rockville, Maryland 20852
Project Research Corporation
825 North Capitol Street
Washington, D.C. 20426

Categories of individuals covered by the system: Users of the Energy Information Administration computer system, including DOE employees and contractor employees (specifically including employees and contractor employees of the Federal Energy Regulatory Commission), and other authorized users of the system.

Categories of records in the system: Name, user identification number, office address and telephone number, organizational code, computer usage figures, data accessed and other management-related information.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; OMB Circular A-71; Department of Commerce Federal Information Processing Standards Publications (FIPS PUBS) on computer security; GSA Procurement Regulations Amendment 155, adding Section 1-1.327.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by the Office of ADP Services to control and manage Energy Information Administration computer resources and to insure that sensitive information is properly safeguarded.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk, computer tape, printouts.

Retrievability: Name, user identification number, project number.

Safeguards: Records are maintained in Federal buildings with 24-hour guard service. Access is limited to authorized personnel on a need-to-know basis.

Retention and disposal: Updated on a regular basis. Older records are destroyed.

System manager(s) and address:

Director
Office of ADP Services
Energy Information Administration
U.S. Department of Energy
Washington, D.C. 20461

Notification procedure: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: Subject individual, with some information assigned by the Office of ADP Services.

Systems exempted from certain provisions of the act: None.

DOE-54

System name: Investigative Files of Inspector General.

Security classification: Generally unclassified. Classified material is sometimes maintained.

System location: The location listed as items 1 through 35 in Appendix A and the following additional locations:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schnectady Naval Reactors Office
P.O. Box 1069
Schnectady, New York 12301

Categories of individuals covered by the system: Current and former DOE and contractor employees and applicants for employment who are subjects of investigations, and individuals involved in miscellaneous investigative matters.

Categories of records in the system: Investigative reports, memoranda, and letters.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name, case number, and title of investigative report.

Safeguards: Information is kept in locked General Services Administration approved Class 6 security containers. Access is on a need to know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Headquarters (location 8 in Appendix A):
Inspector General
U.S. Department of Energy
Washington, D.C. 20585

Field Offices:

The managers and directors of field locations 1 through 7 and 9 through 35 of Appendix A and of the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location are the System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR, Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual, complaints, witnesses, respondents, confidential sources, agency files and records, and official Federal, State, or local records.

Systems exempted from certain provisions of the act: The Secretary has exempted this system from subsections (c)(3), (d), (e)(1), (3)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a, the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5).

DOE-55

System name: Freedom of Information and Privacy Acts Requests for Records.

Security classification: Unclassified.

System location: The locations listed in items 1 through 35 of Appendix A.

Categories of individuals covered by the system: Individuals requesting copies of records from DOE under the provisions of the Freedom of Information Act and under the Privacy Act of 1974.

Categories of records in the system: Name, address, and telephone number; description or identification of records requested, furnished, and/or denied; dates of request and response; amount of fees paid, if any; payment delinquencies, if any; final determinations of appeals or denials; and the names and titles of authorizing officials and officials responsible for denials.

Authority for maintenance of the system: Freedom of Information Act; Privacy Act of 1974; 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Annual report to the Congress under section (d) of the Freedom of Information Act. Additional routine uses as listed in Appendix B.

These records are available for public inspection at all times.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name of requester.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access. However, records are at all times available for public inspection.

Retention and disposal: Records are retained in accordance with DOE's record disposal schedule.

System manager(s) and address: For each of the locations listed above:

Director
FOI and Privacy Acts Activities
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual.

Systems exempted from certain provisions of the act: None.

DOE-56

System name: Congressional Constituent Inquiries.

Security classification: Unclassified.

System location: The locations listed in items 1 through 35 of Appendix A and the following additional location:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system: Individuals on whose behalf there have been Congressional inquiries and members of Congress making requests on behalf of their constituents.

Categories of records in the system: Name, address of constituent and date of letter by a Senator or member of Congress on behalf of the constituent; materials forwarded by a member of Congress; and DOE response.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: The records are used to record Congressional inquiries on behalf of constituents, to ensure proper document control of the response, and to reference DOE responses to such inquiries.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name of constituent and name of member of Congress.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained in accordance with DOE's records disposition schedule.

System manager(s) and address: The head of each office which maintains such records.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individual, member of Congress, and drafter of DOE response.

Systems exempted from certain provisions of the act: None.

DOE-57

System name: Congressional Profiles.

Security classification: Unclassified.

System location:

Office of Congressional Affairs
Washington, D.C. 20585

Categories of individuals covered by the system: Current members of Congress.

Categories of records in the system: Name, picture (taken from Congressional Pictorial Directory), personal background (as developed from published sources), demographic information by State or district, committee assignments, and energy interests (as developed from published sources, information from member's office, abstracts from Congressional Record, committee hearings and other public sources).

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosures to Office of Congressional Affairs personnel and senior Departmental officials for information purposes in the ordinary course of business.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, computer printouts.

Retrievability: Name, committee membership, State, region, energy issue topic.

Safeguards: Records are maintained in Federal building with 24-hour guard service. Access is limited to authorized personnel on a need-to-know basis.

Retention and disposal: Records are retained as long as the subject individual remains a member of Congress.

System manager(s) and address:

Director
Office of Congressional Affairs
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Act Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: Published sources, committee hearings, and the members' offices.

Systems exempted from certain provisions of the act: None.

DOE-58

System name: General Correspondence Files.

Security classification: Unclassified.

System location: The locations listed in items 1 through 35 of Appendix A and the following additional locations:

Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122
Schenectady Naval Reactors Office
P.O. Box 1079
Schenectady, New York 12301

Categories of individuals covered by the system: Individuals communicating by letter with DOE.

Categories of records in the system: Name, address of correspondent, and copies of the agency response.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used by DOE personnel to record written communications from correspondents outside of DOE, to ensure proper document control of the DOE response, and as a reference for such response.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are retained in accordance with DOE's records disposition schedule.

System manager(s) and address: The head of each office which maintains such records.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1 through 35 of Appendix A and the Pittsburgh Naval Reactors and Schenectady Naval Reactors Offices listed above under system location, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6, and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: Subject individuals and drafter of DOE response.

Systems exempted from certain provisions of the act: None.

DOE-59

System name: Mailing Lists for Requesters of Energy Related Information.

Security classification: Unclassified.

System location: The locations listed as items 1 through 35 in Appendix A.

Categories of individuals covered by the system: Persons requesting energy-related information.

Categories of records in the system: Each of DOE's mailing lists contains the name and address of the subject individual.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are released to contractors handling bulk and single copy mailings for DOE. Names and addresses of such contractors may be requested from the appropriate System Manager.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, punched cards, magnetic tape and disk, and microfiche.

Retrievability: Records are retrieved by record identification code number; by type of information being disseminated (e.g., solar, nuclear, etc.); or by the occupation, profession, or other stated interest of an individual.

Safeguards: Access is limited to employees with a need to know in the performance of their duties. Records are maintained in buildings with controlled access. Computer information is controlled through established DOE computer center procedures of personnel screening and physical security.

Retention and disposal: The lists are continually updated.

System manager(s) and address:

Headquarters (location 8 in Appendix A):

Director
Office of Administrative Services
U.S. Department of Energy
Washington, D.C. 20585

The managers and directors of field location 1 through 7 and 9 through 35 in Appendix A are System Managers for their respective portions of this system.

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) or organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) or organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the address listed in the appropriate item from among items 1-35 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) or organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual, generally as the result of a request for information by such individual.

Systems exempted from certain provisions of the act: None.

DOE-60

System name: Environmental Impact Document Monitoring, Processing and Correspondence Tracking System (IMPACT).

Security classification: Unclassified.

System location:

Headquarters Washington, D.C. 20585

Categories of individuals covered by the system: State and local officials having responsibilities on environmental matters, Federal Government National Environmental Policy Act (NEPA) coordinators, persons affiliated with public interest groups and associations, persons affiliated with congressional delegations, and other persons who have expressed interest in specific environmental matters associated with DOE activities, by participating in the NEPA comment process.

Categories of records in the system: Name, address, and population segment code for each correspondent; copies of correspondence and/or hearing submissions; and identification of subject or geographic area of interest. In addition, there is nonpersonal information regarding the status and history of NEPA-related documents.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; National Environmental Policy Act; Council on Environmental Quality guidelines.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Government agencies with NEPA responsibilities, when necessary for their participation in the DOE NEPA process Parties (and representatives of parties) engaged in litigation involving the DOE NEPA program—where relevant to issues in litigation.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk with tape backup.

Retrievability: Name of individual, address, population segment, and/or subject of interest. Retrieval is also possible by date and nature of correspondence.

Safeguards: The system is maintained in a building with controlled access and on computer facilities with controlled entry and access. Access to the records is limited to those employees of the Office of NEPA Affairs specified by the system manager.

Retention and disposal: Retention and disposal of records in this system are based upon the following:

(1) If an individual on his/her own initiative request removal from the mailing list, his/her file will be so marked and will receive no further correspondence. That file will then be considered to be inactive. However, if such an individual has corresponded on an environmental matter which is still active, such records will be retained in active storage until the cases on those statements are closed, at which time the records will be removed to inactive storage.

(2) Once each year, each subject individual will receive a form by which to express current interests. If an individual does not respond within 60 days, that person's records will be retained or deleted based upon whether or not there is any correspondence on a currently active matter, as in (1) above.

System manager(s) and address:

Director
Office of NEPA Affairs
U.S. Department of Energy
Washington, D.C. 20545

Notification procedure: Requests by an individual to determine if a system of records contains information him or her should be directed to the Director, FOI and Privacy Acts activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320

(February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: The subject individual.

Systems exempted from certain provisions of the act: None.

DOE-61

System name: Census of High Energy Physicists.

System location: Location 8 as listed in Appendix A.

Categories of individuals covered by the system: Scientists and graduate students in the field of high energy physics.

Categories of records in the system: Name, date of birth, education, employment history, research support agencies, technical specialties.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Physicists, research organizations and various Government organizations engaged in physics research—to obtain information on individuals and organizations engaged in high energy physics research.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: By name, employer, or any other combination of data.

Safeguards: Access is limited to Division of High Energy and Nuclear Physics personnel. Records are maintained in locked file cabinet in secured building.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Associate Director
High Energy and Nuclear Physics
U.S. Department of Energy
Washington, D.C. 20545

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information. Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information. Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information. Complete name, the geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

Record source categories: High energy physics research group leaders and laboratory directors. Other personnel in the field of high energy physics.

Systems exempted from certain provisions of the act: None.

DOE-62

System name: Historical Files—Published Information Concerning Selected Persons in the Energy Field.

Security classification: Unclassified.

System location:

Historian's Office
Executive Secretariat
Washington, D.C. 20585

Categories of individuals covered by the system: Selected senior staff officials of the Manhattan Project, Atomic Energy Commission, Nuclear Regulatory Commission, Energy Research and Development Administration, DOE, and other selected individuals prominent in the energy field.

Categories of records in the system: Newspaper and magazine articles, press releases, announcements, and speeches.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used (1) to prepare histories, (2) in responding to informational inquiries from members of the public including the media, and (3) in responding to requests from DOE officials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in a locked vault with access dependent upon the permission of the Historian's Office.

Retention and disposal: Records are retained indefinitely with no plans for their disposal.

System manager(s) and address:

Chief Historian
Historian's Office
Executive Secretariat
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: DOE press releases, DOE NewsClips (a daily compilation of energy-related newspaper and magazine articles), and other published sources.

Systems exempted from provisions of the act: None.

DOE-63

System name: Electric Rate Demonstration Data Base.

Security classification: Unclassified.

System location: As broken out by project, the records are located at the following participating agencies and utilities:

Arizona—Solar Research Commission, Arizona Public Service Company.
Arkansas—Public Service Commission, Arkansas Power & Light Company.

California—Energy Resources Conservation and Development Commission and Public Utilities Commission, Pacific Gas & Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Sacramento Municipal Utility District.

Connecticut—Public Utilities Commission, Connecticut Light and Power Company.

New Jersey—State Energy Office, Jersey Central Power & Light Company.

New York—Public Service Commission, Consolidated Edison.

North Carolina—Utilities Commission, Carolina Power & Light Company, Blue Ridge Electric Membership Corporation.

Ohio—Public Utilities Commission, Dayton Power & Light Company, Toledo Edison Company, Buckeye Power Company.

Rhode Island—Public Utilities Commission, Blackstone Valley Electric Company.

Vermont—Public Service Board, Green Mountain Power Company.

Washington—State Energy Office, Seattle City Light (Department of Lighting, City of Seattle), Clark County Public Utilities District, Puget Sound Power & Light Company.

Wisconsin—Public Service Commission, Wisconsin Public Service Corporation.

Puerto Rico—Commonwealth of Puerto Rico, Puerto Rico Water Resources Authority.

Edmond, Oklahoma—City of Edmond, Edmond Municipal Electric Company.

Los Angeles—City of Los Angeles, Los Angeles Department of Water & Power.

For the DOE Headquarters, the location of the records is:

Optimum Systems, Inc.

5615 Fishers Lane

Rockville, Maryland 20852.

Categories of individuals covered by the system: All consumers of electricity participating in DOE-sponsored rate demonstration projects.

Categories of records in the system: Consumer identification number, rate code, historical data on past year's energy consumption, hourly current electrical consumption, household information (including age distribution and income), dwelling characteristics, fuel use information, water heating characteristics, and appliance inventory. The records maintained by the DOE, the parent companies of the participating utilities, and the Electric Power Research Institute will not contain name or other identifying particulars (see discussion under routine uses).

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The participating utilities will use the records maintained for the following purposes: Measurement of price elasticity under various nontraditional rate forms, correlation of demographic characteristics with demand and usage patterns, analysis of shifts in usage patterns under various rate forms and at different times of day and seasons of the year, and determination of changes in load and capacity factors attributable to experimental rates and/or load management techniques.

The records maintained by the participating utilities will also be made available to the participating utilities' parent companies, the sponsoring State and local agencies, the DOE, and the Electric Power Research Institute (EPRI), so that these parties can do analyses of the data similar to those contemplated by the utilities. As previously noted under categories of records maintained, the records made available to the participating utilities' parent companies, the DOE and to EPRI will not contain name or other identifying particulars.

The sponsoring State and local agencies will also use the records to deal with any complaints brought by participating consumers of electricity.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Machine readable records.

Retrievability: By any data element (except by name for the participating utilities' parent companies, EPRI, and DOE Headquarters records).

Safeguards: The contracts with the utilities stipulate that the utilities will exercise all diligence in controlling access to their computer facilities and that only authorized members of the project team and other routine users will be allowed to use the data.

At the DOE, physical, technical, and administrative security is maintained with all storage areas locked when not in use. Admittance, when open, is restricted to authorized personnel only. All personnel that handle or process the data are instructed and cautioned as to the confidentiality of the data and its proper disposition. Remote terminal users need special access code.

Retention and disposal: At the participating utilities and the EPRI, three years after the completion of the test on the utility's system.

At the DOE Headquarters, records will be destroyed within two years of completion of the last project.

System manager(s) and address: For records at the participating utilities:

Arizona Public Service Company
411 North Central Avenue
Phoenix, Arizona 85004
Arkansas Power & Light Company
Box 551
Little Rock, Arkansas 72203
Blackstone Valley Electric Company
Washington Highway, Box 1111
Lincoln, Rhode Island 02865
Blue Ridge Electric Membership Corporation
1216 Blowing Rock Boulevard, NE.
Lenoir, North Carolina 28645
Buckeye Power Company
4302 Indianola Avenue
Columbus, Ohio 43124
Carolina Power & Light
Box 551
Raleigh, North Carolina 27602
Clark County Public Utilities District
Box 1626
1200 Fort Vancouver Way
Vancouver, Washington 98663
Connecticut Light & Power Company
P.O. Box 270
Hartford, Connecticut 06101
Consolidated Edison
Four Irving Place
New York, New York 10003
Dayton Power and Light Company
25 North Main Street
Dayton, Ohio 45401
Edmond Municipal Electric Company
Edmond, Oklahoma 73034
Green Mountain Power Company
One Main Street
Burlington, Vermont 05401
Jersey Central Power & Light Company
Madison Avenue and Punch Bowl Road
Morristown, New Jersey 07960
Los Angeles Department of Water and Power
Box 111
Los Angeles, California 90051
Pacific Gas & Electric Company
77 Beale Street
San Francisco, California 94106
Puerto Rico Water Resources Authority
Planning and Engineering
San Juan, Puerto Rico
Puget Sound Power & Light Company
600 116th Street, NE.
Bellvue, Washington 98009
Sacramento Municipal Utility District
P.O. Box 15830 6201 South Street,
Sacramento, California 95813
San Diego Gas & Electric Company
P.O. Box 800
San Diego,
California 92112
Seattle City Light
(Department of Lighting, City of Seattle),
1015 Third Avenue.
Seattle, Washington 98104
Southern California Edison Company
P.O. Box 1831,
Rosemead, California 91770
Toledo Edison Company
300 Madison Avenue,
Toledo, Ohio 43652

Wisconsin Public Service Corporation,
700 North Adams Avenue,
Green Bay, Wisconsin 54301

For the records at the DOE:

Division of Regulatory Assistance Office of Utility Systems
Economic Regulatory Administration U.S. Department of
Energy 2000 M Street, NW. Washington, D.C. 20461

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, DC 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information. Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information. Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6, and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information. Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individual and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: None.

DOE-64

System name: Low-Income Weatherization Program Home Report Records.

Security classification: Unclassified.

System location: For each State participating in this program, the records will be located in the community action agency designated by the State to implement the program. A list of participating States and community action agencies is available from the Director, Office of Weatherization Assistance, Office of Conservation and Solar Applications, Washington, D.C. 20585.

Categories of individuals covered by the system: All persons eligible for weatherization assistance participating in Department of Energy-sponsored weatherization programs.

Categories of records in the system: Information about weatherization program participants, including name, address, annual income; whether participant receives public assistance; whether the participant owns or rents; and number of elderly, handicapped, native American, migrants and total members in a participant's household; information about the characteristics of a participant's dwelling, including fuel use data; before and after information about improvements to the dwelling to be undertaken in connection with the program and information about the costs of such improvements; information about the hours and source of labor involved in making the improvements.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Authority for maintenance of the system: The participating community action agencies will use the records maintained for the following purposes: determination of whether and which improvements should be undertaken; determination of correlation of the demographic and building characteristics to the quantity, quality, and cost of the work undertaken to enable the Department of Energy to monitor the effectiveness of the program.

The Department of Energy will use the record for the following purposes: to assure the effective provisions of weatherization assistance for the dwelling units of low-income persons; to carry out periodic evaluations of the program.

Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: The contracts with the community action agencies stipulate that the community action agencies will exercise all diligence in controlling access to the records maintained under this program and that only authorized members of the community action agency and other routine users will be allowed to use the data. All personnel that handle or process the data are to be instructed and cautioned as to the confidentiality of the data and its proper disposition.

Retention and disposal: Records will be retained for three years or until the completion of the low-income weatherization program.

System manager(s) and address: For each State participating in the program, the System Manager will be the head of the community action agency designated by the State to implement the program. A list of participating States and community action agencies is available from:

Director
Office of Weatherization Assistance
Office of Conservation and Solar Applications
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record access procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Contesting record procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

Record source categories: The subject individuals and those authorized by the individuals to furnish information.

Systems exempted from certain provisions of the act: None.

DOE-65

System name: Energy Extension Service Records.

Subsystem A: Energy Extension Service Client Names.

Subsystem B: Energy Extension Service—Listing of State EES Employees, Contractors, and Volunteers.

Security classification:

Subsystems A and B:

Unclassified.

System location:

Subsystem A: For each State or Territory participating in this program, the records will be located in the office(s) designated by

the State or Territory to implement the program. A list of participating States and Territories and the corresponding offices implementing the program is available from the Evaluation Coordinator, Energy Extension Service, Office of Conservation and Solar Applications, Washington, D.C. 20585.

Subsystem B: Office of the Evaluation Coordinator, Energy Extension Service, Office of Conservation and Solar Applications.

Categories of individuals covered by the system:

Subsystem A: State Energy Extension Service employees, contractors, and volunteers participating in the pilot projects implementing the Energy Extension Service program.

Categories of records in the system:

Subsystem A: Names, addresses, telephone numbers.

Subsystem B: Names, addresses, telephone numbers, project roles.

Authority for maintenance of the system:

Subsystems A and B: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12099; National Energy Extension Service Act (Title V of the Energy Research and Development Administration Authorization Act of 1977).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Subsystem A:

States: Uses the records for the administration of the subject programs. Also will, in some cases, use the DOE evaluations derived from the records (described immediately below) for evaluation and administration of the subject programs.

DOE: Client names, addresses, and telephone numbers will be used to select a sample for a telephone survey of users of the Energy Extension Service. The survey will provide information on client evaluation of the service and on energy conserving activities which clients may have taken as a result of the availability of the service. The prime contractor for the survey is ICF, Inc., which will receive the requisite records from the State EES's and, in turn, make them available to Westat, Inc., the subcontractor which will actually perform the evaluation. DOE will receive only information which is distinguishable between persons, but which is not identifiable to specific persons. However, DOE anticipates that it will retain the capability to disclose to a participating State not only the evaluation but also the corresponding client identities for clients of that particular State.

Subsystem B:

DOE: Uses the records to evaluate the implementation of the program by participating States and Territories.

Subsystems A and B: The additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Subsystems A and B: Paper records.

Retrievability: Subsystems A and B: Name.

Safeguards:

Subsystem A: The agreements with the States stipulate that the offices maintaining the records will exercise all diligence in controlling access to them with only authorized personnel and routine users allowed access. All personnel who handle or process these records are instructed and cautioned as to the confidentiality of the data and its proper disposition.

Subsystem B: Records are retained in lockable metal file cabinets with access limited to authorized personnel on a need-to-know basis.

Retention and disposal:

Subsystem A: The records will be retained as long as they are useful in implementing the program.

Subsystem B: The records will be retained only for the time necessary to evaluate the States' implementation of the Energy Extension Service pilot projects.

System manager(s) and address:

Subsystems A and B:

Evaluation Coordinator
Energy Extension Service
Office of Conservation and Solar Applications
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure:

Subsystems A and B: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Depart-

ment of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures:

Subsystems A and B: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures:

Subsystems A and B: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories:

Subsystem A: Subject individuals.

Subsystem B: The State or Territory implementing the program and the subject individuals.

Systems exempted from certain provisions of the act:

Subsystems A and B: None.

DOE-66

System name: Power Sales to Individuals.

Security classification: Unclassified.

System location:

Western Area Power Administration
P.O. Box 3402
Golden, Colorado 80401

Also, records in this system are located at various regional offices of the Western Area Power Administration.

Categories of individuals covered by the system: Individuals purchasing power from the Western Area Power Administration.

Categories of records in the system: Executed contracts, agreements, amendments, extensions, and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By name.

Safeguards: Records are maintained in a locked facility with access limited to authorized personnel on a need-to-know basis.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition."

System manager(s) and address:

Administrator
Western Area Power Administration
U.S. Department of Energy
P.O. Box 3402
Golden, Colorado 80401

Notification procedure: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR part 206 or Part 708 should apply.

Record access procedures: Requests by an individual for access to a system of record that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

ber 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: Subject individuals.

Systems exempted from certain provisions of the act: None.

DOE-67

System name: Participants in Experiments, Studies, and Surveys.

Subsystem A: EIA-23 Survey Reports (Annual Survey of Domestic Oil and Gas Reserves) Submitted by Natural Persons.

Subsystem B: EIA-84 Survey Reports (National Interim Energy Consumption Survey).

Subsystem C: EIA-141 Survey Reports (Pretest of Transportation Panel).

Subsystem D: EIA-178 Survey Reports (Pacific Northwest Residential Energy Survey).

Security classification:

Subsystems, A, B, C and D: Unclassified.

System location: Generally: Portions of the system may be located with contractors or other entities involved in conducting the experiments, studies or surveys, or in any DOE office. A complete listing of the location of all subsystems of this system is available from the Director, Division of FOI and Privacy Act Activities, Department of Energy, Washington, D.C. 20585.

Subsystem A:

Office of Oil and Gas Information System
Forrestal Building, Room 2E-076
1000 Independence Avenue, SW.
Washington, D.C. 20585

Information Systems Program/Energy Resources Center
University of Oklahoma
Physical Sciences Building
Norman, Oklahoma 73070

Subsystems B and C:

Response Analysis Corporation
Route 206, Research Park
Princeton, New Jersey 08540

Subsystem D:

Elrick and Lavidge
650 California Street
San Francisco, California 94108

Categories of individuals covered by the system: Generally: Individuals who are participants in experiments, studies, and surveys undertaken in furtherance of authorized DOE research activities.

Subsystem A: Natural person (as opposed to business) respondents to the Form EIA-23, Annual Survey of Domestic Oil and Gas Reserves.

Subsystem B: Persons responding to the Form EIA-84, National Interim Energy Consumption Survey.

Subsystem C: Persons responding to the Form EIA-141, Pretest of Transportation Panel.

Subsystem D: Persons responding to the Form EIA-178, Pacific Northwest Residential Energy Survey.

Categories of records in the system: Generally: Name, age, birth date, place of birth, sex, race, home address and telephone number, business address and telephone number, education, income, occupation, family size and composition, patterns of product use, and such other information as is necessary, to be determined by the subject matter and purpose of the experiment, study or survey, including data derived from participants' responses during the course of the authorized research.

Subsystem A: Name, address and telephone number, social security number, reserves, and production data.

Subsystems B, C and D: Name, age, birth date, sex, home address and telephone number, education, income, occupation, family size and composition, characteristics of housing unit, patterns of energy consumption.

Authority for maintenance of the system: Generally, including authority for establishment of system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by ref-

erence in Title III of the Department of Energy Organization Act; Executive Order 12009.

Subsystem A data collection authority: Section 13(b) of the Federal Energy Administration Act of 1974.

Subsystems B and C data collection authority: Section 52 of the Federal Energy Administration Act of 1974.

Subsystem D data collection authority: Section 2(f) of the Bonneville Project Act of 1937.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Generally and Subsystems A, B, C and D: Information in this system may, on occasion, be disclosed to Federal agencies and other entities which are participating in research in connection with which the data were obtained. Information in the possession of the Energy Information Administration must be disclosed, upon request, to any DOE office which determines the information relates to its functions.

Additional routine uses as listed in Appendix B.

Subsystems B, C and D: In addition to the above, it should be noted that the DOE, as a routine user of these records, receives from its contractors, Response Analysis and Elrick and Lavidge, only records which do not admit of identification of the individual respondents.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Generally: Paper records in file folders, electromagnetic storage material, and microform.

Subsystem A: Paper records, microfiche, disk, and tape.

Subsystems B and C: Paper records.

Subsystem D: Magnetic tape.

Retrievability: Generally: Filed alphabetically by name, control number, or other code identifier.

Subsystem A: Retrievable by any data element.

Subsystems B, C and D: By name, identification number, and geographic location.

Safeguards: Generally: During business hours the records at DOE sites are maintained in secured buildings with access limited to those whose official duties require access; during nonbusiness hours, the records are in secured rooms with access controlled by security guards. Any records maintained by other entities will be maintained in a similar fashion in accordance with DOE specifications.

Subsystem A: The contract with the University of Oklahoma stipulates that it will exercise all diligence in controlling access to the records maintained under the program and that only authorized members of the contractor, DOE, and routine users will be allowed to use the data. All personnel that handle or process the data are instructed and cautioned as to the confidentiality of the data and its proper disposition.

Subsystems B, C and D: The contracts with Response Analysis and Elrick and Lavidge stipulates that it will exercise all diligence in controlling access to the records maintained under the program and that only authorized members of Response Analysis, Elrick and Lavidge, DOE, and routine users will be allowed to use the data. All personnel that handle or process the data are instructed and cautioned as to the confidentiality of the data and its proper disposition.

In addition, the records DOE receives do not admit of identification of the individual respondents.

Retention and disposal: Generally: Retained in accordance with DOE's records control schedule.

Subsystem A: It is intended that the records will be maintained indefinitely.

Subsystems B and C: It is expected that these records will be destroyed approximately 9 months after the data is obtained.

Subsystem D: It is expected that records which identify the individual households will be destroyed approximately 3 months after the data is collected.

System manager(s) and address: Generally: The designated person in each office conducting the relevant experiment, study, or survey. A listing of these persons is available from the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585.

Subsystems A, B, C and D:

Administrator, Energy Information Administration (or designee)
U.S. Department of Energy
Federal Building, 12th and Pennsylvania Avenue, NW.
Washington, D.C. 20461

Notification procedures: Generally and Subsystems A, B, C and D: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Direc-

tor, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Generally and Subsystems A, B, C and D: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Generally and Subsystems A, B, C and D: Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR, Part 206 or Part 708 should apply.

Record source categories: Generally: The subject individuals and those authorized by the individuals to furnish information.

Subsystem A: The subject individual.

Subsystems B, C and D: The subject individual and utility companies authorized by the individual to disclose consumption and billing information.

Systems exempted from certain provisions of the act: Generally and Subsystems A, B, and C: None.

DOE-68

System name: Minority Energy Technical Assistance Program (METAP) Records.

Security classification: Unclassified.

System location: For the Department of Energy, records are located at:

Office of Special Projects
Office of Conservation and Solar Applications
Washington, D.C. 20585

For the Center for Urban Environmental Studies (CUES), records are located at:

Center for Urban Environmental Studies
1012 14th Street, NW.
Washington, D.C.

Categories of individuals covered by the system: Selected elected officials.

Categories of records in the system: Name, position, sources of energy information, perception of needs of constituents for energy information.

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

CUES: Records are used to construct training programs for the DOE. Additional routine uses as listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: At DOE, computer medium records. At CUES, paper records.

Retrievability: By name and Federal region.

Safeguards: At DOE, records are maintained in a locked facility, with access limited to authorized personnel on a need-to-know basis.

At CUES, the grant agreement with CUES stipulates that CUES will exercise all diligence in controlling access to the records maintained under this program and that only authorized members of CUES, DOE, and routine users will be allowed to use the data. All personnel that handle or process the data are to be instructed and cautioned as to the confidentiality of the data and its proper disposition.

System manager(s) and address:

Assistant Secretary for Conservation and Solar Applications (or designee)
U.S. Department of Energy
Washington, D.C. 20585

Notification procedure: Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record access procedures: Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, Washington, D.C. 20585, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6, and 708.7, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

Record source categories: Subject individual.

Systems exempted from certain provisions of the act: None.

Appendix A

- (1) Alaska Power Administration
P.O. Box 50
Juneau, Alaska 99802
- (2) Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115
- (3) Bartlesville Energy Technology Center
P.O. Box 1398
Bartlesville, Oklahoma 74003
- (4) Bonneville Power Administration
1002 N.W. Holladay Street
P.O. Box 3621
Portland, Oregon 97208
- (5) Central District Office of Enforcement
(Kansas City (HQ), Chicago, Cleveland, Detroit, St. Louis, Wichita)
Twelve Grand Building
1150 Grand Avenue
Kansas City, Missouri 64106
- (6) Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439
- (7) Grand Forks Energy Technology Center
P.O. Box 8213, University Station
Grand Forks, North Dakota 58201
- (8) Headquarters, Department of Energy
Washington, D.C. 20585
- (9) Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401
- (10) Laramie Energy Technology Center
P.O. Box 3395, University Station
Laramie, Wyoming 82070
- (11) Morgantown Energy Technology Center
P.O. Box 830
Morgantown, West Virginia 26505
- (12) Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114
- (13) Northeast District Office of Enforcement
(Philadelphia (HQ), Boston, New York, Pittsburgh)
1421 Cherry Street, 10th Floor
Philadelphia, Pennsylvania 19102
- (14) Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830
- (15) Pittsburgh Energy Technology Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213
- (16) Region I
Analex Building, Room 700

- 150 Causeway Street
Boston, Massachusetts 02114
- (17) Region II
26 Federal Plaza
Room 3206
New York, New York 10007
- (18) Region III
10th Floor
1421 Cherry Street
Philadelphia, Pennsylvania 19102
- (19) Region IV
8th Floor
1655 Peachtree Street, NE.
Atlanta, Georgia 30309
- (20) Region V
Room A-333
175 West Jackson Boulevard
Chicago, Illinois 60604
- (22) Region VII
Twelve Grand Building
1150 Grand Avenue
Kansas City, Missouri 64106
- (23) Region VII
P.O. Box 26247, Belmar Branch
1075 South Yukon Street
Lakewood, Colorado 80226
- (24) Region IX
Third Floor
111 Pine Street
San Francisco, California 94111
- (25) Region X
1992 Federal Building
915 Second Avenue
Seattle, Washington 98174
- (26) Richland Operations Office
P.O. Box 550
Richland, Washington 99352
- (27) Rocky Mountain District Office of Enforcement
(Denver (HQ), Casper)
P.O. Box 26247, Belmar Branch
1075 South Yukon Street
Lakewood, Colorado 80226
- (28) San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616
- (29) Savannah River Operations Office
P.O. Box "A"
Aiken, South Carolina 29801
- (30) Southeast District Office of Enforcement
(Atlanta (HQ), Birmingham, Louisville, Richmond)
8th Floor
1655 Peachtree Street, NE.
Atlanta, Georgia 30309
- (31) Southeastern Power Administration
Samuel Elbert Building
P.O. Box 3621
Portland, Oregon 97208
- (32) Southwest District Office of Enforcement
(Dallas (HQ), Houston, New Orleans, San Antonio, Midland, Tulsa, Oklahoma City)
P.O. Box 35228
2626 West Mockingbird Lane
Dallas, Texas 75235
- (33) Southwestern Power Administration
P.O. Box Drawer 1619
Tulsa, Oklahoma 74101
- (34) Western District Office of Enforcement
(San Francisco (HQ), Los Angeles, Seattle)
111 Pine Street, Third floor
San Francisco, California 94111
- (35) Western Area Power Administration
P.O. Box 3402
Golden, Colorado 8401

Appendix B

Additional Routine Uses

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use (a) to appropriate parties engaged in litigation or in preparation of possible litigation, such as potential witnesses, for the purpose of securing their testimony when necessary; (b) to courts, magistrates or administrative tribunals; (c) to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; and (d) to individuals seeking information by using estab-

lished discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 CFR 50.2.

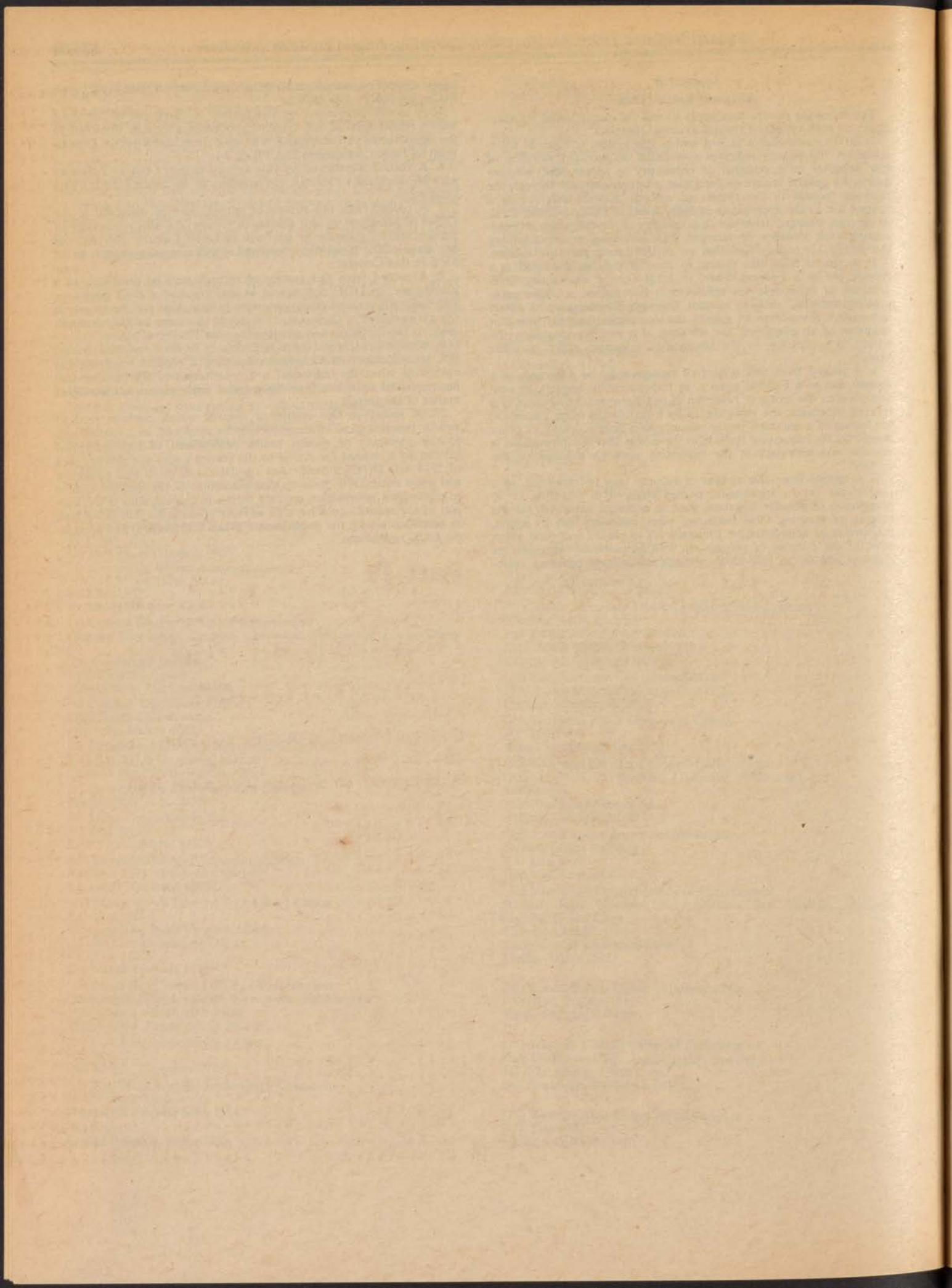
6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as a routine use, to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to DOE officers and employees under the Privacy Act.

9. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

10. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and DOE's Privacy Act regulations if, in its sole judgment and good faith, DOE believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with the provisions of 5 U.S.C. 552a(f)(3) and applicable DOE regulations.



Test Report Federal Railroad

Thursday
August 30, 1979

Part IV

Department of Transportation

Federal Railroad Administration

Assistance to States for Local Rail
Service

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 266

[FRA State Rail Docket No. 1979-1; Notice No. 1]

Assistance to States for Local Rail Service Under Section 5 of the Department of Transportation Act

AGENCY: Federal Railroad Administration ("FRA"), Department of Transportation ("DOT").

ACTION: Interim regulations and invitation for public comment.

SUMMARY: This rule revises Part 266 to establish interim procedures and requirements for receipt of rail service assistance under Section 5 (f)-(p) of the Department of Transportation Act ("Act"). These revisions effect the changes to the Act occasioned by the Local Rail Service Assistance Act of 1978, ("1978 Act").

DATES: This interim rule is effective August 30, 1979. Interested parties are invited to submit written comments by October 15, 1979. Written comments received on or before that date will be considered before final regulations are issued. Comments received after that date will be considered to the extent possible.

ADDRESSES: (1) Submission of written comments. Written comments should identify the docket and notice number and be submitted to the Office of State Assistance Programs, RFA-30, Room 5406, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Any commenter who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgement of comments will be provided.

(2) Examination of written comments. Written comments will be available for examination at the above address between 8:30 a.m. and 5:00 p.m. Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Jo Anne McGowan, Program Analyst, Office of State Assistance Programs, Federal Railroad Administration, Washington, D.C. 20590, (202) 426-1677.

Lawrence A. Friedman, Attorney-Advisor, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, (202) 426-7737.

SUPPLEMENTARY INFORMATION: On January 4, 1978, Procedures and Requirements Regarding Applications

and Disbursements under Section 5 of the Act (49 U.S.C. 1654 (f)-(p), as amended by Pub. L. 95-607) were published in the Federal Register as 49 CFR Part 266 (43 FR 858, Jan. 4, 1978). This interim rule revises 49 CFR Part 266 to reflect the following:

Changes in Section 5 of the Act resulting from the 1978 Act:

Comments received in response to FRA's Advance Notice of Proposed Rulemaking regarding substitute service assistance under Section 5 of the Act (43 FR 1108, Jan. 6, 1978); and

Comments received at and following the June 20, 1978, public meeting regarding 49 CFR Part 266.

In addition, this interim rule incorporates the substantive provisions of the FRA "Standards and Procedures Regarding In-Kind Benefits" formerly 49 CFR Part 267 and, therefore, repeals 49 CFR Part 267.

The most significant changes to 49 CFR Part 266 included in this interim rule result from the 1978 Act which expanded the categories of assistance to include assistance for constructing rail or rail related facilities for the purpose of improving the quality and efficiency of rail freight service and made other revisions to the Act.

The 1978 Act also increased the universe of eligible rail lines. Rehabilitation or improvement assistance and rail facility construction assistance may be provided for lines which annually carry between 3 and 5 million gross ton miles of freight per mile when the proposed rehabilitation or improvement or rail facility construction is essential to the implementation of a proposal made under subsections 5 (a) through (e) of the Act and all lines which annually carry less than 3 million gross ton miles of freight per mile. To ensure that States are aware of the lines now eligible, the 1978 Act requires railroads to report to FRA by August 1 of each year all lines which carried less than 3 million gross ton miles per mile during the prior year. A proposed rule implementing this requirement will soon be published for public comment.

Also revised as a result of the 1978 Act is the formula used for calculating a State's entitlement. Unlike the prior formula, the revised formula is weighted in favor of rail lines not yet authorized for abandonment or discontinuance. Although the method of computing the formula has been modified by the 1978 Act, each State is still entitled to a minimum allocation of 1%.

Also revised by the 1978 Act are the timing and basis of reallocation. Previously, funds not programmed for use in a State's annual Program of Projects were reallocated immediately,

to the greatest extent practicable. The 1978 Act, however, provides that funds not covered by an executed grant agreement before the end of the fiscal year in which they are allocated are subject to reallocation. Reallocated funds are distributed in accordance with the formula at the time the next fiscal year's appropriation is allocated.

The 1978 Act also modified the matching share ratio and the types of in-kind benefits which are eligible to be contributed as the State share. The prior ratio in which the Federal share decreased from 100% to 70% over a five year period has been replaced with a set Federal share of 80%, except that the Federal share of assistance for rail service continuation payments is 70% during the third year the assistance is provided. Under the 1978 Act, personal services are eligible as in-kind benefits only if they are provided by State public employees working in the State's rail service assistance program. Overhead and general administrative expenses with respect to the State salaries are not eligible. In addition, in-kind benefits no longer must be provided pro-rata during the year in which the match is due. Effective October 1, 1978, contributions in excess of a State's required share in any year may be carried forward and applied toward a required share in subsequent years.

To ensure that each State has sufficient funds available to develop and implement its State Rail Plan, the 1978 Act authorizes each State to use up to the greater of \$100,000 or 5% of its entitlement for planning purposes. In addition, the 1978 Act requires the State Rail Plan to include a methodology for determining the ratio of benefits to costs of projects for acquisition, rehabilitation or improvement, substitute service, and rail facility construction. Accordingly, the interim rule requires a State to include in its State Rail Plan a benefit-cost methodology as well as the results of the application of the methodology to non-subsidy projects which the State has selected to study in detail.

In addition to changes resulting from the 1978 Act, this interim rule also revises 49 CFR Part 266 to reflect the comments received in response to the substitute service Advance Notice of Proposed Rulemaking which was published in the Federal Register on January 6, 1978 (43 FR 1108). The advance notice specifically requested comments regarding relocation of shippers and operating subsidies for use of non-rail freight transportation. The very few comments received did not reflect a clear consensus regarding the need for operating subsidies for non-rail

freight transportation as a substitute service alternative. In light of the broadened eligibility and formula changes embodied in the 1978 Act, it is FRA's view that the scope of substitute service assistance should be limited to permanent transportation solutions, which foster long-term viability, such as the construction of alternate facilities or relocation of shippers. Accordingly, non-rail operating subsidies are not eligible to be funded with substitute service assistance.

Several changes to 49 CFR Part 266 included in the interim rule were suggested at the June 22, 1978, public meeting regarding Part 266. As a result of the meeting, certain data requirements, such as identification of Standard Transportation Commodity Codes, have been reduced or eliminated and other requirements which were felt to have been ambiguous have been clarified. A particular requirement which has been relaxed is the requirement for a separate submission of an annual Program of Projects. Under the interim rule, the Program of Projects is to be included in the State Rail Plan.

As a result of amendments to section 5 of the Act included in the 1978 Act and FRA's proposed "Procedures for Considering Environmental Impacts" (44 FR 40174, July 9, 1979), the interim rule also revises the requirements of 49 CFR Part 266 regarding environmental assessments. Previously, an applicant was required to prepare an environmental assessment for substitute service projects involving highway or highway related facilities and for projects involving construction or improvement of facilities for which the acquisition of real estate was necessary. Consistent with FRA's proposed "Procedures for Considering Environmental Impacts", the interim rule requires applicants to prepare an environmental assessment when requesting assistance for substitute service, rail facility construction, and rehabilitation or improvement except for work normally performed on a periodic basis which does not change the existing character of the facility including work to overcome normal periodic maintenance which had been deferred.

The Administrator has determined that the publication of this interim rule does not itself constitute a major FRA action requiring environmental assessment. In addition, the interim rule has been reviewed in accordance with the policies for evaluating regulatory impacts contained in Executive Order 12044 on "Improving Government Regulations" (43 FR 12661, March 24,

1978) and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034, February 26, 1979). On the basis of this review, the Administrator has determined that the interim rule constitutes a "non-significant" regulatory proposal.

In consideration of the foregoing, 49 CFR Part 267 is repealed and 49 CFR Part 266 is amended to read as set forth below:

Issued in Washington, D.C. on August 22, 1979.

John M. Sullivan,
Administrator.

PART 266—ASSISTANCE TO STATES FOR LOCAL RAIL SERVICE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

Sec.	Definitions.
266.1	Rail Service Assistance Program.
266.3	State Eligibility.
266.5	Project Eligibility.
266.7	Federal/State Share.
266.9	Allowable Costs.
266.11	Distribution of Funds.
266.13	Requirements for State Rail Plan.
266.15	Applications.
266.17	Environmental Impact.
266.19	Grant Agreement and Disbursement.
266.21	Record, Audit, and Examination.
266.23	Waivers and Modifications.
266.25	

Authority: Sec. 5 of the Department of Transportation Act (49 U.S.C. 1654), as amended by the Local Rail Service Assistance Act of 1978, Pub. L. 95-607, 92 Stat. 3059, November 8, 1978.

§ 266.1 Definitions.

As used in this part:

"Acquisition assistance" means funds granted to a State under section 5(f)(2) of the Department of Transportation Act (49 U.S.C. 1654(f)(2)) to cover the cost of acquiring by purchase, lease, or in such other manner as the State considers appropriate, a line of railroad or other rail properties, or any interest therein for existing or future rail freight service.

"Act" means the Department of Transportation Act (49 U.S.C. 1650 *et seq.*).

"Administrator" means the Administrator of the Federal Railroad Administration or the Administrator's delegate.

"Cash" means an outlay of funds.

"Commission" means the Interstate Commerce Commission or any successor Federal agency to the relevant activity.

"Common carrier" means a person providing railroad transportation for compensation who is subject to the jurisdiction of the Commission under Subchapter I of Chapter 105 of Title 49 of the United States Code.

"Designated State Agency" means the State agency designated under section

5(j)(2) of the Act (49 U.S.C. 1654(j)(2)).

"Entitlement" means the amount of assistance which a State is eligible to receive annually under section 5(h) of the Act (49 U.S.C. 1654(h)).

"Equipment" means rolling stock of the kind generally used by American railroads in revenue freight service.

"Facilities" means track, ties, roadbed and related structures including terminals, team tracks and appurtenances, bridges and tunnels, and other structures used or usable for rail service operations.

"FRA" means the Federal Railroad Administration.

"Federal Share" means the contribution by the Administrator under section 5(g) of the Act (49 U.S.C. 1654(g)) to a State's rail service assistance program.

"Final System Plan" means the plan approved by the Congress under section 208 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 718).

"Gross ton miles per mile" means the combined weight of locomotives and all trailing cars and their contents used in revenue freight trains multiplied by the number of route miles traveled and divided by the number of route miles of the line.

"Line" means a line of railroad.

"Maintenance" means inspection and light repairs, emergency repairs and a planned program of periodic maintenance which is necessary to keep a line at its existing condition or to comply with FRA Class 1 Safety Standards.

"Planning assistance" means funds granted to a State under section 5(i) of the Act (49 U.S.C. 1654(i)) to meet the cost of establishing (including developing a planning application), implementing, revising, and updating the State Rail Plan required by section 5(j) of the Act (49 U.S.C. 1654(j)).

"Planning Work Program" means that portion of a State's planning application which outlines the State's plan for establishing, implementing, revising, or updating a State Rail Plan which meets the requirements of section 5(i) of the Act, (49 U.S.C. 1654(i)).

"Program operation assistance" means funds granted to a State to cover those administrative costs allowable under Federal Management Circular 74-4.

"Rail Act" means the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 *et seq.*).

"Rail banking" means the acquisition of an interest in a rail right-of-way sufficient to ensure its preservation for future rail freight service.

"Rail facility construction assistance" means funds granted to a State under section 5(f)(5) of the Act (49 U.S.C.

1654(f)(5)) to cover the cost of constructing rail or rail related facilities (including new connections between two or more existing lines, intermodal freight terminals, sidings, and relocation of existing lines) for the purpose of improving the quality and efficiency of rail freight service.

"Rail service continuation assistance" means funds granted to a State under section 5(f)(1) of the Act (49 U.S.C. 1654(f)(1)) to cover rail service continuation payments for the difference between the revenue attributable to a line of railroad and the avoidable costs of providing rail service on that line, together with a reasonable return on the value of the line and other rail properties related to that line, all as determined in accordance with 49 CFR Part 1121 with the following exceptions: (1) Where service was eligible to be subsidized under section 402(c)(2)(A) and (B) of the Rail Act, rail service continuation assistance means funds for payments determined in accordance with 49 CFR Part 1125; and (2) where service was eligible to be subsidized under section 402(c)(2)(C) of the Rail Act, rail service continuation assistance means funds for payments calculated, to the greatest extent possible, in a manner consistent with 49 CFR Part 1121.

"Rehabilitation or improvement assistance" means funds granted to a State under section 5(f)(3) of the Act (49 U.S.C. 1654(f)(3)) to cover the cost of replacing or upgrading, to the extent necessary to permit adequate and efficient rail freight service, facilities needed to provide service on a line.

"Relocation costs" means actual expenses directly incurred in moving shippers from a line to a new location.

"State" means any State or the District of Columbia in which a common carrier maintains any line.

"State Rail Plan" means the current plan, including all updates, revisions, and amendments required by section 5(j)(1) of the Act (49 U.S.C. 1654(j)(1)).

"Substitute service assistance" means funds granted to a State under section 5(f)(4) of the Act (49 U.S.C. 1654(f)(4)) to cover the cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service and includes (but is not limited to) the acquisition, construction, or improvement of facilities for the provision of substitute freight transportation services and relocation costs.

§ 266.3 Rail Service Assistance Program.

(a) *Scope of the program.* The Rail Service Assistance Program includes:

- (1) rail service continuation assistance;

- (2) acquisition assistance;
- (3) rehabilitation or improvement assistance;

- (4) substitute service assistance;

- (5) rail facility construction assistance;

- (6) planning assistance; and
- (7) program operations assistance.

(b) *Special limitations on planning assistance and program operation assistance.*

(1) A State is eligible to receive up to \$100,000, or 5 percent of its entitlement, whichever is greater, as planning assistance; and

(2) A State is eligible to receive up to 5 percent of the total amount of funds granted to it each fiscal year under paragraphs (a)(1)-(5) of this section as program operation assistance.

§ 266.5 State eligibility.

(a) *General eligibility requirements under the rail service assistance program.* A State is eligible for assistance if:

(1) The State has certified pursuant to section 5(j)(4) of the Act that it has or will adopt and maintain adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of Federal funds;

(2) For purpose of establishing a State Rail Plan, the State has submitted, in accordance with § 266.17(e) of this part, a planning application; and

(3) For any other assistance,

(i) The State has established an adequate plan for rail services in the State which (A) meets the requirements of § 266.15 of this part; (B) is part of an overall planning process for all transportation services in the State; (C) includes a suitable procedure for updating, revising, and amending such plan; and (D) as updated, revised, or amended has been approved by the Administrator;

(ii) Such State Rail Plan (A) is administered or coordinated by a designated State agency; (B) provides for the equitable distribution of resources; and (C) includes a methodology for determining the ratio of benefits to costs of projects for which acquisition assistance, rehabilitation or improvement assistance, substitute service assistance, and rail facility construction assistance is sought;

(iii) The State agency:

(A) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services;

(B) employs or will employ, directly or indirectly, sufficient trained and qualified personnel;

(C) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and

(D) is designated and directed solely or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution; and

(iv) The State undertakes to immediately notify the Administrator of any changes in conditions which might affect its compliance with this section.

§ 266.7 Project eligibility.

(a) *Rail service continuation assistance, acquisition assistance and substitute service assistance.* A project is eligible for assistance under § 266.3(a)(1), (2), and (4) of this part, respectively, if:

(1) the Commission pursuant to 49 U.S.C. 10903 has found since February 5, 1976, that the public convenience and necessity permit the abandonment and discontinuance of rail service on the line related to the project, except that any such line or related project eligible prior to October 1, 1978, is eligible only until September 30, 1981 and any such line eligible for rail service continuation assistance shall receive such assistance for no more than 36 months after October 1, 1978;

(2) the line related to the project was eligible for assistance under section 402 of the Rail Act (45 U.S.C. 762), except that any such line or related project is eligible only until September 30, 1981; or

(3) for purposes of acquisition assistance, the line related to the project is listed for possible inclusion in a rail bank in part III, section C of the Final System Plan.

(b) *Rehabilitation and Improvement Assistance and Rail Facility Construction Assistance.* A project is eligible for assistance under § 266.3(a)(3) and (5) of this part, respectively, if:

(1)(i) The Commission has not made a finding that the public convenience and necessity would require or permit abandonment or discontinuance of rail service on the line related to the project;

(ii) Any pending application for a certificate of abandonment or discontinuance of rail service on the line related to the project is withdrawn within a reasonable period (as determined by the Administrator) following the execution of the grant agreement and before Federal funds are disbursed for the project; and

(iii)(A) The line related to the project is certified by the railroad as having carried three million gross ton miles per mile or less during the prior year; or

(B) The line related to the project is certified by the railroad in a written statement which identifies the name of the line, the State or States in which it is located, its length, termini, and termini mile posts as having carried between three and five million gross ton miles per mile during the prior year, and the Administrator has determined that the project is consistent with proposals made under the authority of subsections 5 (a) through (e) of the Act (49 U.S.C. 1654 (a)-(e));

(2)(i) An application for a certificate of abandonment or discontinuance of rail service on the line related to the project has been filed with the Commission during the period February 5, 1976 through December 31, 1978, whether or not such application has been granted; or

(ii) During the period February 5, 1976, through December 31, 1978, the Commission has found that the public convenience and necessity would require or permit abandonment or discontinuance of rail service on the line related to the project irrespective of when the application was filed;

(3) The line related to the project is listed for possible inclusion in a rail bank in part III, section C of the Final System Plan; or

(4) The line related to the project was eligible to be acquired under section 402(c)(3) of the Rail Act (45 U.S.C. 762(c)(3)).

(c) Projects eligible under paragraphs (b)(2), (b)(3), and (b)(4), of this section are eligible only until September 30, 1981. Projects initially eligible under paragraph (b)(2) may subsequently become eligible under paragraph (b)(1) if the Commission issues a new certificate of public convenience and necessity with respect to the line related to the project.

§ 266.9 Federal/State share.

(a) *Federal Share.* The Federal share of allowable costs under the Rail Service Assistance Program is 80 percent, with the exception that the Federal share of payments to be covered by rail service continuation assistance shall be 70 percent for any third twelve month period which begins on or after October 1, 1980 that such assistance is provided.

(b) *State Share-General.* The State share of allowable costs under the Rail Service Assistance Program shall be provided either in cash or through eligible in-kind benefits which would not otherwise have been provided. When more than the required State share is provided during the Federal fiscal year beginning October 1, 1978, or thereafter, the amount in excess of the

required State share may be carried forward to subsequent fiscal years. The State share of allowable costs under the Rail Service Assistance Program may not be satisfied directly or indirectly by any Federal funds unless the funds are provided through a Federal program which specifically authorizes the use of such funds to satisfy the non-Federal share of a Federally subsidized program.

(c) *In-kind Benefits.*

(1) Eligible types of benefits and their valuation. The following types of in-kind benefits are eligible when they are provided for projects eligible under § 266.7 of this part (whether or not Federal assistance is requested for the projects) or they are activities which would be eligible for planning and program operation assistance. Eligible in-kind benefits are valued as follows:

(i) The value of forgiven taxes, such as those portions of gross receipts or revenue taxes which are applicable to an approved project or property taxes on project related property, shall be the amount which would otherwise have been levied by the taxing authority. Forgiveness may be through exemption or remission;

(ii) The value of trackage rights secured by a State for a common carrier shall be the amount paid by railroads for comparable rights on comparable rail freight properties;

(iii) The value of State salaries for State public employees working in the State Rail Service Assistance Program, shall be consistent with rates paid for similar work by state public employees working in comparable state programs but shall not include overhead or general administrative costs;

(iv) The value of donations by the State or by a third party on behalf of the State of real property or tangible personal property of the kind necessary for safe and efficient operation of rail freight service, such as State or locally owned or leased buildings used in rail freight operations or equipment or materials, shall be determined as follows:

(A) The value of State tangible personal property shall be established at the State's actual cost in accordance with Federal Management Circular 74-4;

(B) The value of donated tangible personal property shall be determined in accordance with Attachment F of Office of Management and Budget Circular (OMB) A-102;

(C) The value of State real property shall be established at the State's actual cost in accordance with Federal Management Circular 74-4, if at least one independent appraisal based on the results of a title search was performed when the property was purchased by the

State, otherwise it shall be valued at the fair market value as established by at least one independent appraisal based on the results of a title search at the time the state proposes to make the property available as in-kind benefit; and

(D) The value of donated real property shall be its fair market value, at the time of donation to the State, as established by at least one independent appraisal based on the results of a title search;

(2) Eligibility criteria. To be applied toward the State share, in-kind benefits must:

(i) Be verifiable from the State's records;

(ii) Be necessary and reasonable for proper and efficient accomplishment of the objectives of the Rail Service Assistance Program;

(iii) Be provided for in the approved grant budget; and

(iv) Be approved under subparagraph (3) of this paragraph.

(v) The State shall submit such information as the Administrator may request to verify the value of in-kind benefits.

(3) Request for Approval. A request for approval of the in-kind benefits are to be applied and shall include the following:

(i) Full name and principal business address of the contributor if other than grantee;

(ii) Detailed documentation of the in-kind benefits including identification of the kind of in-kind benefits to be provided as well as their estimated value. When in-kind benefits are to be provided by a third party, a copy of the executed agreement between the State and the third party; and

(iii) Certification by the State that the contribution will be used solely for the purposes documented.

§ 266.11 Allowable costs.

Allowable costs include only the following costs which are properly allocable to the work performed: planning and program operation costs which are allowed under Federal Management Circular 74-4; and costs of projects eligible under § 266.7 of this part. All allowable costs shall be authorized by a fully executed grant agreement. A State may incur costs prior to the execution of a grant agreement only if the Administrator, based on the State's demonstration of a compelling need to incur costs prior to the execution of a grant agreement, has authorized the costs in writing prior to their incurrence by the State.

§ 266.13 Distribution of funds.

(a) *Formula.* Funds appropriated for or reallocated in any fiscal year (in this section referred to jointly as "funds") are to be distributed to each State as follows:

(1) Two-thirds of the funds will be allocated in the ratio which a State's rail mileage that, in accordance with 49 U.S.C. 10904(d), is either potentially subject to abandonment or is to become the subject of an application for a certificate of abandonment or discontinuance which a carrier plans to submit, but has not yet submitted, bears to the total such rail mileage in all the States;

(2) One-third of the funds will be allocated in the ratio which a State's rail mileage for which the Commission has found within three years prior to the first day of the fiscal year for which the funds are being allocated that the public convenience and necessity permits the abandonment, or the discontinuance, of rail service on such rail mileage, bears to the total such rail mileage in all the States. Until September 30, 1981, such rail mileage includes the rail mileage which was eligible under the Rail Service Assistance Program pursuant to section 402 of the Rail Act, and all rail mileage which, prior to October 1, 1978, had been included for formula allocation purposes. The Administrator will calculate rail mileage under this paragraph as of October 1 of each year; and

(3) The above calculations will be adjusted if necessary so that no State receives less than 1 percent of the funds appropriated for a fiscal year.

(b) *Reallocation.* The Administrator will reallocate among the States funds which have not been granted under an executed grant agreement by the end of the fiscal year for which the funds were appropriated and funds determined by a Federal audit to be in excess of allowable costs when they have not been granted under an executed grant agreement by the end of the fiscal year in which the Federal audit is made. Reallocated funds are distributed in accordance with the allocation formula described in paragraph (a) of this section.

(c) *Interstate sharing of allocated funds.* Where not in violation of State law, two or more States, which are eligible to receive assistance under the Rail Service Assistance Program pursuant to § 266.5 of this part may combine any portion of their entitlements for purposes of conducting any eligible project of mutual benefit provided that they enter into an agreement for this purpose.

§ 266.15 Requirements for State Rail Plan.

(a) *State planning process.* The State Rail Plan shall be based on a comprehensive, coordinated and continuing planning process for all transportation services within the State and shall be developed with an opportunity for participation by persons interested in rail activity in the State and adjacent States where appropriate. At a minimum, the State shall hold a public hearing if, on the basis of reasonable public notice appearing in the press, there is sufficient public interest to justify a hearing. Public notice shall be given, in accordance with applicable State law and practice concerning comparable matters, that a draft of the State Rail Plan is available for public inspection at a reasonable time in advance of the hearing. The State shall enable local and regional governmental bodies to review and comment on appropriate elements of the State Rail Plan. Provisions shall also be made for updating, revising, and amending the State Rail Plan.

(b) *Format of the State Rail Plan.* Each item submitted in response to a requirement of this section shall reference that requirement by subsection, paragraph, and subparagraph.

(c) *Contents of the State Rail Plan.* Each State Rail Plan shall:

(1) Specify the objectives of the State's Rail Service Assistance Program and explain how the implementation of the State Rail Plan will accomplish these objectives and explain relevant data sources, assumptions, analytical methodology, other legal constraints and special problems or conditions which will aid the public in understanding the State Rail Plan;

(2) Contain an illustration of the State's entire rail system on suitable scale maps of the State highway system (such as a reduction of the County Highway Planning Series of maps), designating with respect to each line listed under subparagraph (3) of this subsection, including all lines connecting to them:

- (i) The operating carrier or carriers;
- (ii) Freight traffic density, and
- (iii) Location of passenger service.

These maps shall be accompanied by a written description of the service provided on each line;

(3) Identify the following classes of rail service within the State:

(i) Lines in the State which are eligible for assistance under § 266.7 of this part other than those included in subparagraph (ii) of this paragraph;

(ii) Lines in the State which a common carrier has identified on its system diagram map submitted under 49 CFR

§ 1121.20(b) (1) and (2) as potentially subject to abandonment and lines which are anticipated to be the subject of an abandonment or discontinuance application within three years following the date of submission;

(iv) Lines in the State for which abandonment or discontinuance applications are pending;

(v) Lines in the State which are involved in the following kinds of proposals that have been submitted to the Commission for approval or are in the process of negotiation, to the extent that this information is publicly available:

- (A) mergers;
- (B) consolidations;
- (C) reorganizations;
- (D) purchases by other common carriers; or

(E) other unification and coordination projects.

(vi) rail projects for which the State plans to request Federal assistance or approval as in-kind benefits; and

(vii) rail projects for which a State provides or plans to provide assistance from sources other than the Rail Service Assistance Program, including the estimated cost of the projects;

(4) Establish and describe screening criteria to be used in selecting the eligible lines which the State analyzes in detail, identify these lines, and explain how the application of the screening criteria resulted in their selection;

(5) Describe the State's methodology for determining the ratio of benefits to the costs of proposed projects eligible under § 266.7 of this part (except projects to be funded with rail service continuation assistance);

(6) Include, to the extent that the information is available to the State, the following data for each line the State has selected to analyze in detail:

(i) Annual freight tonnage and carloads segregated by commodity type and indicating any seasonal traffic fluctuations and the number of shippers and receivers on the line aggregated by type (e.g., grain elevator, power plant, heavy manufacturing), including identification of information which a shipper wishes the Administrator to consider confidential to the extent permitted by law;

(ii) Revenues and costs of providing rail freight service on the line;

(iii) Condition of the related rail facilities and equipment, and for a line eligible under § 266.7(b) of this part, a description of the particular rail facilities involved in any project a State may be considering on the line;

(iv) When the State is considering a line for rail service continuation assistance, projections of freight traffic

needs on the line for at least the three succeeding calendar years and estimates of the amount and type of equipment, the condition of the rail facilities, and the level of service necessary to satisfy the projected traffic needs as well as estimates of the revenue and costs of providing this service; and

(v) When the State is considering a project eligible under § 266.7(b) of this part, the amount of funds expended for the maintenance of the line and the kinds of work performed during the five year period preceding its eligibility.

(vi) When the State is considering a line for rail banking, a description of the line's future economic potential, such as the existence of fossil fuel reserves or agricultural production likely to be served;

(7) Describe the alternatives which the State will analyze in applying the methodology described in paragraph 5 of this subsection, such as: rail service continuation payments, rehabilitation or improvement, acquisition, rail facility construction, potential for moving freight by alternate modes, or abandonment or discontinuance of rail freight service;

(8) Apply the methodology described in paragraph 5 of this subsection to each line the State has selected to analyze in detail;

(9) Specify the State's decision regarding the alternative selected for each line the State has analyzed in detail and include the following:

(i) An indication of whether Federal assistance will be requested or other funds will be used to implement the alternative selected;

(ii) An identification of lines which may be affected by the alternative selected;

(iii) An explanation of how the alternative selected contributes to the accomplishment of the State's objectives as stated in paragraph (1) of this subsection; and

(iv) A statement of the projected future of the line after the alternative selected is implemented and the line is no longer eligible for rail service continuation assistance under § 266.7(a) of this part or after the payback period used in the State's benefit-cost analysis, whichever is appropriate;

(10) Describe the planning process participation of local and regional governmental bodies, the railroads, railroad labor, rail service users, and the public in general;

(11) Describe the overall planning process for all transportation services in the State; and

(12) Include a program of projects which identifies the projects for which

the State expects to submit applications and the anticipated submission date. The program shall group the proposed projects in the order they comply with the State's criteria and goals for assistance, and shall:

(i) identify the type of project (i.e., rail service continuation payments, acquisition, rehabilitation or improvement, rail facility construction, or substitute service), its location, and duration; and

(ii) include the anticipated amount of funds to be requested for each project;

(d) *Updates, revisions, and amendments of the State Rail Plan.*

(1) General. As provided for in paragraph (e) of this section, State Rail Plans shall be updated at least on an annual basis but may be revised more frequently at the discretion of the State in accordance with its program needs. Such updates shall be subject to the same review, public participation and approval procedures by the State and FRA as the original State Rail Plan.

(2) Contents. Annual updates shall include the following:

(i) A response to unanswered FRA comments on previously submitted updates, revisions, amendments, or the original State Rail Plan;

(ii) An update of information in previous submittals which is no longer accurate as a result of plan implementation, action by a governmental entity or railroad, or changed conditions;

(iii) For lines receiving rail service continuation assistance, inclusion of revenue and cost information from the past year's operating experience and a reevaluation of service based on these new data;

(iv) Updating of the maps and descriptions required under paragraph (c)(2) of this section;

(v) Analysis of any new projects developed by the State in accordance with paragraphs (c)(4), (5) and (6) of this section;

(vi) Changes in agency responsibilities and authority including ability to provide the non-Federal share; and

(vii) Revisions in the State's policies, objectives or long-range expectations.

(e) *Adoption and submission of State Rail Plan and Annual Updates.* An original and five copies of the State Rail Plan, and any amendments, revisions, or updates shall be submitted to FRA for review and approval with a certification by the Governor, or by the Governor's delegate, that the submission constitutes the State Rail Plan established by the State as provided in section 5(j) of the Act. In accordance with Office of Management and Budget Circular No. A-95 Revised, 41 Fed. Reg. 2052 (Jan. 13,

1976), the State Rail Plan and all amendments, revisions, and updates shall also be submitted with a certification by the chief executive officer of the designated State agency that the Governor or his or her delegated agency for plan coordination has been afforded a period of 45 days in which to comment on the State Rail Plan. Such submittal shall include an original and five copies of either these comments or a statement to the effect that there were no comments. The State Rail Plan, and all amendments, revisions, and updates shall be submitted to the FRA through the appropriate Federal Highway Division Office. A current list of mailing addresses of the above offices will be provided by FRA to each State.

(f) *Review of the State Rail Plan and Updates.* The State Rail Plan and all amendments, revisions, and updates shall analyze in accordance with this section all projects for which the State anticipates requesting rail service assistance, other than planning assistance, during the fiscal year. In accordance with § 266.17(b) of this part, a project for which funds are requested must have been addressed in a previously approved State Rail Plan or update. If the Administrator determines that the State Rail Plan or update is not in accordance with this part, the Administrator will notify the State in writing setting forth the Administrator's reasons for such a determination.

§ 266.17 Applications.

(a) *General.*

(1) Applications for planning assistance shall comply with paragraphs (b), (c) and (e) of this section.

(2) Applications for rail service continuation assistance shall comply with paragraphs (b), (c), (d) and (f) of this section.

(3) Applications for acquisition assistance shall comply with paragraphs (b), (c), (d) and (g) of this section.

(4) Applications for rehabilitation or improvement assistance and rail facility construction assistance shall comply with paragraphs (b), (c), (d) and (h) of this section.

(5) Applications for substitute service assistance shall comply with paragraphs (b), (c), (d) and (i) of this section.

(b) *Submission.*

(1) Applications shall be submitted by the designated State agency using the standard forms contained in Attachment M of Office of Management and Budget Circular No. A-102 ("OMB Circular A-102"). Each item submitted in response to a requirement of this section shall reference that requirement by subsection, paragraph, and subparagraph. Each application shall be

consistent with the current State Rail Plan and analyzed in it.

(2) A State may apply for planning assistance to cover prospective costs at any time during the planning process.

(3) Exhibits previously filed with the Administrator need not be refiled unless the prior filing has been rendered obsolete by changed circumstances. Such prior filing shall be appropriately referenced by source, location of data and date of submittal.

(c) *Contents.* Each application shall include:

(1) Full name and principal business address of the applicant;

(2) Name, title, address and phone number of the person to whom correspondence regarding the application should be addressed;

(3) Budget estimates for the total amount of assistance required for projects or planning;

(4) Applicant's proposed means of furnishing its share of the total costs of the projects, as well as copies of executed agreements between the agency and any third party which may be providing the non-Federal share or a portion thereof;

(5) Assurance by the chief executive officer of the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance will be provided and in conformity with limitations on expenditures under the Act and applicable regulations;

(6) Evidence that the applicant has established in accordance with Attachment G of OMB Circular A-102, adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of the Federal funds;

(7) Assurance by applicant's chief executive officer that the timing of all advances by the applicant will comply with the Department of Treasury advance financing regulations (31 CFR Part 205);

(8) Statement as to whether the applicant prefers to receive disbursement of Federal funds by advance payment or reimbursement;

(9) Opinion of applicant's legal counsel showing that counsel is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, that the applicant is eligible to participate in the Rail Service Assistance Program in accordance with the provisions of the Act and this part, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(10) Assurances that the applicant will comply with and that the program will be conducted in accordance with the following Federal laws, policies, regulations and pertinent directives:

(i) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, and 49 CFR Part 21;

(ii) Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 803, and 49 CFR Part 265;

(iii) The Rehabilitation Act of 1973, 29 U.S.C. 794 and 49 CFR Part 27 (44 Fed. Reg. 31442, May 31, 1979) relating to non-discrimination on the basis of handicap; and

(iv) The State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 *et seq.* and 31 CFR Part 51; and

(11) When two or more States desire to combine their entitlements or any portion of them for the purpose of funding a project, certification of the Governor or the Governor's delegate of each State involved that it is a party to an interstate agreement as required under section 5(h)(4) of the Act (49 U.S.C. 1654(h)(4)). Such certification shall include the amount of money to be used from each State's entitlement and which State is to enter into a grant for the project.

(d) *Additional contents.* In addition to meeting the requirements of paragraphs (b) and (c) of this section each application except when planning assistance is requested, shall include evidence that the agency submitting the application has the statutory authority and administrative jurisdiction to develop, promote, supervise and support safe, adequate, and efficient rail services; that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and that it is designated and directed solely, or in cooperation with other State agencies, to take all practicable steps to improve transportation safety and to reduce transportation related energy utilization and pollution.

(e) *Planning assistance.* In addition to meeting the requirements of paragraphs (b) and (c) of this section, each application for planning assistance shall include a Planning Work Program which, together with such other information the State may choose to submit, demonstrates to the satisfaction of the Administrator that the State's proposed use of planning assistance will produce a State Rail Plan, or an update, amendment or revision which meets the requirements of § 266.15 of this part. The

Planning Work Program shall include the following information:

(1) An explanation of how the State Rail Plan will be related to the overall planning process for transportation within the State. This explanation shall concentrate on the expectations of the State for the future of local rail freight services and consider such factors as likelihood of profitability of existing rail lines, necessity of rail service continuation payments, State acquisition of rail lines, use of alternate modes of transportation in lieu of rail freight service, and other long-term alternatives;

(2) A description of the methods by which the State will involve local and regional governmental bodies and the public generally in its rail planning process, including its methods of providing for equitable distribution of resources;

(3) An identification of the data to be obtained on the rail network and rail services in the State, the sources of this data, and the methodology to be employed in the collection of the data;

(4) A description of the method by which the State will develop the State Rail Plan, including a brief description of discrete tasks or activities to be accomplished; and

(5) A list of the individuals responsible for the planning, a work schedule and a budget.

(f) *Rail service continuation assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for rail service continuation assistance shall include the following:

(1) The amount of the estimated rail service continuation payment for each line; and

(2) A description of the arrangements which the applicant has made for operation of the rail services to be subsidized including copies of the proposed operating agreements, leases, or other compensation agreements under which service is to be provided, and the results of the application's preaward audit of proposed operators and equipment leasing companies if the equipment to be used in providing the rail service is to be leased by the proposed operator.

(g) *Acquisition assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for acquisition assistance shall include the following:

(1) Copies of the results of a title search, and the basis for the proposed acquisition price including two independent valuation appraisals by qualified appraisers. Such appraisals shall be performed in accordance with

the "Uniform Appraisal Standards for Federal Land Acquisition" proposed by the Interagency Land Acquisition Conference and shall be based on the results of a title search and comparable sales and shall take cognizance of all easements, encumbrances and restrictions that may affect the value of the property. Such appraisals shall be reviewed by a State Review appraiser to establish just compensation;

(2) Written assurance that the acquisition is being undertaken in accordance with 49 CFR 25.253, 25.255, 25.257, and 25.259 to the greatest extent practicable under State law and fully in compliance with 49 CFR 25.261(a) and 25.263;

(3) Written assurance that the owner of the property to be acquired has been advised of the requirements of 49 CFR 25.259 or will be advised of such requirements prior to the consummation of the acquisition;

(4) A description of the necessary steps, and timing for completion of the acquisition;

(5) When rail service is to be immediately provided over the line, a description of the arrangements which the applicant has made for operation of the rail service, including copies of the proposed operating agreements, leases, and other compensation agreements under which the service is to be provided, and a description of the means by which the State will continue rail service on the property to be acquired once assistance under the Act is terminated;

(6) For applications regarding rail banking, evidence that the properties for which assistance is requested have potential for rail freight service such as plans for agricultural development or existence of fossil fuel reserves, the State's anticipated timetable for returning the line to service, and its proposed use of the property while it is out of service including its maintenance plans; and

(7) Evidence that the anticipated benefits and costs of the proposed acquisition have been analyzed in accordance with the methodology established by the State under § 266.15(c)(5) of this part.

(h) *Rehabilitation or improvement assistance and rail facility construction assistance.*

(1) In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for rehabilitation or improvement assistance and rail facility construction assistance shall include the following:

(i) A detailed estimate of the materials and labor required to complete the work, the total estimated costs of the

work, the estimated numbers and kinds of ties and other material, the milepost termini involved, and a schedule for completion of the work;

(ii) Evidence that the anticipated benefits and costs of the proposed acquisition have been analyzed in accordance with the methodology established by the State under § 266.15(c)(5) of this part;

(iii) When rehabilitation assistance is requested—

(A) a copy of the document by which funds will be granted or loaned (at an interest rate determined by the State) to the owner of the rail properties or the operator of the rail service related to the project; and

(B) an assurance by the chief executive officer of the applicant that:

(1) repaid loan funds and interest accumulated with respect to such funds will not be loaned or granted without the prior written approval of the Administrator;

(2) the Federal share of repaid loan funds will be placed in an interest-bearing account or with the prior written approval of the Administrator will be deposited by the borrower, for the benefit and use of the State, in a bank which has been designated by the Secretary of Treasury in accordance with 12 U.S.C. 265; and

(3) if the rehabilitated or improved facilities are not used for rail freight service during the useful life of the improvement the Federal share of the fair market value of the improvement or facility will be placed in an interest-bearing account or with the prior written approval of the Administrator will be deposited by the owner of the rail properties, for the benefit and use of the State, in a bank which has been designated by the Secretary of the Treasury in accordance with 12 U.S.C. 265;

(iv) An assurance by chief executive officer of the applicant that rehabilitated or improved facilities or newly constructed facilities will be maintained to prevent deterioration below the speed at which the line could be operated upon completion of the project during the period of time established as the payback period in the benefit-cost analysis of the project;

(2) In addition to meeting the requirements of paragraphs (b), (c), and (d) and (h)(1) of this section, each application for a project eligible under § 266.7(b)(2)(i) (if the Commission has made a finding granting the application for abandonment and discontinuance) (ii), (3) or (4) shall also include the following:

(i) An indication of which of the following methods will be used to

complete the work, including proposed contracts unless the work will be performed under method (A):

(A) On an actual cost basis by the operator or the applicant;

(B) By contracting for the work in accordance with Attachment O to OMB Circular A-102; or

(C) Under an existing continuing contract between the operator and another firm provided that the applicant can demonstrate the costs are comparable to those under clause (A) or (B) of this paragraph; and

(ii) A description of the plans for inspection of the work including identification and qualifications of the staff to be responsible for the inspection and a proposed schedule of inspections; and

(iii) A description of the arrangements made for the operation of rail service over the property including copies of the proposed operating agreements, leases or other compensation agreements under which service is to be provided, and the proposed method of financing the operation of such rail service;

(3) In addition to meeting the requirements of paragraphs (b), (c), (d), and (h)(1) of this section, each application for a project eligible under § 266.7 (b)(1) or 2(i) (if the Commission has not made a finding granting the application for abandonment discontinuance) shall include an assurance by the common carrier which operates service on or owns the line related to the project that if an application for a certificate of abandonment or discontinuance has been filed with the Commission the application will be withdrawn within a reasonable period following execution of a grant agreement and before Federal funds are disbursed for the project; and

(4) When rail facility construction assistance is requested an assurance by the chief executive officer of the applicant that if the facility is abandoned, sold, or converted to non-rail freight use during its useful life, FRA will be compensated an amount computed by applying FRA's participation in the cost of constructing the facility to the fair market value of the facility at the time it is abandoned, sold, or converted to non-rail use.

(i) *Substitute Service Assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for substitute service assistance shall include:

(1) A detailed description of the substitute service project, including evidence that the cost and scope of the project are limited to that necessary to replace the rail service being discontinued;

(2) Evidence that the anticipated benefits and costs of the proposed acquisition have been analyzed in accordance with the methodology established by the State under § 266.15(c)(5) of this part;

(3) For construction or improvement of fixed facilities, a description of the proposed work, including:

(i) The cost and timing of the work; and

(ii) An assurance by the chief executive officer of the applicant that the Federal share of the project will be repaid in accordance with Attachment N of OMB Circular A-102, if the properties are not used for rail freight service during the useful life of the project properties;

(4) For relocation costs, the following assurances by the chief executive officer of the applicant:

(i) When the rail line related to the project is eligible under section 5(k)(4)(A) of the Act (49 U.S.C. 1654(k)(4)(A)), an assurance that the applicant is requesting only such assistance as is needed to relocate the shippers which were receiving rail service on the line at the time the Commission found that the public convenience and necessity would permit discontinuance or abandonment of the rail service;

(ii) When the rail line related to the project is eligible under section 5(k)(4)(B) of the Act (49 U.S.C. 1654(k)(4)(B)), an assurance that assistance is being requested to relocate only the shippers who received rail service on the line as of April 1, 1976; and

(iii) An assurance, and the basis therefor, that the shippers will not be relocated to a line with respect to which an application for a certificate of abandonment or discontinuance has been filed with the Commission or that if an application has been filed it will be withdrawn within a reasonable period following execution of a grant agreement and before Federal funds are disbursed for the project;

(5) An assurance by the chief executive officer of the applicant that after completion of the substitute service project, additional Federal assistance will not be requested for the continuation of the rail freight service that the substitute service is designed to replace, unless the Administrator determines that circumstances have changed so that continuation of rail freight service is more cost-effective than continued use of the substitute service project;

(6) A description of the arrangements made for operation of service where rail service is to be provided in conjunction

with a substitute service project, including copies of proposed operating agreements, leases, or other compensation agreements under which service is to be provided; and

(7) An assurance by the chief executive officer of the applicant that assistance provided will not be used to pay the non-Federal share under any Federal program.

(j) *Execution and filing of applications.*

(1) Each original application shall bear the date of execution and be signed by the chief executive officer of the agency submitting the application;

(2) Each application for planning assistance, and two (2) copies thereof, shall be filed with the Administrator through the appropriate Federal Highway Administration Division Office;

(3) Each application (excluding requests for planning assistance), and two (2) copies thereof, shall be filed with the Administrator through the appropriate Regional Director of Federal Assistance. A current list of the appropriate mailing addresses of the above officials will be provided by FRA to each State.

§ 266.19 Environmental impact.

(a) *General.* The Administrator has determined that providing assistance to cover the following costs is not a major action significantly affecting the quality of the human environment: rehabilitation or improvement consisting of work normally performed on a periodic basis which does not change the existing character of the facility (including work to overcome normal periodic maintenance that had been deferred) rail service continuation, acquisition, and planning.

(b) *Substitute Service Assistance, Rail Facility Construction Assistance, and Non-Exempt Rehabilitation or Improvement Assistance.*

(1) *Environmental assessment.* (i) When an applicant requests substitute service assistance, rail facility construction assistance, or rehabilitation or improvement assistance (except for rehabilitation or improvement assistance which is exempt under paragraph (a) of this section), the applicant shall (A) prepare an environmental assessment to determine whether the future use of the property will significantly affect the quality of the human environment; or (B) provide sufficient documentation to enable the Administrator to determine that the project satisfies the following criteria:

(1) The action is not likely to be environmentally controversial from the

point of view of people living within the environment affected by the action or controversial with respect to the availability of adequate relocation housing;

(2) The action is not inconsistent with any Federal, State, or local law, regulation, ordinance, or judicial or administrative determination relating to environmental protection;

(3) The action will not have any significant adverse impact in any natural, cultural, recreational, or scenic environment(s) in which the action takes place, or on the air or water quality or ambient noise levels of such environment(s);

(4) The action will not: use 4(f)-protected properties; adversely affect properties under section 106 of the National Historic Preservation Act; involve new construction location in a wetlands area; or affect a base floodplain;

(5) The action will not cause a significant short- or long-term increase in traffic congestion, or other significant adverse environmental impact on any mode of transportation;

(6) The action is not an integral part of a program of actions which, when considered separately, would not be classified as major FRA actions, but when considered together would be so classified; and

(7) Environmental assessment or documentation is not required by any Federal law, regulation, guideline, order, or judicial or administrative determination other than this part.

(ii) Prior to submitting an application, FRA recommends that the applicant seek the Administrator's advice as to form and substance of the assessment for the project under consideration. The environmental assessment shall utilize an interdisciplinary approach in identifying the type, degree of effect, and probability of occurrence of primary, secondary and cumulative potential environmental impacts (positive and negative) of the proposed action and of alternative courses of action. The depth of coverage shall be consistent with the magnitude of the project and its expected environmental effects. The environmental assessment and all documents used as a basis for the assessment shall be submitted together with the application for assistance.

(2) *Environmental impact statement.* A draft environmental impact statement (EIS) shall be submitted with each application when the environmental assessment concludes that the future use significantly affects the quality of human environment. FRA recommends that prior to submitting the application,

the applicant seek the Administrator's advice as to form and substance of the EIS for the project under consideration.

(3) *Finding of no significant impact.* A draft finding of no significant impact declaration shall be submitted with each application when the applicant's environmental assessment concludes that the figure use does not significantly affect the quality of the human environment. The finding of no significant impact shall include a description of the project, and sufficient data and environmental findings to support the conclusions as to the impact upon the quality of the human environment. FRA recommends that prior to submitting the application, the applicant seek the Administrator's advice as to the form and substance of this finding for the project under consideration.

(4) *Section 4(f) Determination.* For projects involving the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, State or local significance as determined by the Federal, State, or local officials having jurisdiction thereon, information to support a determination pursuant to section 4(f) of the Act shall be submitted together with the application. The section 4(f) determination shall document that:

- (i) There is no feasible and prudent alternative to the use of such land; and
- (ii) The project includes all planning to minimize harm resulting from such use.

(5) *Historic preservation.* For projects involving the use of historic, cultural or archeological resources listed or eligible for listing in the National Register of Historic Places, information which documents that the Advisory Council on Historic Preservation has been afforded an opportunity for review and comment on the proposed project in accordance with 16 U.S.C. 470 and 36 CFR Part 800 shall be submitted with the application.

(c) *Highway or highway-related facilities.* Substitute service projects involving highway or highway-related facilities are subject to the applicable substantive Federal Highway Administration regulations on environmental considerations (23 CFR Part 771).

§ 266.21 Grant agreement and disbursement.

(a) Grant Agreement.

(1) Upon the approval of an application meeting the requirements of § 266.17 of this part, a grant agreement for the Federal share of the approved amount of estimated program costs will

be executed by the Administrator and the grantee.

(2) The grant agreement will identify the amount of the grantee's share of program costs to be furnished in cash and through approved in-kind benefits. The grantee shall expend a pro-rata share of its cash contribution at the same time payments of the Federal share are made available to the grantee.

(b) Disbursement.

(1) Federal funds are provided either in advance by a letter-of-credit or a Treasury check or by reimbursement in accordance with Attachment J of OMB Circular A-102.

(2) Prior to receipt of advance payments, the grantee must have demonstrated to the satisfaction of the Administrator that it has established procedures to comply with OMB Circular A-102, Attachment J, including procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement. Evidence of such compliance shall be provided to the Administrator at least 30 days prior to the anticipated date of receipt of advance payments. An advance by letter-of-credit is used when the rail service assistance is expected to be provided for a minimum of one (1) year, and is expected to involve annual payments aggregating at least \$120,000. Otherwise, advance payments are made by Treasury check.

(3) If the grantee is not eligible for advance payments or does not desire them, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter upon submission of a request for reimbursement.

(4) Before disbursement of Federal funds can be made to a grantee for payment to third parties under this subsection, the grantee must have executed an agreement with the third party.

(5) Acquisition assistance will be disbursed only after the following have been approved by the Administrator:

(i) A title opinion of the chief legal officer of the grantee that describe the type of title being acquired, and if a general warranty deed is not being given, it must explain why it could not be given. The opinion shall also advise of any need for use of the State's eminent domain powers to assure adequate title. In addition, the opinion shall explain how the defects disclosed by the title search might affect the marketability of the property;

(ii) A written determination that the property acquired is limited to the land and facilities that are needed for the rail freight services which would have been curtailed or abandoned but for the

acquisition has been accepted by the Administrator; and

(iii) A written determination that the purchase price is consistent with the value of the property interest being acquired, and the evidence upon which the determination is based.

(c) Settlement.

(1) Settlement under the grant agreement is made on the basis of a Federal audit which has determined the allowable costs over the entire term of the grant agreement. If the Federal audit determines that the allowable costs under the grant agreement are less than the amount of the grant, the difference shall be refunded to FRA at the end of the fiscal year in which the audit was made unless it has become the subject of another executed grant agreement. Upon termination of a State's participation in the Rail Service Assistance Program, the State shall repay FRA the Federal share of any unused rehabilitation and improvement assistance and any accumulated interest.

§ 266.23 Record, audit, and examination.

(a) Retention and custodial requirements for financial records, supporting documents, statistical records, and all other records pertinent to a grant provided under this part shall be governed by Attachment C of OMB Circular A-102.

(b) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives shall, until the expiration of three years after submission to the Administrator of the grantee's final accounting of all program funds, and for any longer period necessary to resolve audit findings, have access for the purpose of audit and examination to any books, documents, papers, and records which in the opinion of the Administrator or the Comptroller General of the United States may be related or pertinent to the grants, contracts, or other arrangements arising out of, or in any way connected with, the rail service assistance program.

§ 266.25 Waivers and modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements the Administrator deems necessary. Procedures for submission and consideration of petitions for waiver or modification are governed by 49 CFR Part 211.

[FR Doc. 79-26781 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-06-M

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text is organized into several columns and paragraphs, but no specific words or phrases can be discerned.]

United States Federal Register

Thursday
August 30, 1979

Part V

Department of Transportation

Federal Railroad Administration

**Common Carrier Data Reporting
Requirements**

THURSDAY
MARCH 20 1973

PART V

Department of
Transportation

Federal Railroad Administration

Compliance with Civil Rights
Requirements

SHIP
TRAILER
CARRIER

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 269]

(FRA State Rail Docket No. 1979-2; Notice No. 1)

Common Carrier Data Reporting Requirements Under Section 5(k)(5) of the Department of Transportation Act, 49 U.S.C. 1654(k)(5)**AGENCY:** Federal Railroad Administration ("FRA"), Department of Transportation ("DOT").**ACTION:** Notice of Proposed Rulemaking.**SUMMARY:** The Federal Railroad Administration is authorized to provide Federal assistance to States for rehabilitation and improvement projects on certain light density rail lines. To ensure State awareness of these eligible lines, this rule establishes proposed procedures for the reporting of traffic density data by railroads under section 5(k)(5) of the Department of Transportation Act ("Act"). The reporting requirement was added to the Act by the Local Rail Service Assistance Act of 1978 ("1978 Act").**DATES:** Interested parties are invited to submit written comments by October 15, 1979. Written comments received on or before that date will be considered before final regulations are issued. Comments received after that date will be considered to the extent possible.**ADDRESSES:** (1) Submission of written comments. Written comments should identify the docket and notice number and be submitted to the Federal Railroad Administration, Office of State Assistance Programs, FRA-30, Room 5406, 400 Seventh Street, S.W., Washington, D.C. 20590. Any commenter who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgement of comments will be provided.

(2) Examination of written comments. Written comments will be available for examination at the above address between 8:30 a.m. and 5:00 p.m. Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jo Anne McGowan, Program Analyst, Office of State Assistance Programs, Federal Railroad Administration, Washington, D.C. 20590, (202) 426-1677.**SUPPLEMENTARY INFORMATION:** The Local Rail Service Assistance Program under Section 5 of the Act (49 U.S.C. 1654(k)(5)), as amended by Pub. L. 95-607) authorizes the Secretary of Transportation ("Secretary") to provide

Federal assistance to States for projects on certain light density rail lines. (For further information on the Local Rail Service Assistance Program see 49 CFR Part 266.) This assistance may be provided for rehabilitation and improvement projects or rail facility construction projects on lines which annually carry 3 million gross ton miles or less of freight per mile (or in certain circumstances 5 million or less). The Secretary's authority has been delegated to the Administrator of FRA ("Administrator").

To ensure State awareness of these eligible lines, Section 5(k)(5) of the Act, as amended by the 1978 Act, requires common carriers by railroad subject to Part 1 of the Interstate Commerce Act (Subchapter I of Chapter 105 of Title 49 of the United States Code) to report to the Secretary by August 1 of each year all lines which carried 3 million gross ton miles of freight per mile or less during the prior year.

The Administrator has determined that the publication of this rule does not itself constitute a major FRA action requiring environmental assessment. In addition, the rule has been reviewed in accordance with the policies for evaluating regulatory impacts contained in Executive Order 12044 on "Improving Government Regulations" (43 Fed. Reg. 12661, March 24, 1978) and the Regulatory Policies and Procedures of the Department of Transportation (44 Fed. Reg. 11034, February 26, 1979). On the basis of this review, the Administrator has determined that the rule constitutes a "non-significant" regulatory proposal, and, therefore, an economic impact statement is not required.

In consideration of the foregoing, it is proposed to amend Title 49 of the Code of Federal Regulations by adding a new Part 269 to read as follows:

Part 269—Common Carrier Data Reporting Requirements Under Section 5(k)(5) of the Department of Transportation Act, 49 U.S.C. 1654(k)(5)

Sec.

269.1 Definitions.

269.3 Submission of Traffic Density Data.

269.5 Waivers and Modifications.

Authority: Section 5(k)(5) of the Department of Transportation Act (49 U.S.C. 1654 (k)(5)), as amended by the Local Rail Service Assistance Act of 1978, Pub. L. 95-607, 92 Stat. 3059, November 8, 1978.**§ 269.1 Definitions.**

As used in this part:

"Act" means the Department of Transportation Act (49 U.S.C. 1650 et seq.).

"Administrator" means the Administrator of the Federal Railroad Administration or the Administrator's delegate.

"Commission" means the Interstate Commerce Commission or any successor Federal agency to the relevant activity.

"Common carrier" means a person providing transportation of freight by rail for compensation who is subject to the jurisdiction of the Commission under Subchapter I of Chapter 105 of Title 49 of the United States Code.

"Gross ton miles per mile" means the combined weight of locomotives and all trailing cars and their contents used in revenue freight trains multiplied by the number of route miles traveled and divided by the number of route miles of the line.

§ 269.3 Submission of traffic density data.(a) *Format.* By August 1 of each year each common carrier shall submit a new or updated listing of its rail lines which, on the basis of usage, carried three million gross ton miles per mile or less during the prior calendar year. The listing shall identify each line by the line name used in the common carrier's system diagram which is required to be submitted to the Commission under 49 CFR Part 1121. The listing shall also identify the State or States in which the line is located, its length, termini, termini mileposts, and the number of gross ton miles per mile carried on the line during the prior calendar year. When a line is located in more than one State, the mileage and ton miles per mile for each State shall be provided.(b) *Submission.* At least two copies of each listing shall be provided to the Administrator at the following address: Administrator of the Federal Railroad Administration, Attention: Director, Office of State Assistance Programs, FRA-30, 400 Seventh Street, S.W., Washington, D.C. 20590.**§ 269.5 Waivers and modifications.**

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirements of this part not required by law and make any additional requirements deemed necessary. Procedures for submission and consideration of petitions for waiver and modification are governed by 49 CFR Part 211.

Issued in Washington on August 22, 1979.

John M. Sullivan,
Administrator.

[FR Doc. 79-26782 Filed 8-29-79; 8:45 am]

BILLING CODE 4910-06-M

Virginia Big-eared Bat Federal Register

Thursday
August 30, 1979

Part VI

Interior Department

Fish and Wildlife Service

Critical Habitat for the Virginia Big-eared Bat

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR 17]

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Virginia Big-eared Bat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of Critical Habitat for the Virginia Big-eared Bat.

SUMMARY: The Service reproposes the Critical Habitat for the Virginia big-eared bat (*Plecotus townsendii virginianus*). Endangered status and Critical Habitat originally were proposed for this bat on December 2, 1977 (42 FR 61290-61292). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979, because of the procedural and substantive changes made by the Endangered Species Act Amendments of 1978. This proposed rule conforms to these requirements.

DATE: Comments on this proposed rule must be submitted by Nov. 1, 1979. A public meeting will be held on the date set out in the table below.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. A public meeting will be held at the location set out in the table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The Virginia big-eared bat was proposed as Endangered on December 2, 1977. That proposal included Critical Habitat for this species. Before final action could be taken on the proposal, however, Congress passed the Endangered Species Act Amendments of 1978, which substantially modified the procedures the Service must follow when designating Critical Habitat. The present rulemaking will bring the Critical Habitat proposal into conformity with the Amendments.

Summary of Factors Affecting the Species

The Virginia big-eared bat long has been restricted to a relatively small area, and is dependent on a few specific kinds of caves for hibernation and reproductive activity. It is highly intolerant of human presence, and will readily abandon its roosts when disturbed. Even well-meaning biologists and spelunkers, observing the bats for scientific or educational purposes, have caused disturbances and subsequent population reductions.

This bat still is found in three separate populations, centered in eastern Kentucky, southwestern Virginia, and eastern West Virginia, but many caves within this region have been abandoned. In the last 15 years, at least five wintering colonies have disappeared in West Virginia. Only three nursery colony caves are known to remain in this State, and numbers therein have declined considerably because of repeated disturbance by spelunkers and vandals. There are still about 2,500 to 3,000 bats in West Virginia, but their dependence on the few remaining nursery caves makes the entire population subject to rapid extermination under the wrong conditions. A serious decline also has occurred in the single known nursery colony in Kentucky, which now contains fewer than 500 bats. In the Virginia population not more than a few hundred individuals survive.

Critical Habitat

The Act defines "critical habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain caves within the geographical area occupied by the species under consideration should be designated as Critical Habitat. Because of precise conditions of physical structure, temperature, and humidity, these caves are suitable for use by the species as sites for hibernation and reproduction. The species has a limited range and is

highly susceptible to changes in its habitat. Even minor disturbance or physical changes in the caves occupied may result in extinction. Therefore, these caves are essential for its conservation. The physical and biological features of its habitat are such as to require special management considerations and protection.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of this action are insignificant in the foreseeable future. The Service is notifying agencies that may have jurisdiction over the areas under consideration of this proposed action. These agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the species.

Effect of This Proposal if Published as a Final Rule

Section 7(a) of the Act provides: The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded or carried out by such agency (hereinafter in this section referred to as "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of section 7 of the Endangered Species Act Amendments of 1978.

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies

not only to insure that activities they authorize, fund, or carry out, do not jeopardize the continued existence of the species, but also to insure that their actions do not result in the destruction or adverse modification of this Critical Habitat which has been determined by the Secretary to be critical.

Section 4(f)(c) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Director, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for the Virginia big-eared bat.

1. Any action which would substantially alter the physical structure, temperature, humidity, or air flow of the designated caves could adversely modify Critical Habitat, since the Virginia big-eared bat depends on the maintenance of precise conditions in these caves which it must use for hibernating sites in the winter and for nurseries in the summer.

2. Any action which would result in disturbance of the bats in their hibernating or nursery caves would adversely affect Critical Habitat, since the species is highly intolerant of human disturbance. Such activity might include blasting or construction in or near the designated caves, or increasing human access to the caves.

The Service announces that a public meeting will be held on this proposed rule. The public is invited to attend this meeting and to present opinions and information on the proposal. Specific information on the meeting is as follows:

Time—Wednesday, September 26, 1979, starting at 7:00 P.M.

Place—Elkins Operations Center, West Virginia Department of Natural Resources, Ward Road, Elkins, West Virginia (located south of Elkins off of Route 219).

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Virginia big-eared bat. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

(1) biological and other relevant data concerning any threat (or lack thereof) to this species;

(2) additional information concerning the range and distribution of the species;

(3) current or planned activities in the subject areas;

(4) the probable impacts of such activities if the areas are designated as Critical Habitat; and

(5) the foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this reproposal is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed that § 17.95(a) be amended by adding Critical Habitat of the Virginia big-eared bat after that of the Indiana bat, as follows:

§ 17.95 Mammals.

* * * * *

Virginia Big-eared Bat

(*Plecotus townsendii virginianus*)

West Virginia. Cave Mountain Cave, Hellhole Cave, Hoffman School Cave, and Sinnit Cave, each in Pendleton County; Cave Hollow Cave, Tucker County.

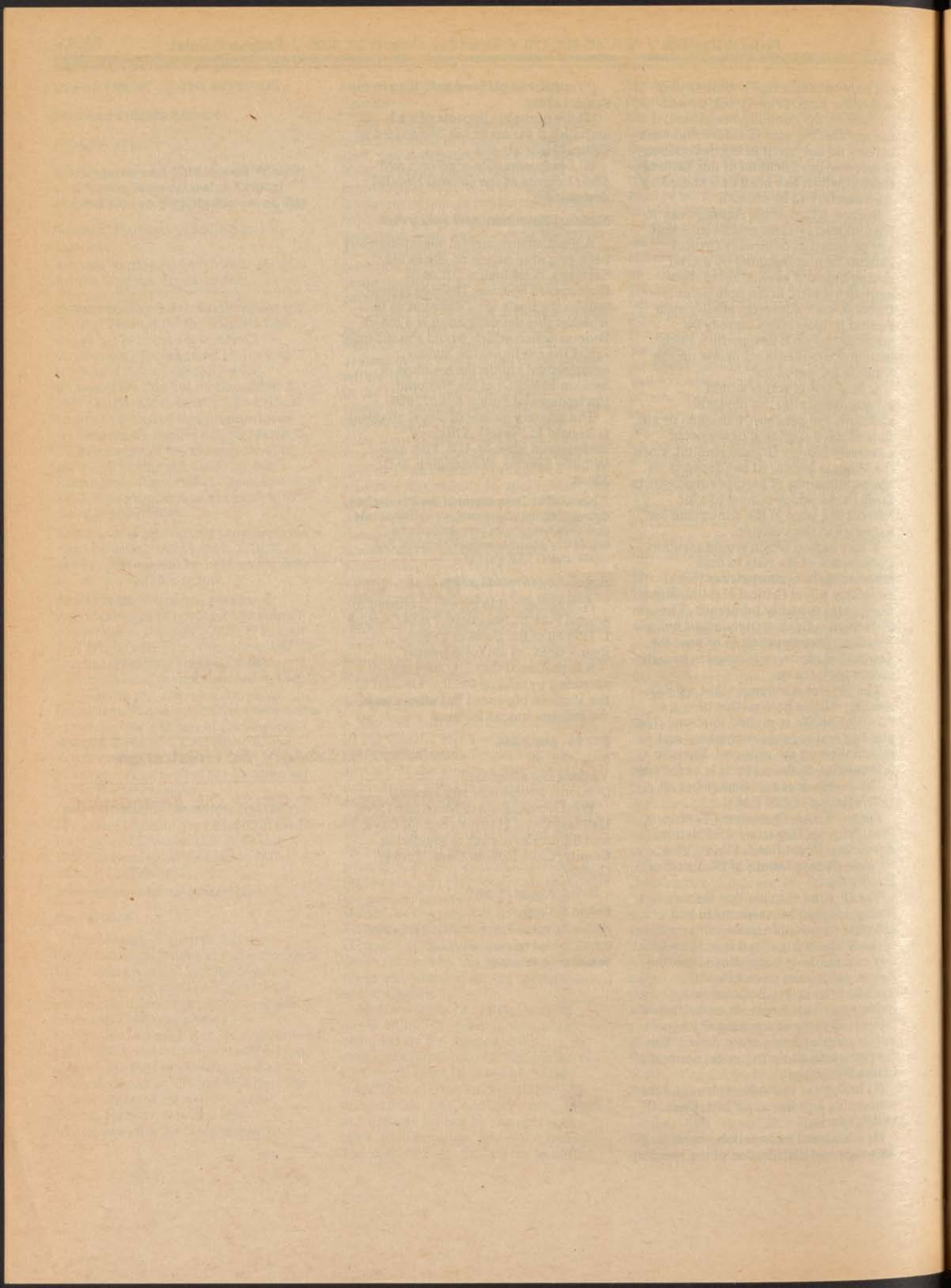
Dated: August 27, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79-27064 Filed 8-29-79; 8:45 am]

BILLING CODE 4310-55-M



Federal Register

Thursday
August 30, 1979

Part VII

Department of Energy

Economic Regulatory Administration

Tertiary Incentive Crude Oil; Amendment
To Permit Higher Prices

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-77-1]

Amendment To Permit Higher Prices for Tertiary Incentive Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending 10 CFR section 212.78 of the Mandatory Petroleum Price Regulations to provide producers with "front-end" money to offset certain costs associated with enhanced oil recovery (EOR) techniques. Producers will obtain this incentive by selling at market prices crude oil currently produced by or for the interest of these producers.

Today's action is intended to increase domestic crude oil production by lessening the level of risk involved in the use of EOR techniques and, thus, encouraging the application of these techniques in a wide range of situations. The increased activity which we expect to result from this incentive program should also promote rapid technical and commercial advances in EOR techniques.

The existing incremental tertiary crude oil program of 10 CFR section 212.78 is being amended to facilitate participation in that program and also to permit coordinated participation in that program and the incentive program being adopted today.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Office of Public Hearings Management), Economic Regulatory Administration, Room 2222 A, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5201.

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

Douglas Harnish (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2310, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7477.

Eugene Glass (Office of Fuels Regulation), Economic Regulatory Administration, Room 6128-C, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7183.

Lisle Reed (Resource Applications), Department of Energy, Room 3334, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8395.

Raymond J. Braitsch (Energy Technologies), Department of Energy, Room 6G-087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6503.

Ben McRae (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6739.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Amendments Adopted
 - A. Scope of Incentive Program
 - B. Participation
 - 1. Self-Certification
 - 2. ERA Designation
 - C. Recoupment Mechanism
 - D. Reporting Requirements
 - 1. Initial Reports
 - 2. Annual Reports
 - 3. Monthly Reports
 - E. Revisions to Certification Requirements and Entitlements Program
 - F. Changes to Tertiary Incremental Program
- III. Procedural Requirements
 - A. Section 404 of the DOE Act
 - B. Executive Order 12044
 - C. NEPA

I. Introduction

In order to decrease our dependence on foreign crude oil, we must increase domestic crude oil production. This effort will require us to develop, to the extent practicable, every potential source of crude oil. Significant amounts of domestic crude oil, however, cannot be recovered by conventional primary and secondary production practices. If these amounts are to be recovered, EOR techniques¹ must be used.

During the summer of 1978, the DOE's Commercialization Task Force for Enhanced Oil Recovery evaluated the technological and commercial readiness of a number of EOR techniques and identified several factors which impede significant increases in domestic crude oil production through the application of EOR techniques. The two most significant impediments were found to be (1) the risks created by the combination of high pre-production expenditures and uncertain process performance and (2) the relatively low technological level of many EOR techniques.

On March 22, 1979, we proposed an incentive program to provide front-end money to producers engaged in certain types of tertiary enhanced recovery projects (44 FR 18677, March 29, 1979).

¹ The three main categories of EOR techniques are: (1) *thermal* processes involving application of heat to decrease the viscosity and increase the mobility of the oil in the reservoir; (2) *chemical* processes involving injection of materials such as detergents, caustics, and polymers to increase or control mobility of the oil; and (3) *miscible gas* processes involving injection of fluids which dissolve into the oil enabling it to flow through the reservoir more easily than the original crude.

Under this proposal, a producer engaged in a tertiary project would have been permitted to charge market prices for current production from any property in which it had an interest, provided that the revenue from such sales in excess of what would otherwise be permitted under the pricing regulations would not have been permitted to exceed seventy-five percent of certain specified expenses actually incurred and reported to DOE. Expenses which could have been recouped would have been dependent upon the type of EOR technique which the project employed. No more than twenty million dollars of expenses could have been recouped with respect to a particular project.

In the March Notice, we indicated our preliminary determination that a general finding could be made that a tertiary project was not an attractive investment opportunity solely on the basis that the producer was employing any one of certain EOR techniques. Therefore, we proposed that a producer be permitted to participate in the proposed program upon notification to the DOE that it was engaged in a tertiary project that employed one of these specified EOR techniques. With respect to a tertiary project that employed an EOR technique other than one for which a general finding of economic infeasibility had been made, the producer's participation would be conditioned upon designation by the DOE.

We requested comments on this proposal and held a public hearing in Washington, D.C. on May 1, 1979. Most of the comments favored an incentive program for tertiary projects as a means to increase domestic crude oil production. Several of the comments asserted that the immediate decontrol of domestic crude oil prices would be a better incentive than the proposed program, but agreed with the majority of the comments that the proposed program would provide a needed incentive. In addition, the comments indicated several other types of EOR techniques for which participation in the program upon notification to DOE would be appropriate. The comments generally urged an increase in the type and the total amount of expenses that a producer could recoup.

After reviewing the comments, we have decided to adopt an incentive program for projects that utilize EOR techniques. This action is intended to increase domestic crude oil production through the initiation of additional projects utilizing a variety of EOR techniques in a wide range of reservoirs. This increased level of activity, during the period of crude oil price controls,

should promote technical and commercial advances in EOR techniques. The consequent public benefits should long outlast the crude oil price control program, which will expire by October 1981.

II. Amendments Adopted

A. Scope of Incentive Program

The amendments adopted today will permit producers to recoup seventy-five percent of certain costs that they incur in connection with projects employing specified EOR techniques, provided that no more than twenty million dollars of such costs may be recouped with respect to any particular property. Producers will recoup these costs by charging market prices for some of their current production. The following paragraphs describe the specific provisions of this incentive program.

B. Participation

1. *Self-Certification.* We have determined that our goals of promoting the development of EOR techniques and increasing domestic crude oil production can be attained best by a program that permits producers to participate with as little administrative burden as possible. Accordingly, under the amendments adopted today, a producer may recoup certain costs with respect to a particular project in which it is engaged upon its certification to ERA by certified mail that the project employs one of certain specified EOR techniques. These specified techniques are (1) unconventional steam drive injection, (2) conventional steam drive injection, (3) cyclic steam injection, (4) in situ combustion, (5) microemulsion flooding, (6) alkaline flooding, (7) polymer augmented waterflooding, (8) miscible fluid displacement, (9) immiscible non-hydrocarbon gas displacement, and (10) any technique for the recovery of oil with a gravity of less than 16° API.

2. *ERA Designation.* We recognize that in certain instances it may be appropriate for a producer to recover some of the costs associated with a project that employs an EOR technique for which self-certification is not permitted. Therefore, under the amendments adopted today, a producer may request that ERA issue an order designating it as a qualified producer with respect to such a project. Such an order will be granted upon a showing that the project employs an EOR technique which involves high levels of risks and costs.

We are amending the general procedures set forth in subpart G of 10 CFR part 205 (§ 205.90 *et seq.*) and the guidelines to section 212.78 so that they

will apply to applications for orders relating to the incentive program being adopted today. After reviewing an application we will issue an order either granting or denying designation. If designation is granted, the order will include a list of expenses that a producer may partially recoup through charging market prices for current crude oil production.

C. Recoupment of Expenses

Beginning January 1, 1980, market prices will be permitted for the first sale of any crude oil produced by or for the interest of a producer as long as the "tertiary incentive revenue" from such sales does not exceed the "recoupable allowed expenses" attributable to that producer. Tertiary incentive revenue is the amount by which the revenues actually received under this program exceed the revenues that would otherwise have been permitted under the regulations, less any severance and *ad valorem* taxes attributable to the price increase permitted under this program. In this regard, we are continuing this rulemaking for the limited purpose of taking appropriate action to account for the effects of the windfall profits tax when such a tax is enacted.

Recoupable allowed expenses are the "allowed expenses" for a particular tertiary project that have actually been paid and reported to ERA pursuant to the applicable provisions of this program. (Allowed expenses are seventy-five percent of certain expenses paid after August 21, 1979.) Recoupable allowed expenses for a particular project will be attributable to the producers that have qualified either by self-certification or designation order to participate in this program with respect to that project. Participating producers with respect to a particular project may attribute the recoupable allowed expenses among themselves in whatever proportion they determine, regardless of their actual interest in the project. This flexibility will permit participants in a project to agree upon internal business arrangements with minimal governmental interference.

In order to permit producers to recoup costs on the basis of their self-certifications, we have reviewed each EOR technique for which self-certification is permitted and identified, for each technique, those items on which allowed expenses should be based. In this process we have attempted to prevent the use of this program to underwrite costs that are not associated with a particular EOR technique and to limit the allowed expenses for each technique to those that are necessary to

make it an attractive investment opportunity in most instances.

Both the U.S. Environmental Protection Agency and the State of California Air Resources Board noted the potential environmental impact of EOR techniques and strongly urged that producers be permitted to recoup the expenses that they incurred in complying with the applicable environmental requirements. We agree that expenses incurred in complying with environmental requirements should be included in this incentive program since they, in many instances, impose a substantial financial burden on a project yet are essential to our national policy of protecting the quality of the environment. Accordingly, allowed expenses for each self-certifiable EOR technique may be based on environmental expenses, which will be defined to be those expenses that are incurred in connection with a particular project to the extent that those expenses are necessary to comply with federal and state environmental regulations applicable to that project.

Several comments requested that laboratory and engineering costs be included among those expenses that a producer can recover. We agree that such costs are a necessary component of a successful project. However, since this program is intended to encourage the actual use of EOR techniques we have decided that with respect to a particular project no more than one million dollars or twenty-five percent, whichever is less, of the total allowed expenses may be based on engineering and laboratory expenses.

Our examination of the EOR techniques for which self-certification is permitted indicated that the recovery of additional expenses is necessary to make certain of these techniques attractive investment opportunities. Accordingly, with respect to each such technique, we have set forth in an appendix to section 212.78 those additional items on which we believe it appropriate to permit allowed expenses to be based.

If a producer believes that a particular project requires the recovery of expenses in addition to those otherwise provided for, it may request ERA to issue an order with respect to that project that expands the categories of items on which allowed expenses may be based. The procedures relating to the application for and the consideration of such an order will be the same as those for an order requesting designation as a qualified producer.

With respect to any project that does not employ a self-certifiable EOR technique, the items on which allowed

expenses may be based will be set forth in the order that designates a producer as a qualified producer with respect to that project. The application for such an order should specify clearly what items would be an appropriate basis for allowed expenses.

This incentive is intended to provide producers with the financing necessary to evaluate the feasibility of utilizing EOR techniques in situations that involve a high investment risk. In the event of a favorable evaluation, we believe a producer should be able to secure the financing necessary to enable it to continue the project. Accordingly, we have decided that a limit of twenty million dollars should be placed on the total amount of recoupable allowed expenses with respect to a particular property.² Prior to the recoupment of any expenses, all producers with an interest in a particular property must coordinate their participation in the program to ensure that this limit is not exceeded.

D. Reporting Requirements³

1. *Initial Report.* Prior to recouping any costs with respect to a particular project, a producer must submit to ERA an initial report on the engineering and environmental aspects of that project. The report shall include information on the reservoir and the EOR technique that the producer intends to employ on that reservoir. This information must be certified by a professional engineer. The environmental section of the report will provide information regarding any environmental requirements applicable to that project and any actions taken to comply with such requirements. The guidelines for section 212.78 have been revised to specify what information should be included in these reports. The initial reports will provide us with a basis on which to review the operation of the incentive program and will impose no undue burden on producers since the requested information should be readily available with respect to any legitimate project.

2. *Annual Reports.* With respect to a particular project, the participating producers will be required to file with

DOE's Office of Energy Technology an annual report on the status of that project. The guidelines for section 212.78 will be revised to specify what information should be included in these reports. We will use these reports and the initial reports to establish a program through which producers can obtain information on EOR techniques and how such techniques may relate to their particular circumstances.

3. *Monthly Reports.* Each producer that participates in this program must submit a monthly report to DOE in which states (1) the recoupable allowed expenses attributed to it during the previous month; (2) the project from which each such expense is attributed; (3) the cumulative total of recoupable allowed expenses attributed to it at the close of the previous month; (4) the amount of tertiary incentive revenue received by it during the previous month; (5) the cumulative total of tertiary incentive revenue received by it at the close of the previous month; (6) the properties from which tertiary incentive crude oil was sold by or for the interest of the producer and the amounts sold from each such property during the previous month; (7) the maximum lawful selling price(s) of crude oil from each such property absent the incentive provided by this program; (8) the price at which tertiary incentive crude oil was actually sold at each such property; (9) the names of the purchasers of tertiary incentive crude oil; and (10) copies of the certifications provided to these purchasers under section 212.131. Each producer will be required to submit an annual opinion by a certified public accountant concerning the accuracy of these reports.

With respect to a particular project, the participating producers must submit a monthly report in which they state (1) the recoupable allowed expenses for that project for the previous month; and (2) the amount of such recoupable allowed expenses attributable to each producer. We also will require the participating producers to submit an annual opinion by a certified public accountant concerning the accuracy of these reports.

We will audit participants in this program to insure that reported expenses are actually incurred and that no overrecoupment occurs. Expenses must be incurred in arms length transactions and reflect the fair market value of a good or service. The producers may be required to substantiate the items on which allowed expenses are based through the submission of invoices, receipts, contracts, or any other document

evidencing the actual payment of an expense. In the event of abuses, we will take the appropriate enforcement action.

E. Revisions to Certification Requirements and Entitlements Program

In keeping with the general requirement that producers and resellers of crude oil certify to their purchasers the composition of the crude oil sold to such purchasers, a producer that sells crude oil at market prices under this program will be required to certify any such crude oil as tertiary incentive crude oil. The Entitlements Program (10 CFR 211.67) is also being amended to provide for the treatment of tertiary incentive crude oil on the same basis as other domestic crude oil for which the market price may be charged.

F. Changes to Tertiary Incremental Program

Both the existing tertiary incremental program and the tertiary incentive program are intended to encourage increased domestic production through the use of EOR techniques. We believe that these two programs should be coordinated in order to generate the optimal incentive for EOR techniques. To this end, we are amending the definitions of certain EOR techniques so that the same definitions may be used for both the incremental and the incentive programs. These changes will not affect the availability of the incremental program to any project since ERA may designate a project that employs any EOR technique as a qualified tertiary enhanced recovery project. We have also revised the guidelines to section 212.78 so that they set forth, to the extent practicable, identical procedures for the two programs. This action is intended to minimize administrative burden by permitting producers to consolidate, to the greatest extent possible, their actions with respect to the two programs.

In addition, we have reviewed the relationship between the tertiary incremental program and various EOR techniques and have decided that the incremental production that results from certain EOR techniques should receive market price on the basis of a self-certification by a producer. Accordingly, under the amendments adopted today, a producer may charge market prices for first sales of incremental crude oil resulting from the initiation⁴ after September 30, 1979 of a project employing (1) miscible fluid

² The current definition of the term "property" is set forth in §212.72 of the crude oil price regulations (10 CFR Part 212). All rulings, adjudications, and interpretations that have been developed by the DOE or its predecessor agency with regard to the current property definition will apply similarly to the term "property" as used in this rule for tertiary incentive crude oil.

³ These reporting requirements are being submitted to the Office of Management and Budget (OMB) for clearance under the provisions of the Federal Reports Act. Any compliance with these requirements may require revisions or additions as a result of OMB's action.

⁴ Initiation of a project means the start of a process on a regular basis that is intended to increase crude oil production.

displacement, (2) unconventional steam drive injection, (3) microemulsion flooding, or (4) in situ combustion; provided that the producer has filed by certified mail with ERA (1) a certification that one of these techniques was initiated after September 30, 1979 with respect to the project, (2) an initial report on the project and, (3) a schedule setting forth the amount of non-incremental crude oil which will result from the project. The initial report will be the same as that required from producers that seek to participate in the incentive program. ERA will review the schedule of incremental and non-incremental crude oil production for each project and may revise the schedule for a particular project. With respect to any other tertiary project, a producer must receive certification from ERA under the procedures of the incremental program, as amended today.

III. Procedural Requirements

A. Section 404 of the DOE Act

In accordance with section 404 of the Department of Energy Organization Act ("DOE Act", 42 U.S.C. 7101 *et seq.*), the Federal Energy Regulatory Commission received a copy of the proposed rule and has declined to determine that the rule may significantly affect any of its functions under sections 402 (a)(1), (b), or (c)(1) of the DOE Act.

B. Executive Order 12044

Pursuant to Executive Order 12044, entitled "Improving Governmental Regulations" (43 FR 12661, March 23, 1978), and DOE's implementing procedures, set forth in DOE Order 2030 (44 FR 1032, January 3, 1979), we have prepared a regulatory analysis with respect to the incentive program being adopted today. A copy of that regulatory analysis may be obtained from the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

The regulatory analysis indicates that the incentive program could potentially result in the recovery of significant amounts of domestic crude oil over the next twenty to thirty years. The expected increase in EOR production for 1985 is 70-190 thousand barrels per day (MB/D); for 1990, 420-890 MB/D; and for 1995, 840-1,400 MB/D. Total ultimate recovery by EOR techniques is projected to be increased by 8.9-16.1 billion barrels. This increased production will benefit the nation primarily by a barrel-for-barrel reduction in oil imports. The regulatory analysis estimates that the total cost to the consumer will be \$0.8 to

\$1.2 billion which represents the additional revenues that producers will receive to offset a portion of the costs associated with EOR techniques.

The regulatory analysis also examines several alternative methods to provide incentives for EOR production, such as direct production subsidies and release from price controls of all production from an EOR project. The regulatory analysis indicates that the incentives offered in this rule will result in greater increases in domestic crude oil production with a lower cost to the consumer.

C. NEPA

The final environmental impact statement (EIS) on *Crude Oil Price Incentive Rulemaking*, issued by DOE in May 1978, discussed the generic environmental impacts of EOR techniques. We do not believe it is possible to assess the possible cumulative environmental impacts of the amendments being adopted today in greater detail than we did in that EIS since we cannot know at this time the exact locations and magnitude of the projects that will benefit from these amendments.

We will perform an environmental review with respect to each application to ERA for the issuance of an order pursuant to subsection (e) in order to determine whether such an order constitutes a major Federal action significantly affecting the quality of the human environment for purposes of the National Environment Policy Act ("NEPA", 42 U.S.C. 4321 *et seq.*). The level of documentation that will be required for each such review will be determined on a case-by-case basis. In addition, the initial reports which we are requiring for participation in either the incentive program or the incremental program will provide us with a significant amount of information on the effects of these programs on the environment and will assist us to expedite our environmental review in those instances where such a review is required.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective October 1, 1979.

Issued in Washington, D.C., August 21, 1979.

David J. Bardin,
Administrator, Economic Regulatory
Administration.

1. Section 205.90 is amended by revising paragraph (b) to read as follows:

§ 205.90 Purpose and scope.

(b) *Petitions under § 212.78.* This subpart also establishes general procedures for applications for certifications in accordance with the provisions of § 212.78. However, §§ 205.95 and 205.96 of this subpart shall not be applicable to such applications. Such applications shall be governed exclusively by § 205.98, in lieu of §§ 205.95 and 205.96.

2. Section 211.66 is amended by revising paragraph (h)(5) to read as follows:

§ 211.66 Reporting requirements.

(h) *Monthly report.* On or prior to the fifth day of each month, commencing with the month of August 1978, each refiner shall file with the ERA a report certifying the following information as to the second month prior to the month in which the report is filed:

(5) The weighted average costs for that refiner (including transportation costs to the refinery) of old oil, upper tier crude oil, ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), incremental tertiary crude oil (as determined pursuant to § 212.78), tertiary incentive crude oil (as determined pursuant to § 212.78), other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, and imported crude oil included in that refiner's crude oil receipts. For refiners required to file transfer pricing report forms under § 212.84 of this chapter, the weighted average cost of imported crude oil reported under this subparagraph should be derived from the landed costs set forth in such reports.

3. Section 211.67 is amended by revising paragraphs (b)(2), (g)(2), (i)(4), and (l) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(b) *Required purchase of entitlements by refiners.*

(2) To calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for purposes of the definition of national domestic crude oil supply ratio in § 211.62 of this subpart, paragraph (b)(1) of this section and paragraph (c) of this section, each barrel of old oil shall be equal to one barrel of deemed old oil and each barrel of upper tier crude oil shall constitute that fraction of a barrel of deemed old oil the numerator of which is equal to the reported weighted average cost per barrel to refiners of imported crude oil, ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), incremental tertiary crude oil (as determined pursuant to § 212.78), tertiary incentive crude oil (as determined pursuant to § 212.78), and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter for that month, less such weighted average cost per barrel to refiners of upper tier crude oil, and the denominator of which is the entitlement price for that month.

(g) *Exchanges of crude oil.*

(2) Subject to the provisions of paragraph (g)(3) below volumes of domestic crude oil deemed to be retained by a refiner under the provisions of paragraph (g)(1) above shall be (i) included in that refiner's crude oil receipts at the time the crude oil acquired pursuant to the related exchange or purchase and sale transaction constitutes a crude oil receipt under § 211.62 of this subpart to that refiner, or (ii) certified as old oil, upper tier crude oil, ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), incremental tertiary crude oil (as determined pursuant to § 212.78), tertiary incentive crude oil (as determined pursuant to § 212.78), or any other domestic crude oil the first sale of which is exempt from the provisions of Part 212 of this chapter, as the case may be, under the provisions of § 212.131 of Part 212 when the crude oil acquired pursuant to the related exchange or purchase and sale transaction is sold to another firm.

(i) *Issuance and transfer of entitlements.*

(4) The price at which entitlements shall be sold and purchased shall be fixed by the ERA for each month and shall be the exact differential between the weighted average cost per barrel to

refiners of old oil and such weighted average cost of imported crude oil, ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), incremental tertiary crude oil (as determined pursuant to § 212.78), tertiary incentive crude oil (as determined pursuant to § 212.78), and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, such costs to be equivalent to the delivered costs to the refinery.

(1) *Certification by non-refiners.* Within twenty-eight (28) days following each month, commencing with the month of January 1978, each firm other than a refiner that has delivered crude oil to a refiner for processing for the account of such firm pursuant to a processing agreement in that month shall certify to that refiner the respective volumes of and that firm's costs for old oil (separately identifying any California lower tier crude oil), upper tier crude oil (separately identifying any California upper tier crude oil), ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), incremental tertiary crude oil (as determined pursuant to § 212.78), tertiary incentive crude oil (as determined pursuant to § 212.78), other domestic crude oils the first sale of which is exempt from Part 212 of this chapter, and imported crude oil contained in the crude oil so delivered to that refiner.

4. Section 212.73 is amended in paragraph (a) to read as follows:

§ 212.73 Lower tier ceiling price rule.

(a) *Rule.* Except as provided in § 212.74 with respect to new crude oil; except as provided in § 212.75 for certain crude oil produced from unitized properties; except as provided in § 212.78 for incremental crude oil produced from qualified tertiary enhanced recovery projects and for tertiary incentive crude oil; except as provided in § 212.79 for newly discovered crude oil; and except as provided in Subpart C of this Part for exempt crude oil, no producer may charge a price higher than the lower tier ceiling price for any first sale of domestic crude oil.

5. Section 212.78 is revised to read as follows:

§ 212.78 Tertiary incremental crude oil and tertiary incentive crude oil.

(a) *Rule.*

(1) *Incremental tertiary crude oil.* Notwithstanding the provisions of § 212.73(a), first sales of incremental crude oil resulting from the implementation or expansion of a

qualified tertiary enhanced recovery project are not subject to the ceiling price limitations of this subpart.

(2) *Tertiary incentive crude oil.* Notwithstanding the provisions of § 212.73(a), beginning January 1, 1980, first sales of crude oil by or for the behalf of a producer are not subject to the ceiling price limitations of this subpart, provided that the tertiary incentive revenue from such sales does not exceed the recoupable allowed expenses attributable to that producer.

(b) *Applicability of subparagraph (a)(1) to existing tertiary enhanced recovery projects.* Incremental crude oil produced from a tertiary enhanced recovery project, or expansion thereof, which was initiated prior to the date on which a producer has satisfied the requirements of either paragraph (d)(1) or (e)(1) of this section with respect to that project, may qualify for pricing in accordance with paragraph (a)(1) of this section only if:

(1) The producer affirms that he intends to discontinue the project (or the particular high-cost phase of the project) in the absence of permission to price production therefrom in accordance with paragraph (a)(1) of this section, because continuation of the project (or the particular high-cost phase) would be uneconomic at the otherwise applicable ceiling price;

(2) There has been a material change of circumstances since the time that the project was initiated or expanded; and

(3) The project is certified pursuant to paragraph (e)(1) of this section. For the purposes of determining eligibility for certification, an existing project shall be examined prospectively, on the basis of the circumstances existing at the time such certification is sought.

(c) *Definitions.* For purposes of this section—

"Alkaline (or caustic) flooding" means an augmented waterflooding technique in which the water is made chemically basic as a result of the addition of alkali metals. The concentration and size of the alkaline slug must be at least 500 ppm-PV for the alkaline concentration multiplied by the pore volume of the alkaline slug.

"Allowed expense" means seventy-five percent of an environmental expense or seventy-five percent of an engineering and laboratory expense or seventy-five percent of an expense listed either in the appendix to this section or in a order issued pursuant to either paragraph (e)(2) or (e)(3) of this section; provided that, an allowed expense may not be based on an expense incurred and paid prior to August 22, 1979. No more than one million dollars or twenty-five percent,

whichever is less, of the total amount of allowed expenses with respect to a particular project may be based on engineering and laboratory expenses. The allowed expenses of a particular project shall be attributable to the qualified producer(s) with respect to that project. Where there is more than one qualified producer, the qualified producers shall allocate these expenses among themselves in whatever manner they determine. With respect to a particular property, the total amount of allowed expenses may not exceed twenty million dollars.

"Certifying authority" means the Administrator, Economic Regulatory Administration, Department of Energy, or any officer of the Department of Energy to whom the Administrator has delegated such functions.

"Conventional steam drive injection" means the continuous injection of at least 50% quality steam (surface conditions) into one set of wells (injection wells) to effect oil displacements toward and production from a second set of wells (production wells). The process may include the prior, concurrent, alternating or subsequent injection of water, solvents and/or other fluids into any portion of the reservoir to assist in recovery and conformance.

"Cyclic steam injection" means the alternating injection of at least 50% quality steam (surface conditions) and production of oil with condensed steam from the same well or wells.

"Engineering and laboratory expense" means an expense relating to field-laboratory quality control equipment, reservoir and geologic evaluation as required for optimum process design, engineering plans, facility design, and laboratory/field process optimization (tracer, pressure transient, injectant quality, etc.).

"Enhanced heavy oil recovery technique" means any technique for the recovery of crude oil with a gravity less than 16° API.

"Environmental expenses" means those expenses that are incurred in connection with a particular project to the extent that those expenses are necessary to comply with federal or state environmental regulations applicable to that project.

"Immiscible gas displacement" means injection of non-hydrocarbon gas into an oil reservoir to effect oil displacement under conditions in which miscibility with reservoir oil is not obtained. The process may include the concurrent, alternating, or subsequent injection of water. The injected fluid measured at reservoir temperature and pressure must, with reasonable expectations, be

more than 10 percent of the reservoir pore volume being served by the injection well or wells.

"In situ combustion" means combustion of oil in the reservoir, sustained by continuous air injection, to displace unburned oil toward producing wells provided that such combustion must be intended to continue until at least 15 percent of the reservoir volume being served by the injection well or wells has been burned. The process may include the concurrent, alternating, or subsequent injection of water.

"Incremental crude oil" means the amount of crude oil which is or will be produced as a result of the initiation or expansion of a qualified tertiary enhanced recovery project and which is in excess of the amount of crude oil ("non-incremental crude oil") which could have been produced from the property or project area through continued maximum feasible production from methods of production employed on the property prior to compliance with the requirements of paragraphs (d)(1) or (e)(1) of this section, whichever is applicable. As applied to an existing project within the meaning of paragraph (b) of this section, the term means the amount of crude oil which is or will be produced as a result of the continuation of the project and which is in excess of the amount of crude oil ("non-incremental crude oil") which could have been produced from the property or project area through continued maximum feasible production from methods of production (other than the tertiary method, or that phase of such method, that would be discontinued in the absence of the incentive) employed on the property prior to receipt of the certification provided for in paragraph (e)(1) of this section. The actual amount of incremental crude oil in the case of any particular project shall be the amount produced from the property or project area during the period in question which is in excess of the amount of the non-incremental crude oil for that period as set forth in a certification by a producer pursuant to paragraph (d)(1) or as certified by the certifying authority pursuant to paragraph (e)(1) of this section; provided that, ERA may adjust the amount of non-incremental crude oil.

"Initiation" (of a project) means the start, on a regular basis, of a process that is intended to increase crude oil production.

"Microemulsion (or micellar/emulsion) flooding" means an augmented waterflooding technique in which a surfactant system is injected in order to enhance oil displacement toward producing wells. A surfactant

system normally includes a surfactant, hydrocarbon, cosurfactant, an electrolyte and water, and polymers for mobility control. The concentration and size of the micellar slug (not including the polymers and other non-surface active materials) must be more than 3000 ppm-PV for the combined active surfactant concentration and active cosurfactant concentration in the slug multiplied by the pore volume of the micellar slug.

"Miscible fluid displacement" means an oil displacement process in which fluid is injected into an oil reservoir at pressure levels such that the injected fluid and reservoir oil are miscible. The process may include the concurrent, alternating, or subsequent injection of water. The injected fluid measured at reservoir temperature and pressure must, with reasonable expectations, be more than 10 percent of the reservoir pore volume being served by the injection well or wells. Gas cycling, i.e., gas injection into gas condensate reservoirs, is not a miscible fluid displacement technique nor a tertiary enhanced recovery technique.

"Polymer augmented waterflooding" means augmented waterflooding in which polymers are injected with the water to improve areal and vertical sweep efficiency.

"Qualified producer" means, with respect to a particular project, a producer that possesses an interest in the property on which the project is located and contributes to the initiation or expansion of the project, provided that the producer has complied with the requirements of paragraphs (d)(2) or (e)(2) of this section, whichever is applicable.

"Qualified tertiary enhanced recovery project" means a project for the recovery of crude oil, to the extent that such project involves the application of an enhanced oil recovery technique; provided that, with respect to that project, a producer has complied with the requirements of either paragraphs (d)(1) or (e)(1) of this section, whichever is applicable.

"Recoupable allowed expenses" means, with respect to a particular producer, the allowed expenses that are attributable to that producer; provided that such expenses are incurred in arm's-length transactions and for fair market value and further provided that such expenses have been paid and reported pursuant to paragraph (h) of this section.

"Self-certifiable EOR technique" means any of the following enhanced oil recovery techniques: (a) miscible fluid displacement; (b) conventional steam drive injection; (c) unconventional

steam drive injection; (d) microemulsion flooding; (e) in situ combustion; (f) polymer augmented waterflooding; (g) cyclic steam injection; (h) alkaline flooding; (i) immiscible non-hydrocarbon gas displacement; or (j) any enhanced heavy oil recovery technique.

"Self-certifiable tertiary project" means a project for the recovery of crude oil to the extent that crude oil production from that project results from the initiation after September 30, 1979 of one of the following techniques: (a) unconventional steam drive injection, (b) in situ combustion, (c) microemulsion flooding, or (d) miscible fluid displacement.

"Tertiary incentive revenue" means, in the case of first sales of crude oil pursuant to the provisions of paragraph (a)(2) of this section, the excess of the market-clearing price over the otherwise applicable ceiling price less any *ad valorem* or severance taxes attributable to this excess.

"Unconventional steam drive injection" means the continuous injection of at least 50 percent quality steam (at surface conditions) into one set of wells (injection wells) to effect oil displacement toward and production from a second set of wells (production wells). The process may include the prior, concurrent, alternating or subsequent injection of water, solvents, and/or other fluids into any portion of the reservoir to assist in recovery and conformance. This applies only to steam drive projects with an average depth greater than 2,500 ft. or steam drive projects which recover oil with a gravity less than 10°API.

"Well costs" means the non-capital expenses incurred in the reworking or reconditioning of wells to be used in the field project (as recognized by the Internal Revenue Service), the non-capital expenses incurred in the abandonment or reabandonment of wells (as necessary for proper engineering and environmental protection of the project) less any salvage value, and the intangible drilling costs of new production, injection and test/evaluation wells needed for the project (as recognized by the Internal Revenue Service).

(d) *Self-certification.*

(1) *Qualified tertiary enhanced recovery projects.* With respect to a self-certifiable tertiary project, a producer shall certify to the certifying authority by certified mail that the project is a self-certifiable tertiary project. In this certification a producer must set forth, to the best of its ability, the amounts of non-incremental and incremental crude oil which will be produced in association with the project and the

basis on which it determined these amounts.

(2) *Qualified producers.* A producer shall be considered a qualified producer with respect to a particular project if it certifies to the certifying authority by certified mail that that project employs a self-certifiable EOR technique.

(3) *Disallowance or modification of self-certifications.* A self-certification pursuant to either paragraphs (d)(1) or (d)(2) of this section shall be subject to disallowance or modification, at any time and either retroactively or prospectively or both, as and to the extent that the ERA determines to be appropriate:

- (i) if the producer does not certify in good faith or implement the project in good faith; or
- (ii) if certification was based on a material error or omission of fact of which the producer knew or should have known or to which the producer contributed; or
- (iii) if the producer does not adhere to the requirements of this section or any additional conditions and limitations which the ERA may prescribe.

(e) *ERA certification.*

(1) *Qualified tertiary enhanced recovery projects.* A producer shall obtain final certification from the certifying authority that the project (or expansion) is a qualified tertiary enhanced recovery project and that the project would not be economic at the otherwise applicable ceiling prices. In addition, such producer shall obtain final certification of the amount of incremental and non-incremental crude oil which result from the implementation (or expansion) of such project. The amount of incremental and non-incremental crude oil shall be expressed in terms of both the total amount of incremental and non-incremental recovery over the life of the project (or such shorter period as the certifying authority determines to be appropriate) and in terms of incremental and non-incremental production estimates, commencing with the time that the project is estimated to begin producing incremental crude oil.

(2) *Qualified producers.* With respect to a project that does not employ a self-certifiable EOR technique, a producer shall obtain a final order from ERA that designates it as a qualified producer engaged in the initiation or expansion of a tertiary project that involves high levels of risk and of cost and that sets forth what the allowed expenses will be with respect to that project.

(3) *Allowed expenses.* With respect to a project that employs a self-certifiable EOR technique, a producer may request a final order from ERA that designates

allowed expenses with respect to that property in addition to those based on environmental expenses, engineering and laboratory expenses, or expenses listed in the appendix to this section.

(4) *General procedures.* In order to receive an order pursuant to either paragraphs (e)(1), (e)(2), or (e)(3) of this section a producer shall submit a signed application to ERA. The general procedures of Subpart G of Part 205 of this Chapter (§ 205.90 *et seq.*) shall apply to such an application. A producer that requests such an order shall have the burden of establishing its entitlement to the requested order and shall submit all data, required by these regulations or guidelines issued pursuant thereto or reasonably demanded by ERA.

(5) *Conditions and limitations within orders.* In addition to the conditions and limitations set forth elsewhere in this section, ERA may, in its discretion, prescribe such other conditions and limitations within an order as are consistent with the requirements of this section and as are determined to be reasonably necessary, either to assure that the purposes of this section are not frustrated, or to promote the effective administration of the programs established by this section.

(6) *Revocation or modification of order.* A final order shall be subject to revocation or modification, at any time and either retroactively or prospectively or both, as and to the extent that the ERA determines to be appropriate:

- (i) if the producer does not obtain the order in good faith or implement the project in good faith; or
- (ii) if the order was issued on the basis of a material error or omission of fact of which the producer knew or should have known or to which the producer contributed; or
- (iii) if the producer does not adhere to the requirements of this section or any additional conditions and limitations which ERA may prescribe.

(f) *Additional procedures and criteria.* The ERA may from time to time publish, or otherwise make available to producers and the public, additional instructions or guidelines setting forth procedures to be followed and criteria to be applied in obtaining or making the certifications provided for in paragraphs (d) or (e) of this section; *provided, however,* that such instructions or guidelines shall not be mandatory or binding upon the ERA or the certifying authority, and shall not create or enlarge any procedural or substantive rights against the ERA.

(g) *Base production control level adjustments under the tertiary incremental program; measurement of*

post-certification production.

Notwithstanding any other provision of this part, and except as otherwise prescribed by ERA, a producer shall adjust the base production control level for a property (including any unitized property for which a unit base production control level has been established) on which a qualified tertiary enhanced recovery project is being implemented, and shall measure production from such property, as follows:

(1) *Projects involving an entire property.* Where the project is determined to involve or affect the entire property, upon commencement of the production of incremental crude oil (as determined in the certification) the property's base production control level shall be deemed to be the same proportion to the total amount of non-incremental crude oil (as such non-incremental crude oil is determined in the certification for the period concerned) as the amount of old crude oil produced from such property in the twelve-month period immediately preceding the month in which incremental crude oil production commences bears to total crude oil produced from that property during the same twelve-month period. The property's base production control level shall not thereafter be adjusted except as provided in the preceding sentence, i.e., except as the non-incremental crude oil production from the property (as determined in the certification) may vary from period to period.

(2) *Projects involving a portion of a property.* Where the project is determined to involve or affect only a portion of a property (including a unitized property for which a unit base production control level has been established), upon commencement of the production of incremental crude oil (as determined in the certification) the unaffected portion of the property shall receive the entire property's base production control level existing at the time incremental crude oil production commences. The amount of crude oil production to be credited against such base production control level shall be the sum of (i) the separately measured actual production from the unaffected portion of the property, plus (ii) the amount of non-incremental production (as established in the certification) for the project area for the period concerned (or the actual production from the project area for that period, if less than said non-incremental production). The base production control level may thereafter be adjusted as provided in § 212.76. It shall be a

condition of any certification applying to only a portion of a property that the producer shall undertake to measure actual production from the affected portion and the unaffected portion separately, by such means as certifying authority may from time to time prescribe either at the time of certification or at any time thereafter.

(h) Reporting requirements.

(1)(i) *Monthly producer reports.* By the close of each month, a qualified producer shall file with DOE a report in which the producer shall certify (A) the recoupable allowed expenses attributed to it during the previous month; (B) the project from which each such expense is attributed; (C) the cumulative total of recoupable allowed expenses attributed to it at the close of the previous month; (D) the amount of tertiary incentive revenue received by it during the previous month; (E) the cumulative total of tertiary incentive revenue received by it at the close of the previous month; (F) the properties from which tertiary incentive crude oil was sold by or for the interest of the producer and the amounts sold from each such property during the previous month; (G) the maximum lawful selling price(s) of crude oil from each such property absent the provisions of paragraph (a)(2) of this section; (H) the price at which tertiary incentive crude oil was actually sold at each such property; and (I) the names of the purchasers of tertiary incentive crude oil. Copies of the certifications provided to purchasers of tertiary incentive crude oil under § 212.131 shall be attached to this report.

(ii) *Annual CPA opinion.* By January 31 of each year after 1980, each qualified producer shall submit to DOE an opinion by a certified public accountant attesting that during the course of its annual audit nothing has come to its attention that causes it to believe that the reports submitted by that producer in accordance with paragraph (h)(1)(i) of this section are inaccurate.

(2)(i) *Monthly project reports.* With respect to a particular project, the qualified producers therefor shall submit to DOE by the close of each month a consolidated monthly report in which they shall certify (A) the recoupable allowed expenses for the previous month and; (B) the amount of such recoupable allowed expenses attributable to each qualified producer.

(ii) *Annual CPA opinion.* By January 31 of each year after 1980, the qualified producers with respect to a particular project shall submit to DOE an opinion by a certified public accountant attesting that during the course of its annual audit nothing has come to its attention that causes it to believe that

the reports with respect to that project submitted during the prior calendar year in accordance with paragraph (h)(2)(ii) of this section are inaccurate.

(3) *Initial report.* A producer shall file with the certifying authority an initial report on each project with respect to which the producer is a qualified producer prior to its recouping any allowed expenses attributable to it from that project. The contents of this report will be set forth in the guidelines to this section.

(4) *Annual report.* By July 1 of each year the qualified producers with respect to a particular project shall file with the Office of Energy Technology an annual report on the status of that project. The contents of this report will be set forth in the guidelines to this section.

Appendix to Section 212.78*Items on Which Allowed Expenses for Self-Certifiable EOR Techniques May Be Based*

1. *Conventional Steam Drive and Cyclic Steam Injection.*—a. The cost of any additives or gases used in conjunction with the steam flood to increase recovery efficiencies.

b. The costs of produced fluid treatment required to assure environmentally acceptable disposal of waste fluids.

c. The costs of surface boilers not fueled by oil or gas (such as coal and solar powered generators) or non-surface boilers (such as down-hole steam generators).

d. The cost of fuel, excluding crude oil or refined petroleum products, natural gas and/or electricity, used by boilers for surface steam generation.

2. *Unconventional Steam Drive.*—a. The cost of any additives or gases used in conjunction with the steam flood to increase recovery efficiencies.

b. The costs of conventional hydrocarbon fuel fired boilers provided that, with respect to a particular year, the amount of allowed expenses based on such costs may not exceed the amount of depreciation reported to the IRS with respect to such costs for that year.

The costs of surface boilers not fueled by oil or gas (such as coal and solar powered generators) or non-surface boilers (such as down-hole steam generators).

d. The costs of fuel, excluding crude oil or refined petroleum products, natural gas and/or electricity, used by surface boilers for steam generation.

e. Well costs.

f. The costs of valves, regulators, insulation, coatings, etc., in fluid injection distribution systems, necessary to maintain the injection fluid quality of the project.

g. The costs of produced fluid treatment required to assure environmentally acceptable disposal of waste fluids from the project.

3. *In Situ Combustion.*—a. The costs of purchased compressed air plus any oxygen, steam, or water used in association with combustion at the project site.

b. The costs of air compressors and prime movers used for air compression, provided that with respect to a particular year the amount of allowed expenses based on such costs may not exceed the amount of depreciation reported to the IRS with respect to such costs for that year.

c. The costs of fuel for operation of air compressors and prime movers.

d. Well costs.

e. The costs of valves, regulators, insulation, coatings, etc., in fluid injection distribution systems, necessary to maintain the injection fluid quality of the project.

f. The costs of produced fluid treatment required to assure environmentally acceptable disposal of waste fluids from the project.

4. *Miscible Fluid Flooding*.—a. The costs of injected fluids and additives for use at the project site.

b. The costs of compressors and prime movers used for the compression of injection fluids provided that, with respect to a particular year the amount of allowed expenses based on such costs may not exceed the amount of depreciation reported to IRS with respect to such costs for that year.

c. The costs of fuel for operation of compressors and prime movers.

d. Well costs.

e. The costs of valves, regulators, insulation, coatings, etc., in fluid injection distribution systems, necessary to maintain the injection fluid quality of the project.

f. The costs of produced fluid treatment required to assure environmentally acceptable disposal of waste fluids from the project.

5. *Micro-emulsion and Alkaline Flooding*.—a. The costs of the chemicals (including surfactants, polymers, alcohols, and caustics) injected into the formation plus any fluids used in association with the surfactant flood at the project site.

b. The costs of capital equipment used for mixing of chemicals on the project site, provided that with respect to a particular year the amount of allowed expenses based on such costs may not exceed the amount of depreciation reported to the IRS with respect to such costs for that year.

c. The costs of chemicals to preserve quality of injectants (including oxygen removal, control of iron contamination and biocides for control of bacteria).

d. The costs of water purchased to meet quality specifications to protect chemicals or costs of treating equipment and chemicals required to condition water to meet quality specifications to protect chemicals.

e. The costs of process control equipment, instruments, and filters.

f. Well costs.

g. The costs of valves, regulators, insulation, coatings, etc., in fluid injection distribution systems, necessary to maintain the injection fluid quality of the project.

h. The costs of produced fluid treatment required to assure environmentally acceptable disposal of waste fluids from the project.

6. *Immiscible Fluid Flooding*.—a. The costs of injected fluids (excluding hydrocarbons) and additives for use at the project site.

7. *Polymer Augmented Waterflooding*.—a. Costs of the polymers injected into the formation.

The *General Guidelines on Tertiary Enhance Recovery Project Review* appearing after the Appendix to section 212.78 are revised to read as follows.

General Guidelines on Tertiary Incremental and Incentive Programs

I. Introduction

These guidelines are intended to assist crude oil producers and other potentially affected parties in complying with the provisions of 10 CFR 212.78. These guidelines are issued pursuant to, and subject to the limitations of, 10 CFR 212.78(f). They are not to be construed as mandatory upon the ERA, nor do they confer or enlarge any rights, procedural or substantive, against the ERA. They are intended to be informational in nature. Producers and other parties must consult and adhere to all applicable regulations, including (but not necessarily limited to) §§ 212.78 and 205.90 *et seq.* of Title 10 of the Code of Federal Regulations. Finally, these guidelines are subject to revision from time to time. Although the ERA will attempt to publish any substantial revisions, the published guidelines may not always reflect all changes. Therefore, producers should confirm that they have the most recent guidelines, and otherwise inform themselves as to current ERA procedures, by contacting the Manager, Tertiary Enhanced Recovery Program, Office of Petroleum Operations, Economic Regulatory Administration.

II. Initial Report

A particular project shall not be eligible for the pricing provisions of section 212.78 concerning tertiary incremental crude oil and tertiary incentive crude oil unless an initial report has been submitted to DOE with respect to that project. This initial report must contain the following information:

1. Name and address of producer (firm, including an individual).
2. Parent, subsidiary, unit operator.
3. Parent company if subsidiary.
4. Name, address, and working interest fraction of each working interest in project.
5. Location of project: state, counties, field, reservoir (I.D. number if available), leases embraced in project (if fractional leases, describe boundaries precisely).

Include map(s) showing boundaries, existing producing, injection, service and inactive wells and proposed wells in each category.

6. Production history:
History of primary, secondary, and prior tertiary recovery operations.

Extent of current development.

Status of wells.

7. Tertiary method(s) employed.

8. Reservoir characteristics:

- Oil gravity, (°API) _____
- Oil saturation, (fraction) _____
- Oil in place _____
- Original oil in place (bbls) _____
- Present oil in place (bbls) _____
- Oil type: _____
- Paraffinic _____
- Naphthenic _____

- Asphaltic _____
- Oil viscosity (cp) _____
- Rock type: _____
- Sandstone _____
- Carbonate _____
- Coarse Clastic _____
- Other (describe) _____
- Depth (feet) _____
- Thickness (feet) _____
- Temperature (°F) _____
- Permeability (md) _____
- Free gas: _____
- Significant _____
- Insignificant _____
- Wettability: _____
- Oil wet _____
- water wet _____
- Dip: _____
- Significant _____ degree _____ direction

- Insignificant _____
- Stratification: _____
- significant _____
- insignificant _____
- Salinity (% tds) _____
- Consolidation: _____
- Friable _____
- Indurated _____
- Clay Swelling: _____
- Significant _____
- Insignificant _____
- Other significant reservoir characteristics: (describe) _____

9. Laboratory Analysis:
Certifying firm (producer) _____
Contract Lab _____ (Name and address)

10. Project Characteristics (if applicable):

a. In-situ combustion projects:

Project area (acres) _____

Pattern: _____

Line _____

Single _____

Multiple (describe) _____

Pattern area (acres): _____

Presoak? (yes, no) _____

Method: _____

wet _____

dry _____

b. Steam drive and cyclic steam projects:

Project area (acres) _____

Pattern: _____

Line _____

Single _____

Multiple (describe) _____

Presoak? (yes, no) _____

Average operation BHP _____

c. Microemulsion and alkaline flooding projects:

Project area (acres): _____

Pattern: _____

Line _____

Single _____

Multiple _____

Preflush? (yes, no) _____

Agent _____

Surfactant or alkaline slug:

Size _____

Concentration _____

Mobility buffer:

Size _____

Polymer: _____

Synthetic _____

Biologic _____

d. Miscible fluid and immiscible non-hydrocarbon gas projects:

Miscibility (where applicable):

Partial _____

Complete _____

Project area (acres):

Pattern:

Line _____

Single _____

Multiple _____

Pattern area (acres) _____

Slug (% PV) _____

Drive fluid:

Water _____

Other (describe) _____

WAG (yes, no) _____

e. Polymer project:

Project area (acres):

Pattern:

Line _____

Single _____

Multiple _____

Preflush? (yes, no) _____

Agent _____

Mobility buffer:

Size _____

Polymer:

Synthetic _____

Biologic _____

10. Planned project time schedule:

Laboratory analysis _____

Field pilot (same for Field Development):

Workover existing wells _____

Install surface tertiary equipment _____

Preflush _____

Injection _____

Initial incremental response _____

12. Project Costs:

Contract (or inhouse) laboratory analysis:

Contract engineering _____

Authorized surface installations _____

Authorized downhole equipment _____

Authorized drilling _____

Injected fluids:

Preflush _____

Injection _____

Direct project supervision _____

Direct project operation _____

13. Environmental Information:

a. Has any State or Federal agency prepared an environmental evaluation of this project? If so, please give the name of the agency below and attach a copy of the document. If preparation is in progress, please indicate the name of the government official with whom the project can be discussed and give his/her telephone number.

b. Please provide specific information regarding the applicability to your operations of any State or Federal laws, including the Clean Air Act, (42 U.S.C. § 7401 *et seq.*); the Clean Air Act, (33 U.S.C. § 1251 *et seq.*); the Safe Drinking Water Act, (42 U.S.C. § 300f *et seq.*); and the Resource Conservation and Recovery Act, (42 U.S.C. § 6901 *et seq.*).

For any applicable State or Federal law, please indicate whether a permit or other form of authorization is required, whether it has been obtained, and, if the tertiary recovery operation is in existence now, whether it is in compliance with the requirement. If some form of authorization is required but has not been received, please indicate whether an application has been filed and the date of application, when you expect to receive the authorization, and whether a request has been denied. In all cases, if a permit has been issued, please attach a copy.

c. Please give any additional information which you consider is relevant to an appraisal of the environmental impacts of your operation.

All of the preceding information must be certified by the producer submitting the initial report. In addition, the information requested in sections 6, 7, 8, and 10 must be certified by a professional engineer. The report should be submitted by certified mail to the following address:

Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461. Attention: Manager, Tertiary Enhanced Recovery Program, Office of Petroleum Operations.

III. Self-Certification

A. Tertiary Incremental Crude Oil

Program:

Under the tertiary incremental crude oil program, market prices may be received for first sales of the incremental crude oil production from a particular property, provided that a producer has certified to ERA the amount of the incremental crude oil from that property and that such amount results from the initiation after September 30, 1979 of a project employing (1) miscible fluid displacement, (2) unconventional steam drive injection, (3) microemulsion flooding, or (4) in situ combustion. This certification should contain a schedule setting forth the amount of non-incremental and incremental crude oil which will be associated with the project and the basis on which the producer calculated those amounts. In general, for a new project, non-incremental crude oil production is that amount of production from the property or project area which would have occurred had the project not been undertaken.

B. Tertiary Incentive Crude Oil Program:

Under the tertiary incentive crude oil program, a producer may charge market price for first sales of crude oil in order to recover the recoupable allowed expenses attributed to it with respect to a particular project, provided that the producer has certified to ERA that it has contributed to a project employing (1) miscible fluid displacement, (2) conventional steam drive, (3) unconventional steam drive injection, (4) microemulsion flooding, (5) in situ combustion, (6) polymer augmented waterflooding, (7) cyclic steam injection, (8) alkaline flooding, (9) immiscible non-hydrocarbon gas displacement, (10) enhanced heavy oil recovery.

Certifications for both the tertiary incremental and incentive programs should be submitted by certified mail to the following address:

Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461. Attention: Manager, Tertiary Enhanced Recovery Program, Office of Petroleum Regulations.

IV. ERA Certification

A. Tertiary Incremental Crude Oil

Program:

In the event that tertiary incremental crude oil production is not eligible for self-certification by a producer, the producer may request ERA to issue an order that will permit the incremental production from that project to be sold at market prices. Such an order

will be granted upon a showing that the project employs a bona fide "tertiary" technique and that incremental production would be economically feasible only if the property is eligible to receive market prices.

B. Tertiary Incentive Crude Oil Program: A producer which does not employ an EOR technique providing the basis for self-certification may apply to the ERA for participation in the tertiary incentive crude oil program. A producer which may self-certify its eligibility for participation in the tertiary incentive crude oil program may apply to the ERA to permit the recoupment of costs other than those specified as allowed expenses in § 212.78. In either case, ERA may grant such request by issuing orders, provided that the producer has demonstrated that it is employing an EOR technique which involves high levels of risks and costs and that the offset of certain costs is necessary to make the use of that technique an attractive investment opportunity.

C. Procedure for Requesting ERA Certification:

Prior to the issuance of any order described above, a producer must submit an application to ERA in accordance with the general procedures set forth in subpart G of 10 CFR part 205. This application should contain all the information which would be required in the initial report for that project and any other information that would justify the issuance of the requested order(s). With respect to orders concerning the incremental program, the application should specify the incremental production which will be attributable to the project.

Some of the information contained in an application may be regarded as proprietary information. In such a case, the producer should observe the filing requirements of 10 CFR 205.9(f) as incorporated in 10 CFR 205.91(a). Broadly, this means that applicants should prepare and submit the application in two copies, one of which (the "confidential" copy) contains all information and the other of which (the "non-confidential" copy) deletes the information claimed to be proprietary.

An application should carry a cover page with the applicant's name and authorized signature and be submitted to the following address:

Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461. Attention: Manager, Tertiary Enhanced Recovery Program, Office of Petroleum Operations.

6. Section 212.131 is amended by revising paragraphs (a)(2)(i), (a)(3)(i), (a)(4), and (b)(1) to read as follows:

§ 212.131 Certification of domestic crude oil sales.

(a)(1) *Stripper well properties.*

(2) *Non-stripper well properties.* (i) With respect to each sale of crude oil from a property which has not qualified as a stripper well property, the producer shall certify in writing to the purchaser the number of barrels, if any, of—
(A) lower-tier ("old") Crude oil (separately identifying any California

lower tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California lower tier crude oil at the time of the sale);

(B) upper-tier ("new") crude oil (separately identifying any California upper tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California upper tier crude oil at the time of the sale), excluding any crude oil transported through the trans-Alaska pipeline;

(C) crude oil transported through the trans-Alaska pipeline; and

(D) incremental tertiary crude oil as determined pursuant to § 212.78;

(E) tertiary incentive crude oil as determined pursuant to § 212.78; and

(F) newly discovered crude oil as determined pursuant to § 212.79.

With respect to any property (except a property with respect to which any amount of crude oil is or at any time has been certified by the producer as incremental tertiary crude oil) which has not qualified as a stripper well property, and from which crude oil is only sold to one purchaser, the requirements of paragraph (a)(2)(i) of this section may be complied with by a one-time certification to the purchaser of the property's monthly base production control level determined pursuant to § 212.72, whether based upon production and sale of crude oil in 1972 or upon production and sale of old crude oil in 1975, and, if applicable, either the property's adjusted base production control level determined pursuant to § 212.76 or the information necessary to compute such adjusted base production control level pursuant to § 212.76; *Provided, however*, that the producer shall certify to the purchaser the amounts and gravity of California lower tier crude oil and California upper tier crude oil in each sale.

* * * * *

(3) *Unitized properties.* (i) With respect to each sale of crude oil from a unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing to the purchaser the number of barrels of—

(A) lower-tier ("old") crude oil (separately identifying any California lower tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California lower tier crude oil at the time of the sale);

(B) upper-tier ("new") crude oil, if any (separately identifying any California upper tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and

the gravity in degrees API of such California upper tier crude oil at the time of the sale), including either "actual new crude oil" or "imputed new crude oil" determined pursuant to § 212.75(b), but excluding any crude oil transported through the trans-Alaska pipeline;

(C) crude oil transported through the trans-Alaska pipeline, if any;

(D) incremental tertiary crude oil determined pursuant to § 212.78;

(E) tertiary incentive crude oil as determined pursuant to § 212.78;

(F) imputed stripper well crude oil, if any, determined pursuant to § 212.75(b); and

(G) imputed newly discovered crude oil, if any, determined pursuant to § 212.75(b).

With respect to any unitized property (except such a property with respect to which any amount of crude oil is or at any time has been certified by the producer as incremental tertiary crude oil) for which the producer has determined a unit base production control level, and from which crude oil is only sold to one purchaser, the requirements of paragraph (a)(3)(i) of this section may be complied with by a one-time written certification to the purchaser of—

(1) the monthly unit base production control level, determined pursuant to § 212.75(b);

(2) the number of barrels of "imputed new crude oil," if any, determined pursuant to § 212.75(b), excluding any crude oil transported through the trans-Alaska pipeline;

(3) the number of barrels of crude oil transported through the trans-Alaska pipeline, if any; and

(4) the number of barrels of imputed stripper well crude oil, if any, determined pursuant to § 212.75(b); *provided, however*, that the producer shall certify to the purchaser the amounts and gravity of California lower tier crude oil and California upper tier crude oil in each sale.

* * * * *

(4) *Other domestic crude oils the first sale of which is exempt from this part.*

(i) With respect to each sale of crude oil exempt from the provisions of this part, other than crude oil produced from a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property that the first sale of crude oil produced and sold from that property is exempt from the provisions of this part.

(ii) For purposes of this paragraph (a)(4), domestic crude oil the first sale of which is exempt from the provisions of this part includes U.S.-owned petroleum

sold by the Secretary of the Navy under the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258); but domestic crude oil the first sale of which is exempt from this part does not include incremental tertiary crude oil or tertiary incentive crude oil determined pursuant to § 212.78.

* * * * *

(b)(1) Each seller of domestic crude oil, other than a producer of domestic crude oil covered by paragraph (a) of this section, shall, with respect to each sale of domestic crude oil other than an allocation sale pursuant to § 211.65 of Part 211, or a sale in which no volumes of domestic crude oil are deemed to have been transferred pursuant to § 211.67(g) of Part 211, certify in writing to the purchaser the respective volumes of and respective per barrel prices for the—

(i) lower-tier ("old") crude oil (separately identifying any California lower tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California lower tier crude oil at the time of the sale);

(ii) upper-tier ("new") crude oil (separately identifying any California upper tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California upper tier crude oil at the time of the sale), exclusive of any crude oil transported through the trans-Alaska pipeline;

(iii) crude oil transported through the trans-Alaska pipeline;

(iv) stripper well crude oil;

(v) incremental tertiary crude oil;

(vi) tertiary incentive crude oil; and

(vii) other domestic crude oils the first sale of which is exempt from the provisions of this part—included in the volume of domestic crude oil so sold. The certification shall also contain a statement that the price charged for the domestic crude oil is no greater than the maximum price permitted pursuant to this part.

[FR Doc. 79-26935 Filed 8-27-79; 3:13 pm]

BILLING CODE 6450-01-M

Registered Federal Tax

Thursday
August 30, 1979

Part VIII

Department of Housing and Urban Development

Office of the Assistant Secretary for
Community Planning and Development

Community Development Block Grant
Loan Guarantees

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-79-498]

Community Development Block Grants; Loan Guarantees

AGENCY: Department of Housing and Urban Development.

ACTION: Final rulemaking.

SUMMARY: The Secretary is issuing final rules on Subpart M of the regulations for the community development block grant program governing loan guarantees under section 108 of the Housing and Community Development Act of 1974, as amended ("section 108"). Rules governing loan guarantees have been revised to incorporate changes authorized by Title I of the Housing and Community Development Act of 1977.

EFFECTIVE DATE: October 5, 1979.

FOR FURTHER INFORMATION CONTACT: Paul D. Webster, Financial Analyst, Office of Block Grant Assistance, HUD/Community Planning and Development, Room 7178, 451 Seventh Street, S.W., Washington, D.C. 20440, (202) 755-6326.

SUPPLEMENTARY INFORMATION: On January 18, 1978 revisions to Subpart M were published in the *Federal Register* (43 FR 2714) as an interim rule. Interested parties were given until March 1, 1978 to submit views and comments. All comments were considered carefully in development of the final rule. There follows a discussion of the significant comments and the changes that were made.

Eligible Applicants

There were several comments objecting to the limitation on eligibility to metropolitan cities and urban counties. Commenters on this issue recommended for a number of reasons that eligibility be extended to communities receiving Comprehensive Grants with multiyear funding commitments under the Small Cities program. All commenters argued that such communities are on a par with metropolitan cities and urban counties with respect to their access to an assured source of funds for loan repayment.

The Department agrees that small cities with multiyear funding commitments can offer adequate security, provided the loan guarantee covers the same period as the

commitment. As indicated in the interim rule, an ability to furnish adequate security is the principal criterion of eligibility to apply for loan guarantee assistance. Therefore, it is deemed appropriate to extend eligibility to these communities. As the first step to accomplish this, a proposed rule soon will be published in the *Federal Register* that would include small cities receiving Comprehensive Grants with multiyear funding commitments as eligible applicants.

Careful consideration was given to including these communities as eligible applicants under this rule. However, further rulemaking is deemed essential for the following reasons.

Since the interim rule limited eligibility to entitlement recipients, many loan guarantee requirements were developed in light of requirements applicable to entitlement grants. These include application submission requirements, criteria for disapproval of loan guarantee requests, and reduction in the amount of loan guarantee assistance requested. Requirements on the maximum loan amount and the loan repayment period are also consonant with the entitlement grant concept.

Loan guarantee requirements also should be consonant with the requirements of the Small Cities program. At the same time, the interests of the Department as guarantor must be protected. However, both objectives cannot be achieved without extensive revision of this rule. Provisions of this subpart pertaining to the loan repayment period, review and approval of applications, submission requirements, and the maximum loan amount will all require modification. In addition, preapplication submission requirements must be developed and included in this subpart.

Further rulemaking will obtain for the Department the useful comments and recommendations of interested parties on the substantial changes resulting from extending eligibility and will help avoid the risk of arbitrary action. Publication of the proposed rule will have the added benefit of assuring that the impact of extending eligibility on the administration of the Small Cities program is fully considered.

Based on the foregoing considerations, the requirements of this section will not be changed at this time.

Eligible Activities

The introductory statement of this section has been changed to note that for purposes of determining the eligibility of activities for which loan guarantee assistance may be provided, § 570.204 does not apply. Section

570.204, which authorizes assistance to be provided directly to certain qualified private entities, is inapplicable since further grants or loans may not be made from guaranteed loan funds.

Section 570.701(a) has been clarified to indicate that acquisition of real property must be by the unit of general local government or its designated public agency.

The introductory statement of § 570.701(c), governing related expenses, has been revised to indicate that such expenses must be related to the acquisition, rehabilitation, development, or use of the real property assisted under this subpart.

Section 570.701(c)(4) has been clarified to better delineate the types of property improvements that are eligible for construction, reconstruction, or installation with loan guarantee assistance. These include all of the types of public improvements and public utilities eligible for assistance under Subpart C, and those eligible public facilities under Subpart C which are not buildings. For example, parking lots, water and sewer lines, and utility lines would all be eligible for loan guarantee assistance; however, a fire station or a public parking garage would be ineligible. As a further criterion of eligibility, expenses eligible under § 570.701(c)(4) must be related to the preparation for development or use of the assisted property.

Application Requirements

The requirement specified in § 570.702(a)(2) that an application for loan guarantee assistance include a proposed instrument effecting a pledge of grant has been deleted. This requirement is no longer necessary because the form of the pledge of grant required as security for repayment of obligations guaranteed under this subpart shall be prescribed by HUD and included as a provision of the contract required under § 570.703(b)(1). The requirement for an opinion of counsel as to the applicant's legal authority to make such pledge has also been deleted. In lieu of this opinion of counsel, the applicant shall be required to submit a certification providing assurance that it possesses legal authority to make the pledge of grants required under § 570.703(b)(2).

The reference to "community development budget" in § 570.702(b) is changed to "cost summary."

In paragraph (d) of § 570.702, which governs HUD review and approval of applications, subparagraphs (1), (2), and (3) of the interim rule have been redesignated as subdivisions (i), (ii), and (iii) of subparagraph (1) of the final rule.

In § 570.702(d)(1)(i), as redesignated, the reference to "§ 570.306(b)(2)" has been changed to "§ 570.311(c)."

Section 570.702(d)(1)(ii) of the final rule has been revised to clarify that a loan guarantee request may be disapproved whenever the Secretary determines that the guarantee constitutes an unacceptable financial risk. This change is essential to permit consideration of all factors relevant to determining financial risk, including but not limited to: length of proposed repayment period, ratio of expected annual debt service requirements to expected annual grant amount, an applicant's status as a metropolitan city or urban county during the proposed repayment period, and an applicant's ability to furnish adequate security pursuant to § 570.703(b).

A new provision, § 570.702(d)(2), has been added which specifies the reasons for which HUD may reduce the amount of loan guarantee assistance requested. This provision corresponds to § 570.311(e) and is added to ensure that loan guarantee funds are approved for use in a manner consonant with statutory and administrative requirements applicable to approval of block grant funds.

Paragraph (e)(2) of this section has been modified to indicate the applicability of environmental review requirements for multiyear projects to designated public agencies. Changes have also been made to conform this provision to the requirements of § 570.301(d).

Loan Requirements

Section 570.703(a) has been modified to indicate the requirement pertaining to the maximum loan amount also applies to notes or other obligations issued by designated public agencies. The reference to "§ 570.102" is changed to "§ 570.311."

Section 570.703(b)(1) has been changed for the sake of clarity to note that the contract required under this provision shall be entered into with HUD.

Section 570.703(c)(2) has been changed to more clearly reflect the full scope of the Secretary's authority to apply pledged grants. In this regard, the Secretary is authorized to apply grant funds pledged pursuant to paragraph (b)(2) of this section, whether or not there has been a default by the borrower requiring payments pursuant to the Secretary's guarantee. This authority is reflected in the contract required by paragraph (b)(1) of this section.

Section 570.703(e) has been changed to note the applicability of this provision to designated public agencies.

Comments Not Acted Upon

Several comments were received which after due consideration were not accepted. There follows a discussion of these comments.

Some commenters recommended that § 570.703(b), which pertains to the contract and pledge of grants required as security, be modified to accommodate the requirements of states having limitations prohibiting political subdivisions from incurring indebtedness beyond the current fiscal year. The proposed regulation has been retained because it reflects the statutory provision (section 108(d)) on which it is based more precisely than the alternatives presented by the commenters; however, where the form of the contract or pledge is an obstacle to participation under the loan guarantee provision, HUD will consider modifications on a case by case basis, provided such modifications do not impair the security for the loan guarantee or result in nonconformance with the statutory provision.

Section 570.702(a)(3), requiring that applicants certify that neither they nor public agencies own property suitable for the purpose for which the guarantee is being requested, was criticized as being too restrictive. It was recommended that this requirement be waived under specified circumstances. Although waiver of this requirement will be considered under extenuating circumstances, such circumstances will not be specified in the regulations. If a particular application of this requirement meets the criteria for a waiver under § 570.4, a request for waiver of the requirement will be considered.

One commenter noted that the Act authorizes the Secretary, at her discretion, to require other security to be furnished (e.g., tax increments), and urged that § 570.702(c) be changed to indicate that approval of a loan guarantee request reflects consideration of such other security. HUD will utilize this authority and require revenues which may result from activities financed under this subpart and which constitute program income under § 570.506 to be pledged as additional security. However, the pledge of such revenues will not be a factor in the determination as to whether a loan guarantee covering a repayment period of six years or less is an acceptable financial risk. This does not preclude an applicant from developing a financial plan which provides for the utilization of other revenues, in lieu of block grant funds, for payment of principal or interest. It is, however, the applicant's

responsibility to determine whether other revenues are sufficient for that purpose. Because HUD will make no determination as to the sufficiency of other security, the recommended change was not adopted.

It was recommended that a new provision be added to § 570.702 which would require the applicant to comply with the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800 if the project would affect resources listed or eligible for listing in the National Register of Historic Places. This requirement is set forth in § 570.604 and is made applicable under § 570.705 to activities or projects assisted under this subpart. It is therefore unnecessary to repeat the requirement in a separate provision.

A Finding of Inapplicability with respect to Environmental Impact has been prepared in accordance with HUD Handbook 1390.1. A copy of the Finding is available for inspection and copying during business hours in the Office of the Rules Docket Clerk, Room 5216, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Accordingly, 24 CFR Part 570 is amended by revising Subpart M as set forth below.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Authority: Title I, Housing and Community Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633).

Subpart M—Loan Guarantees

§ 570.700 Eligible applicants.

(a) Units of general local government entitled to receive basic grant amounts under § 570.102 (metropolitan cities and urban counties) may apply for loan guarantee assistance under this subpart. Loan guarantee assistance will be limited to such entitlement recipients in order to assure a reasonably certain source of repayment.

(b) Public agencies may be designated by eligible units of general local government to receive a loan guarantee on notes or other obligations issued by the public agency in accordance with this subpart. In such case the applicant unit of general local government shall be required to pledge its current and future entitlement grants as security for the notes or other obligations issued by the public agency.

§ 570.701 Eligible activities.

For purposes of determining the eligibility of the following activities for which loan guarantee assistance may be

provided, the requirements of Subpart C (other than § 570.204) shall apply:

(a) Acquisition by the unit of general local government or its designated public agency of real property (including improvements thereon) including acquisition for economic development purposes.

(b) Rehabilitation of real property (including improvements thereon) owned or acquired by the unit of general local government.

(c) Payment of the following expenses related to the acquisition, rehabilitation, development, or use of the real property:

(1) Interest on obligations guaranteed under this subpart.

(2) Relocation payments and assistance for individuals, families, businesses, nonprofit organizations, and farm operations displaced by activities financed with loan guarantee assistance. (Further information regarding relocation costs is set forth in § 570.602.)

(3) Clearance, demolition and removal of buildings and improvements, including movement of structures to other sites.

(4) Construction, reconstruction, or installation of public improvements, utilities, or facilities (other than buildings) related to the preparation for development or use of the real property. For example, parking lots, water and sewer lines, and utility lines would be eligible for loan guarantee assistance, but a fire station and a public parking garage would be ineligible.

§ 570.702 Application requirements.

An application for loan guarantee shall be made as a part of an application for grant assistance or as a Community Development Program amendment. Except as provided in the following paragraphs, the applicant shall comply with the application requirements outlined in Subpart D.

(a) *Other submission requirements.* In addition to the documentation required to be submitted with a grant application, an application for loan guarantee shall include the following:

(1) A schedule for repayment of the loan which identifies the sources of repayment;

(2) A certification providing assurance that the applicant possesses legal authority to make the pledge of grants required under § 570.703(b)(2).

(3) When the proceeds of the loan are to be used for acquisition of real property, a certification providing assurance that real property already owned by the applicant or a local public agency is not suitable for the intended use of the land to be acquired, and a brief statement of the reasons why the existing land inventory is inadequate.

(b) *Community Development Program.* The project summary shall specify those activities that will be financed with loan guarantee assistance. Proceeds from guaranteed loans shall be identified as an anticipated resource in the cost summary.

(c) *Economic feasibility and financial risk.* The Secretary will make no determination with respect to the economic feasibility of projects proposed to be funded with the proceeds of guaranteed loans; such determination is the responsibility of the applicant. In determining whether a loan guarantee constitutes an acceptable financial risk, the Secretary will consider the applicant's current and future entitlement block grants as the primary source of loan repayment. Approval of a loan guarantee under this subpart is not to be construed, in any way, as indicating that HUD has agreed to the feasibility of a project beyond recognition that block grant funds should be sufficient to retire the debt.

(d) *HUD review and approval of applications.* The Area Office shall review the application for compliance with application requirements specified in Subpart D and this subpart, and forward the application together with its recommendation for approval or disapproval of the requested loan guarantee to HUD Headquarters.

(1) The Secretary will approve the loan guarantee request unless:

(i) One or more of the criteria for disapproval specified in § 570.311(c) are applicable.

(ii) The Secretary determines that the guarantee constitutes an unacceptable financial risk. Factors that will be considered in assessing financial risk shall include, but not be limited to, the following:

(A) The length of the proposed repayment period;

(B) The ratio of expected annual debt service requirements to expected annual grant amount;

(C) The applicant's status as a metropolitan city or urban county during the proposed repayment period; and

(D) The applicant's ability to furnish adequate security pursuant to § 570.703(b).

(iii) The guarantee requested exceeds the maximum loan amount specified under § 570.703(a).

(2) The Secretary may approve loan guarantee assistance for an amount less than requested for the following reasons:

(i) Activities are not eligible under Subpart C or § 570.701;

(ii) Activities do not meet other program requirements, such as benefits

to low- and moderate-income persons described in § 570.302; or

(iii) The applicant's performance does not meet the standards prescribed in § 570.909.

(3) The Secretary will notify the applicant in writing that the loan guarantee request has either been approved or disapproved. If the request is disapproved the applicant shall be informed of the specific reasons for disapproval. If the request is approved, the Secretary shall issue an offer of commitment to guarantee obligations of the applicant or the designated public agency subject to such conditions as the Secretary may prescribe, including the conditions for release of funds described in paragraph (e).

(e) *Environmental review.* (1) the applicant shall comply with HUD Environmental Review Procedures (24 CFR Part 58) leading to certification for the release of funds for each project carried out with loan guarantee assistance. These procedures set forth the regulations, policies, responsibilities, and procedures governing the carrying out of environmental review responsibilities of applicants.

For the purposes of this paragraph, the "release of funds" shall be deemed to occur at the time of guarantee of notes or other obligations by the Secretary.

(2) The environmental assessment of a multiyear project financed with loan guarantee assistance, performed under 24 CFR Part 58, should encompass the entire multiyear scope of activities. Upon certification that the applicant has completed the environmental requirements for a multiyear project, HUD may issue its release of funds for the entire project. The continued authority of an applicant (or the designated public agency, where appropriate) to commit Title I funds to a multiyear project or to be reimbursed for the expenditure of local funds for costs of such project, after completion of environmental requirements and HUD release of funds, shall be subject to the continued relevance and completeness of the environmental assessment performed. The applicant shall, prior to any further commitment of funds to the project, complete the requirements of 24 CFR Part 58 relating to the updating of environmental clearances in the event that:

(i) There is any significant or substantial change in the nature, magnitude or extent of the project;

(ii) There is any significant or substantial change in the environment affecting the project; or

(iii) Previously conducted environmental reviews are insufficient due to changed circumstances, including

the availability of additional data or advances in technology.

§ 570.703 Loan requirements.

(a) *Maximum loan amount.* No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the total outstanding notes or obligations guaranteed under this subpart (including principal and interest thereon) on behalf of the applicant or public agency duly designated by the applicant would thereby exceed an amount equal to three times the amount of the entitlement grant approval for the applicant pursuant to § 570.311; however, this maximum amount is to be reduced by the amount of any grant funds required by HUD to be applied to the repayment of urban renewal temporary loans pursuant to § 570.802.

(b) *Security requirements.* To assure the repayment of notes or other obligations and charges incurred under this subpart and as a condition for receiving loan guarantee assistance, the applicant (or the applicant and designated public agency, where appropriate) shall:

(1) Enter into a contract with HUD, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed hereunder;

(2) Pledge any grant approved or for which the applicant may become eligible under this Part; and

(3) Furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this Part or disposition proceeds from the sale of land or rehabilitated property.

(c) *Use of grants for loan repayment.* Notwithstanding any other provision of this Part:

(1) Grants allocated to an applicant under this Part (including program income derived therefrom) are authorized for use in the payment of principal and interest due (including such servicing, underwriting, or other costs as may be authorized by the Secretary) on the notes or other obligations guaranteed pursuant to this subpart.

(2) The Secretary may apply grants pledged pursuant to paragraph (b)(2) of this section to any amounts due under the note or other obligation guaranteed pursuant to this subpart, or to the purchase of such obligation, in accordance with the terms of the contract required by paragraph (b)(1) of this section.

(d) *Debt obligations.* Notes or other obligations guaranteed pursuant to this subpart shall be in the form and denominations prescribed by the Secretary. Such notes or other obligations shall be issued and sold only to the Federal Financing Bank under such terms as may be prescribed by the Secretary and the Federal Financing Bank.

(e) *Taxable obligations.* Interest earned on obligations guaranteed under this subpart shall be subject to Federal taxation as provided in Section 108(j) of the Act.

All applicants or designated public agencies issuing guaranteed obligations must bear the full cost of interest.

(f) *Loan repayment period.* As a general rule, the repayment period for a loan guaranteed under this subpart shall be limited to six years. However, a longer repayment period may be permitted in special cases where it is deemed necessary to achieve the purposes of this Part.

§ 570.704 Federal guarantee.

The full faith and credit of the United States is pledged to the payment of all guarantees made under this subpart. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

§ 570.705 Applicability of rules and regulations.

The provisions of Subparts A, B, C, D, J, K, and O shall apply to this subpart, except to the extent they are specifically modified or augmented by the provisions of this subpart.

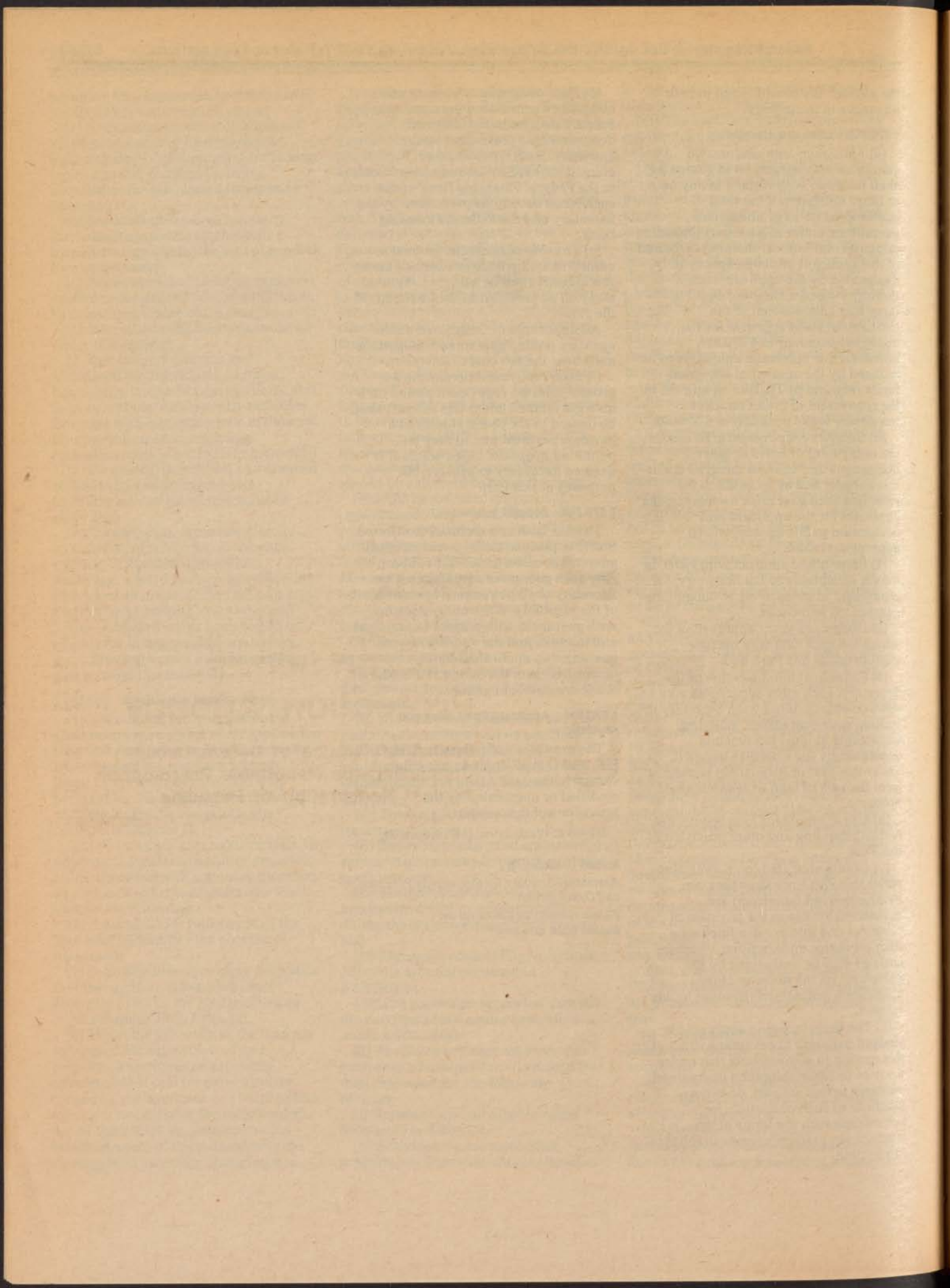
Issued at Washington, D.C., August 21, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 79-27080 Filed 8-29-79; 8:45 am]

BILLING CODE 4210-01-M



Registered Federal Insecticides

Thursday
August 30, 1979

Part IX

Environmental Protection Agency

Preliminary Notice of Determination
Concluding the Rebuttable Presumption
Against Registration of Pesticide
Products Containing Benomyl; Availability
of Position Document

ENVIRONMENTAL PROTECT AGENCY

[FRL 1308-6; OPP-30000/23B]

**Preliminary Notice of Determination
Concluding the Rebuttable
Presumption Against Registration of
Pesticide Products Containing
Benomyl; Availability of Position
Document****I. Introduction**

On December 6, 1977, the Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration (RPAR) of pesticide products containing benomyl (42 FR 61788), a pesticide used on food and non-food crops to control fungi, thereby initiating the Agency's public review of the risks and benefits of benomyl. This notice constitutes the Agency's Notice of Determination (Notice) pursuant to 40 CFR 162.11(a)(5), terminating the benomyl RPAR. This determination is preliminary at this point, pending external review through submission to, and review by, the United States Department of Agriculture and the Scientific Advisory Panel, pursuant to sections 6(b) and 25(d) of the Federal Fungicide, Insecticide, and Rodenticide Act (FIFRA) as amended, the action does not become final until the Agency has reviewed the comments of these reviewers and issued a final notice based in part on consideration of these comments.

In broad summary, the Agency has determined that benomyl continues to exceed the risk criteria outlined in 40 CFR 162.11 for mutagenicity (as a spindle poison which interferes with proper chromosome segregation during mitosis resulting in non-disjunction), teratogenicity, reduction in spermatogenic activity and acute toxicity to aquatic organisms. The Agency has concluded that the presumption against benomyl on the basis of point mutation has been rebutted, and that the presumption issued against the use of benomyl based on significant local reductions in earthworm populations has also been successfully rebutted.

The risks that benomyl pose to certain exposed groups is of sufficient concern to require the Agency to consider whether these risks can be reduced. The Agency has considered benefits information, including that submitted by registrants, interested persons, and the United States Department of Agriculture, and has analyzed the social and environmental benefits of the uses of benomyl as well as the economic

benefits of the use of benomyl on rice. The Agency has weighed risks and benefits together, in order to determine whether the risks of each benomyl use are warranted by the benefits of the use. In weighing risks and benefits, the Agency considered what risk reductions could be achieved and how risk reduction measures would affect the benefits of the use.

The Agency has determined that the risks of certain uses of benomyl are greater than the social, economic, and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms of conditions of registration, as described below. The Agency has further determined that these modifications in the terms or conditions of registration accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the uses.

The remainder of this Notice and the accompanying Position Document set forth in detail the Agency's analysis of comments submitted during the rebuttal phase of the benomyl RPAR, and the Agency's reasons and factual bases for the regulatory actions it is initiating. The Notice is organized into four sections. Section I is this introduction. Section II, titled "Legal background", sets forth a general discussion of the regulatory framework within which this action is taken. Section III sets forth the Agency's determinations concluding the benomyl RPAR and initiating the regulatory actions which flow from these determinations. Section III and the accompanying Position Document set forth the basis for these determinations. Section IV, titled "Procedural Matters", provides a brief discussion of the procedures which will be followed in implementing the regulatory actions which the Agency is initiating in this Notice.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects" on the environment (section 3(c)(5)). "Unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" (FIFRA, section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the

pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practice. The burden of proving that a pesticide satisfies the registration standard continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.¹

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a public, informal procedure for the gathering and evaluation of information about the risks and benefits of these uses.

The regulations governing the RPAR process are set forth at 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. The Agency generally announces that an RPAR has arisen by publishing a notice in the Federal Register. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to many or to animals or plants of concern with regard to the adverse effect in question.² Further, in

¹ Another part of the statutory standard for registration is that the pesticide must satisfy the labeling requirements of FIFRA. These requirements are set out in the statutory definition of "misbranded" (FIFRA section 2(q)). Among other things, this section provides that a pesticide is misbranded if "the labeling * * * does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if it complies with, together with any * * * (restrictions) imposed under section 3(d) * * * are adequate to protect health and the environment."

The Agency can require changes to the directions for use of a pesticide in most circumstances either by finding that the pesticide is misbranded if the labeling is not changed, or by finding that the pesticide would cause unreasonable adverse effects on the environment, unless labeling changes are made which accomplish risk reductions.

² 20 CFR 162.11(a)(4) provides that registrants and applicants may rebut a presumption against registration by sustaining the burden of proving: (i) in the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (a)(3)(i) or (iii) that when considered with the formulations, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget

Footnotes continued on next page

addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on the question of whether the risk presumptions have been rebutted. If the Agency determines that the presumption is not rebutted, it will then consider information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency.

After weighing the risks and the benefits of a pesticide use, the Administrator may conclude the RPAR process by issuing a notice of intent to cancel or deny registration, pursuant to FIFRA section 6(b)(1) and section 3(c)(6) or by issuing a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registrations should be cancelled or applications for registration denied.

In determining whether the use of a pesticide poses risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications in the terms or conditions of registration on the benefits of the use. Among the risk reduction measures short of cancellation which are available to the Agency are requiring changes in the directions for use on the pesticide's labeling, and classifying the pesticide for "restricted use" pursuant to FIFRA section 3(d).

FIFRA requires the Agency to submit notices issued pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of

Agriculture with an analysis of the impact of the proposed action on the agricultural economy (section 6(b)). The Agency is required to submit these documents to the Secretary at least 60 days before making the notice effective by sending it to registrants or making it public. If the Secretary of Agriculture comments in writing within 30 days after receiving the notice, the Agency is required to publish the Secretary's comments and the Administrator's response with the notice. FIFRA also requires the Administrator to submit section 6 notices to a Scientific Advisory Panel for comment on the impact of the proposed action on health and the environment, at the same time and under the same procedures as those described above for review by the Secretary of Agriculture [section 25(d)].

Although not required to do so under the statute, the Agency has decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decision making to afford registrants and other interested persons an opportunity to comment on the bases for the proposed action during the time that the proposed action is under review by the Secretary of Agriculture and the Scientific Advisory Panel. Accordingly, appropriate steps will be taken to make copies of the Position Document available to registrants and other interested persons at the time the decision documents are transmitted for formal external review, through publication of a notice of availability in the *Federal Register*, or by other means. Registrants and other interested persons will be allowed the same period of time to comment—30 days—that the statute provides for receipt of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

The determination to issue a FIFRA section 6 notice is a preliminary determination, pending external review and Agency analysis of comments received. On the basis of these comments, the Agency may withdraw the notice, issue a final notice without modification, or modify the notice, as appropriate.

After complying with the external review requirements and, if the notice is not withdrawn, accomplishing any changes in the contemplated action deemed appropriate as a result of any comments received, the Agency will proceed to implement the desired regulatory action by sending and making public a notice of intent to cancel under FIFRA section 6(b)(1) or a notice of intent to hold a hearing under FIFRA section 6(b)(2), as appropriate.

Registrants and other interested persons have 30 days to request a hearing, in the case of notice of intent to cancel under FIFRA section 6(b)(1). In the event a hearing is not requested and any changes in the terms and conditions of registration directed in the cancellation notice are not accepted, the cancellation action announced in the notice of intent will take effect automatically at the end of the 30-day notice period. If a hearing is requested, it will be governed by the Agency's rules of practice for hearings under FIFRA section 6 (40 CFR Part 164); the cancellation action will not become effective except pursuant to an order of the Administrator at the conclusion of the hearing. Rules governing participation in number, and the conduct of hearings under FIFRA section 6(b)(2), are also set forth in 40 CFR Part 164. Upon appropriate findings the Agency may withdraw such a notice prior to the commencement of a hearing.

III. Determination and Initiation of Regulatory Action

The Agency has considered information on the risks associated with the uses of benomyl, including information submitted by registrants and other interested persons in rebuttal to the benomyl RPAR. The Agency has also considered information on the social, economic, and environmental benefits of the uses of benomyl subject to the RPAR, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information submitted by the United States Department of Agriculture. The Agency's assessment of the risks and benefits of the uses of benomyl subject to this RPAR, its conclusions and determinations whether any uses of benomyl pose unreasonable adverse effects on the environment, and its determinations whether modifications in terms of conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects, are set forth in detail in the Position Document accompanying this Notice. This Position Document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this Notice, and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the Position Document, the Determinations of the Agency with respect to benomyl are as follows:

Footnotes continued from last page
organisms is not likely to result in any significant acute adverse effects; or (ii) in the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or (iii) that the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error. A primary purpose of the RPAR process is to screen for appropriate action those pesticide uses which pose risks which are of sufficient concern to require the Agency to consider whether offsetting benefits justify the risks. Accordingly, the Agency's approach to rebuttal determinations concentrates on whether the risk concerns which are central to each RPAR proceeding have in fact been answered.

A. Determinations On Risks

The benomyl RPAR was based on information indicating that benomyl posed the following risks to humans and the environment: (1) Mutagenicity; (2) spermatogenic depression and teratogenic effects; (3) acute toxicity to aquatic organisms; and (4) significant population reductions in nontarget organisms. As developed fully in the Position Document, the Agency has determined that information submitted to rebut these risk criteria was insufficient to remove the Agency's concerns that benomyl poses the risks of mutagenicity (as a spindle poison), teratogenicity, and spermatogenic depression to humans and acute toxicity to aquatic organisms.

The risks of mutagenicity, teratogenicity and spermatogenic depression are greatest to mixer/loaders during aerial application and to pesticide applicators operating air blast equipment. The risk to aquatic organisms is greatest when benomyl is applied to rice, because residues present in water drained from the rice fields might cause fish-kills. These risks are of sufficient magnitude to require the Agency to determine whether the uses of benomyl offer offsetting social, economic, or environmental benefits.

The Agency has also concluded that the presumption against benomyl on the basis of the potential to produce point mutations has been rebutted, since the data available on point mutations are inadequate at the present time to determine if benomyl poses a mutagenic risk as a point (gene) mutagen to humans. Finally, the Agency has determined that the risk presumption for significant population reductions in nontarget organisms has been rebutted.

B. Determinations on Benefits

The uses of benomyl which are subject to this RPAR fall into four categories: Rice uses, aerial application uses;³ air blast application uses;⁴ and other uses.⁵

1. *Rice Uses.* Benomyl is used on rice, principally to control rice blast and stem

rot. Benomyl is used on approximately 20 percent of the total rice production in the U.S. There are no other chemicals registered for control of these rice diseases. Cultural practices are not effective in reducing or controlling these diseases.

The Agency has determined that the use of benomyl on rice provides significant benefits to users but no benefits to any other group. Cancellation of this use would cause current benomyl users to sustain a net loss of approximately \$15 million.

2. *Other Uses.* The Agency did not perform a detailed quantitative analysis of the economic benefits for the uses other than rice because the Agency determined that proposed modifications to the terms and conditions of registration would adequately reduce risks for these other uses with only an insignificant impact on benefits.

C. Determinations of Unreasonable Adverse Effects

For the reasons set forth in detail in the accompanying Position Document, the Agency has made the following unreasonable adverse effect determinations about the uses of benomyl.

The Agency has determined that the risks arising from the use of benomyl to mixer/loaders during aerial application and to pesticide applicators operating air blasts equipment are greater than the social, economic, and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms and conditions of registration as described in the following section.

The Agency has further determined that these modifications in the terms and conditions of registration accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the uses. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, the uses of benomyl will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practices, and that the labeling of benomyl pesticide products will not comply with the provisions of FIFRA.

D. Other Determinations

The Agency has determined that registrants and applicants for registration of benomyl products must submit to the Agency data from tests to detect gene mutations in the following test systems: (1) *Drosophila*, (2)

Mammalian somatic cells in culture and, (3) an appropriate eukaryotic micro-organism for benomyl and its metabolite MBC.

The Agency will use this test data for the purpose of refining its risk and benefits assessments on the use of benomyl; this data will also be used to reassess its conclusions that the use of benomyl does not cause unreasonable adverse effects in accordance with the Agency's proposed modifications to the terms or conditions of registration.

The Agency has determined that registrants and applicants for registration of benomyl products for rice uses must develop and submit to the Agency field monitoring studies of benomyl residues in water when applied at different rates. The measurements should be made at varying distances downstream from the rice fields. The Agency will use these data for the purpose of refining its risk and benefit assessments of the use of benomyl on rice; these data will also be used to reassess its conclusion that the use of benomyl on rice in accordance with the Agency's proposed modifications to the terms or conditions of registration does not cause unreasonable adverse effects on the environment.⁶

E. Initiation of Regulatory Actions

Based upon the determinations summarized above and developed in detail in the Position Document, the Agency is initiating the following regulatory actions, and this document shall constitute its Notice of Preliminary Determination:

Cancellation and denial of registrations of benomyl products for all uses unless registrants or applicants for registration modify the terms and conditions of registration as follows:⁷

⁶For the Agency's authority to require registrants to conduct studies relevant to assessing the risks and benefits of a pesticide, and to report the results thereof to the Agency, see FIFRA section 3(c)(2)(B) and 40 CFR 162.8(d)(1).

⁷FIFRA 6(b)(1) provides that the Administrator may initiate proceedings to cancel a registration or change its use classification, where the Administrator finds that the pesticide does not satisfy the statutory standard for registration. However, the registered benomyl products subject to this RPAR have not yet been initially classified. Accordingly, any classification action with respect to these products is an initial classification, and not a change in classification. Initial classification generally does not give rise to a right to review the classification decision in an adjudicatory hearing. (See Preamble to Optional Procedures for Classification of Pesticide Uses by Regulation, 42 FR 5782, 5784 (Feb. 9, 1978)). However, in view of the fact that the Agency is proposing other changes to the terms or conditions of the registration (e.g., labeling changes) for registered benomyl products, which are reviewable in adjudicatory hearings, the Agency has determined that it is appropriate to exercise its discretion to fashion procedures in excess of minimum statutory requirements, and to

Footnotes continued on next page

³Benomyl is registered for aerial application for the following uses: Almonds, avocados, beans, cabbage (seed crop), cucurbits, grapes, peanuts, pecans, rice, stone fruits, strawberries, soybeans, sugar beets, roses, flowers, ornamentals, and shade trees.

⁴Benomyl is registered for air blast application for the following uses: Almonds, apples, avocados, citrus, grapes, macadamia nuts, mangoes, pears, pecans, and stone fruits.

⁵Other uses comprise postharvest dipping or spraying of apples, citrus, pears, pineapple, and stone fruits; mushrooms; preplant dip treatment of pineapple, strawberries, sugar cane, flowers and bulbs; greenhouse use for tomatoes and ornamentals, trunk injection of elms, turf and any hard spraying application.

1. Modification of the labeling of benomyl pesticide products packaged in five pound or larger bags to include the following statement:

Warning to Workers

The United States Environmental Protection Agency has determined that benomyl causes birth defects and reduced sperm production in laboratory animals. Exposure to benomyl during pregnancy should be avoided. Exposure to benomyl might cause a depressed sperm count. Workers must be sure to wear cloth masks while mixing for aerial application. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with benomyl.

2. Requirement for water-soluble packaging for benomyl products in five pounds or larger quantities formulated as the wettable powder as soon as technically feasible.

The minimum labeling which must appear on the water soluble bag includes the product name, EPA Registration Number and the words: "Caution: Keep out the reach of children."

The following statement must appear on the labels of five pound or larger packages of wettable powder formulations:

Handling Precautions

This product is in a water soluble bag. Do not break open the bag prior to use. Do not use in quantities smaller than one full bag. If a bag is leaking, use extreme care in handling. Do not get in eyes, on skin or on clothing.

3. Modification of the labeling of benomyl products formulated as the wettable powder in five pounds or larger quantities, which are not contained in water soluble packaging, to include the following requirement for protective clothing:

Required Clothing

During mixing and loading of this product for aerial application, a fine woven cloth mask must be worn.

In addition to these actions, the Agency soon will be initiating action to require the accomplishment and the submission to the Agency of the mutagenicity test data cited above and the field monitoring studies for the rice use. This action is not being initiated by this Notice, but instead will be initiated by subsequent correspondence from the Office of Pesticide Programs to registrants and applicants for registration of benomyl products.

Footnotes continued from last page permit the question of whether benomyl products should be initially classified for restricted use and its use limited to certified applicators to be reviewed in any such adjudicatory hearing as well.

V. Procedural Matters

This Notice of Determination notifies the United States Department of Agriculture, the Scientific Advisory Panel, pesticide registrants and users, and other interested parties of the Agency's preliminary determinations relating to the risks and benefits of the uses of benomyl, and provides these entities and individuals with opportunity to comment on these determinations.

As discussed in Section II of this Notice, the Agency's decision to initiate the regulatory action described in Section III must be referred for review by the Secretary of Agriculture and the Scientific Advisory Panel. The EPA position document setting forth in detail the reasons and factual bases for the regulatory actions which the Agency proposes and this Notice of Determination are being transmitted immediately to the Secretary of Agriculture and the Scientific Advisory Panel for comments. The Agency also will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action by making copies of the Position Document available upon request. Interested persons may receive copies of the documents by communicating their requests to Esther Saito, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs, EPA (TS-791), Room 711D, Crystal Mall II, 401 M Street, SW., Washington, D.C. 20460, (703) 557-7420. Registrants and other interested persons have the same period of 30 days to submit comments that the statute provides for comments from the Secretary of Agriculture and the Scientific Advisory Panel.

All comments on the proposed actions should be sent to the Document Control Office, Chemical Information Division, EPA (TS-793), Room E-447, 401 M Street, SW., Washington, D.C. 20460. In order to facilitate the work of the Agency and of others inspecting the comments, registrants and other interested persons should submit three copies of their comments. The comments should bear the identifying notation 30000/23B, and should be submitted on or before October 1, 1979.

After completion of these review procedures, the Agency will consider the comments received and publish an analysis of them, together with any changes in the regulatory actions announced in this Notice which it determines are appropriate. Until this final review phase is concluded in this manner, it is not necessary for registrants or other interested persons to request a hearing to contest any

regulatory actions resulting from the conclusion of this RPAR.

Steven D. Jellinek,

Assistant administrator for Toxic Substances.

Dated: August 17, 1979.

[FR Doc. 79-27182 Filed 8-29-79; 8:45 am]

BILLING CODE 6560-01-M

Register

Thursday
August 30, 1979

Part X

Office of Management and Budget

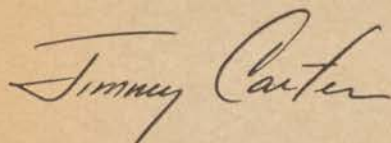
Budget Deferrals and Rescissions

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Deferrals and Rescissions**

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totalling \$30.1 million. These items involve human development services in the Department of Health, Education, and Welfare, emergency refugee and migration assistance in the Department of State, and the National Commission on Social Security.

The details of the deferrals are contained in the attached reports.



The White House,

August 27, 1979.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

<u>Deferral No.</u>	<u>Item</u>	<u>Budget Authority</u>
D79-63	Department of Health, Education, and Welfare: Human Development Services.....	22,500
D79-64	Department of State: United States Emergency Refugee and Migration Assistance Fund.....	5,650
D79-65	National Commission on Social Security: Salaries and Expenses.....	<u>1,943</u>
	Total, deferrals.....	30,093

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	<u>Rescissions</u>	<u>Deferrals</u>
Twelfth special message:		
New items.....	---	30,093
Effect of twelfth special message.....	---	30,093
Previous special messages.....	908,692	4,584,545
Total amount proposed in special messages.....	908,692	4,614,638 ^{1/}
	(in 11 rescission proposals)	(in 65 deferrals)

^{1/} This amount represents budget authority except for \$15,809,478 in two Treasury Department deferrals of outlays only (D79-40A and D79-25B).

Deferral No: D79-63

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Health, Education and Welfare	New budget authority	\$2,368,568,000
Bureau	Office of Human Development Services	(P.L. 95-482) (96-38)	
Appropriation title & symbol		Other budgetary resources	7,600,200
Human Development Services		Total budgetary resources	2,376,168,200
7591636		Amount to be deferred:	
(Administration on Aging - Nutrition)		Part of year	\$ 22,500,000
		Entire year	
OMB identification code:		Legal authority (in addition to sec. 1013):	
75-1636-0-1-500		☐ Antideficiency Act	
Grant program	☒ Yes ☐ No	☐ Other	
Type of account or fund:		Type of budget authority:	
☒ Annual		☒ Appropriation	
☐ Multiple-year _____ (expiration date)		☐ Contract authority	
☐ No-year		☐ Other	

Justification:

Public Law 96-38 enacted July 25, 1979 included a supplemental appropriation of \$22,500,000 for the Aging Nutrition Service program. These funds were appropriated to meet State requirements to maintain operating levels for activities under Part C of Title III of the Older Americans Act.

The conference report accompanying P.L. 96-38 requires the Department to submit a report to the Congress covering the planned allocation of funds to the States within twenty days after enactment and prior to making the grant awards. OMB is advised that HEW has requested and received from the congressional appropriations committees an extension of time for submission of the required report, which will now be sent to OMB and the Congress by approximately September 1, 1979. These funds are deferred until the allocation report is provided to OMB and the Congress.

Estimated Effects:

There is no programmatic effect of this action because the Department, upon satisfying the reporting requirement to Congress, will fully support all States which need funds to meet the operating levels required by law.

Outlay Effect:

There is no outlay effect of this action.

Deferral No: D79-64

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State	New budget authority (P.L. 95-481) (96-38) \$26,700,000
Bureau	Other budgetary resources 3,559,670
Appropriation title & symbol United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	Total budgetary resources 30,259,670
OMB identification code: 11-0040-0-1-151	Amount to be deferred: Part of year \$
Grant program ☐ Yes ☒ No	Entire year 5,650,000
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Legal authority (in addition to sec. 1013) ☒ Antideficiency Act ☐ Other
	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Section 501(a) of the Foreign Relations Authorization Act, Fiscal Year 1976, Public Law 94-141, approved November 29, 1975, amended section 2(c) of the Refugee and Migration Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed \$25 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Supplemental Appropriations Act, 1979 (P.L. 96-38), enacted July 25, provided \$17.2 million of additional appropriations to the Fund. Of this amount, \$11,550,000 will be utilized to increase the rate of entry of Indochinese refugees into the United States to 14,000 per month by October 1979, as the President has directed. The remaining \$5.65 million have been deferred consistent with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that additional reapportionments may be made on a case-by-case basis as the President determines assistance to be furnished and designates refugees to be assisted by the Fund.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: No effect on outlays results from this deferral action.

1/ This account was the subject of similar deferral action during FY 1978 and earlier in FY 1979.

Deferral No: D79-65

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency <u>National Commission on Social Security</u>	New budget authority <u>\$2,500,000.</u> (P.L. <u>95-216</u>) (96-38)
Bureau	Other budgetary resources <u>0</u>
Appropriation title & symbol	Total budgetary resources <u>2,500,000.</u>
Salaries & Expenses 48-91-1600	Amount to be deferred: Part of year \$ <u> </u> Entire year <u>1,943,000.</u>
OMB identification code: 48-1600-0-1-601	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other <u> </u>
Type of account or fund: ☐ Annual ☒ Multiple-year <u>September 30, 1981</u> (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other <u> </u>

Justification: These funds were appropriated in P.L. 96-38 to fully fund the expenses of the National Commission on Social Security for its two year life. The Commission is to study the Old-Age, Survivors, Disability, and Health Insurance programs.

Funds totalling \$1,943,000 of the \$2 million appropriated are being deferred to assure prudent financial management. These funds could not be used effectively during the current year. The original financial plan was made prior to the creation of the Commission and assumed that the supplemental appropriation would be available by April of 1979. Since the supplemental was not enacted until late July, changes were required in the financial plan reducing the funds which could reasonably be obligated in an effective and efficient manner.

Estimated Effects: This action will enable the Commission to be fully operational, in terms of staff and contracted studies, during FY 1980.

Outlay Effect: There is no outlay effect from this deferral since the funds could not be obligated in FY 1979.

Reader Aids

Federal Register

Vol. 44, No. 170

Thursday, August 30, 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.
 -5282 Statutes at Large, and Index
 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

305.....47755

3 CFR

Administrative Orders:

Presidential Determinations:

No. 79-12 of July 31,
 1979.....47915
 No. 79-13 of August 3,
 1979.....47916

Executive Orders

6143 (Revoked in
 part by PLO 5679).....50344
 6276 (Revoked in
 part by PLO 5679).....50344
 6383 (Revoked in
 part by PLO 5679).....50344
 12093 (Amended by
 EO 12151).....48141
 12151.....48141
 12152.....48143
 12153.....48949

Proclamations:

4671.....48145
 4672.....48147
 4673.....48643
 4674.....49235
 4675.....49237

4 CFR

81.....47755

Proposed Rules:

403.....50847
 410.....50847
 422.....50847

5 CFR

Ch. I.....47523
 Ch. XIV.....45359
 151.....48951
 210.....45587
 300.....48951
 302.....48951
 315.....48951
 330.....48951, 49641
 351.....48951
 352.....48951
 353.....48951
 430.....45587
 432.....45591
 531.....48951
 534.....47029
 550.....48951
 720.....48149
 731.....48951
 733.....48951
 752.....47029, 50323
 754.....48951
 772.....46249
 930.....48951, 50323
 1001.....47525

1200.....50540

Proposed Rules:

451.....48228
 630.....46288
 733.....47543
 771.....45629
 831.....49694
 979.....45917
 1251.....49956-49964
 1252.....49956-49964
 1253.....49956-49964
 1254.....49956-49964
 1255.....49956-49964
 1256.....49956-49964
 1257.....49956-49964
 1258.....49956-49964
 1259.....49956-49964
 1260.....49956-49964
 1261.....49956-49964
 1262.....49956-49964
 1263.....49956-49964
 1264.....49956-49964
 1265.....49956-49964
 1266.....49956-49964
 1267.....49956-49964
 1268.....49956-49964
 1269.....49956-49964

6 CFR

705.....50304
 706.....50304

Proposed Rules:

705.....47232
 706.....48632

7 CFR

Ch. II.....45880
 27.....45917
 46.....50573
 53.....45320
 210.....48149
 220.....48157
 235.....48955
 245.....47034
 277.....47037
 301.....45594, 48160
 417.....47525
 510.....49239
 650.....50576
 781.....47526
 907.....48645
 908.....45359, 46777, 47917,
 49415, 50803
 910.....45595, 47039, 48160,
 48645, 49641
 919.....46427
 924.....49415
 925.....46249
 926.....46427, 47757
 947.....46250
 981.....50027
 993.....46250, 49642

FEDERAL REGISTER PAGES AND DATES, AUGUST

45115-45358.....1	50803-51176.....30
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	
48141-48642.....17	
48643-48948.....20	
48949-49234.....21	
49235-49414.....22	
49415-49640.....23	
49641-50026.....24	
50027-50322.....27	
50323-50572.....28	
50573-50802.....29	

1011.....	46777
1099.....	49416
1124.....	47263
1126.....	50323
1133.....	48646
1421.....	47526, 48647, 50027
1435.....	45596, 49417, 49642
1464.....	45115, 47533
1491.....	49417
1806.....	45115
1822.....	46250
1861.....	46250
1863.....	46250
1872.....	46250
1910.....	48160
1945.....	46250
1951.....	46250
1955.....	46250
1980.....	48160
2852.....	45602
3010.....	49643
Proposed Rules:	
Ch. XVIII.....	46852
14.....	49271
210.....	49694
220.....	49694
318.....	48230
319.....	49695
431.....	46468
432.....	47917
722.....	47543
799.....	45631
926.....	49462
927.....	46777
933.....	45400
979.....	46474
1040.....	47774
1064.....	49695
1065.....	47950
1099.....	48694
1125.....	49462
1135.....	48128
1260.....	46288
1427.....	47096, 47544
1701.....	49695, 49695
1804.....	47774
1924.....	47774
2859.....	47096

8 CFR

103.....	50587
204.....	49430
214.....	49239
238.....	47757, 48652, 50803

Proposed Rules:

214.....	46853, 50604
----------	--------------

9 CFR

51.....	45604
73.....	48162, 50323
78.....	47534
82.....	46263
97.....	45605
201.....	45359
309.....	45605
317.....	48959
318.....	45606, 48959
319.....	48959
381.....	45606

Proposed Rules:

1.....	45912
2.....	45912
3.....	45912
92.....	45631, 48974, 50351
112.....	46290

113.....	45634
202.....	50847
318.....	47098
381.....	47098

10 CFR

2.....	47758
9.....	50804
19.....	47535
20.....	47535
31.....	50324
32.....	50324
34.....	50805
40.....	50012
50.....	47918
51.....	45362, 45374
70.....	47918
73.....	47758
150.....	50012
205.....	50588
208.....	45918
211.....	45375, 50325
212.....	45352, 50847
440.....	50788
463.....	47264
508.....	46676
595.....	47920
711.....	45918
1021.....	45918
1023.....	48163

Proposed Rules:

Ch. II.....	47736, 50801
Ch. III.....	47736, 50801
Ch. IX.....	47736
Ch. X.....	50801
9.....	47950, 50353
30.....	50015
40.....	50015
70.....	50015
71.....	48234
150.....	50015
170.....	50015
211.....	46244, 47546, 48696, 50605
212.....	45900, 45909, 45957, 47546, 50072, 50850, 51148
214.....	47951
220.....	48696
375.....	45900, 45909, 46236, 50850
376.....	46236
391.....	45900, 45909, 50850
420.....	45958
430.....	49696
485.....	45976
503.....	46854
505.....	46854
903.....	45141

12 CFR

4.....	46263, 48169
7.....	46428
201.....	45115
205.....	46432
217.....	46434, 46436, 46437, 47535
226.....	46438, 50326, 50809
329.....	46264, 49644
344.....	45375
403.....	49644
408.....	50810
409.....	50813
526.....	46440, 46441
531.....	46445
541.....	46444

545.....	45116, 46441, 46444, 47759-47764
552.....	49241
556.....	46445
563.....	46441, 47764
571.....	47764
715.....	45607
725.....	49431
740.....	49441
741.....	45607
745.....	49441
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
701.....	50607, 50850

13 CFR

107.....	45120, 50028
108.....	45123
120.....	48653
121.....	47039

Proposed Rules:

Ch. I.....	45412
Ch. V.....	48976
121.....	47098, 50046
130.....	48975

14 CFR

21.....	46778
37.....	50314, 50321
39.....	45375-45377, 45918, 45919, 46872, 46783, 47322, 47924, 48654, 49441, 50029-50035, 50817-50819
45.....	45378
65.....	46778
71.....	45379, 45920, 45921, 46784-46791, 47322-47324, 47925, 47926, 48655, 50036-50038, 50820-50823
73.....	46787, 46790, 46792, 47325
75.....	46787, 46788, 46790, 47326

91.....	45921
97.....	47326, 49442
203.....	49188
207.....	47536, 50591, 50823
208.....	47536, 50596, 50824
212.....	50597, 50825
214.....	50826
298.....	49444
299.....	45380
300.....	47536
302.....	46446
324.....	50598
380.....	48656, 49445, 50827
385.....	48961
399.....	45608
1203.....	45610
1216.....	49650

Proposed Rules:

Ch. I.....	49463
39.....	45960, 46855

71.....	45413, 45960-45962, 46857, 47345, 47951, 47952, 48707, 49463, 50046, 50854-50857
73.....	45413-45416, 45962, 46856, 47953, 49464
75.....	45963
91.....	45964
152.....	46858
204.....	46880
207.....	50607
208.....	50607
212.....	50607
214.....	50607
312.....	45637
374a.....	49464
380.....	50607
1214.....	49274, 50858

15 CFR

922.....	46266
----------	-------

Proposed Rules:

Ch. I.....	48976
Ch. II.....	48976
Ch. III.....	48976
Ch. IV.....	48976
Ch. VIII.....	48976
Ch. IX.....	48976
Ch. XII.....	48976

16 CFR

2.....	47766
13.....	47926, 48170, 48657, 48962, 48964, 49650, 50858, 50862
14.....	47328
460.....	50218
436.....	49966
1105.....	48618

Proposed Rules:

Ch. I.....	45178
13.....	45181, 47098, 47346, 48976, 50047, 50353, 50612, 50614, 50858, 50862
433.....	48708
455.....	48708
802.....	47099

17 CFR

Ch. I.....	50038
200.....	46793, 50834
202.....	50834
203.....	50834
210.....	45610, 49651
211.....	47537
230.....	50834
231.....	46752
240.....	46447, 46736, 49401, 50834
249.....	46447
250.....	50834
260.....	50834
270.....	48657, 48659

Proposed Rules:

1.....	45192
240.....	46748, 47953, 48938, 49465
249.....	47953
270.....	47100, 47546

18 CFR

1.....	46449, 46453, 48171
3.....	46449
35.....	46453
154.....	48174
157.....	48174

270.....48660	178.....47537, 47538	880.....49844-49954	53.....47958, 49701
271.....48180, 48660, 49651, 49656	201.....45615, 46267, 47042	890.....50458	139.....50065
273.....48660	314.....47042	1000.....45645	301.....48719
274.....48664, 49651, 49656	429.....48968	1002.....49699	601.....45192
275.....48664	431.....48186	1003.....47698, 47699, 47713, 50359	
277.....46454	436.....48186	1010.....47698, 47699, 47713, 50359	27 CFR
281.....45922, 48184	446.....48186	1020.....45645	Proposed Rules:
294.....46455	507.....48598		Ch. I.....45326
Proposed Rules:	510.....48969		6.....45298, 48720, 50362
Ch. I.....48257	520.....47043, 47538, 49665		8.....45298, 48720, 50362
2.....49466, 49468, 50052	522.....45618, 47530, 49665		10.....45298, 48720, 50362
3d.....50052	524.....46268, 47539, 48969, 48970, 49666		11.....45298, 48720, 50362
131.....49466	540.....47044, 49666		
154.....46291	546.....48186	22 CFR	28 CFR
156.....49466	556.....45618	6a.....47767	0.....46272
157.....49466	558.....45618, 47044, 50328	17.....47927	9.....48675
159.....47348	561.....49249	1001.....45618	60.....46459
271.....49468	601.....45617		Proposed Rules:
275.....48262	610.....45617		Ch. I.....45295
282.....50063	650.....45617		
	1000.....49667	23 CFR	29 CFR
19 CFR	1010.....48190	230.....46831	13.....49673
4.....467943, 48671	1020.....49667	630.....46835	89.....48201
10.....46794	Proposed Rules:		1600.....47516
11.....46794	Ch. I.....48040, 48264		1601.....47058, 48971
12.....49245	2.....48979, 48983		1613.....45623, 50541
24.....46794	5.....48953		1910.....50338
101.....48671	10.....48953		2618.....47059
113.....49245	16.....47698, 47699, 50359		Proposed Rules:
127.....46794	50.....47713		Subtitle A.....50357
132.....46794	56.....47698, 47699, 50359		Ch. II.....50357, 50558
141.....46794	71.....47698, 47699, 47713, 50359		Ch. IV.....50357
142.....46794	74.....48986, 50360		Ch. V.....50357
143.....46794	101.....45641		Ch. XVII.....50357
144.....46794	135.....48265		Ch. XXV.....50357
151.....46794	171.....47698, 47699, 47713, 50359		1601.....48987
158.....46794	172.....48269, 48986		1910.....48274
159.....45923, 46794, 49248	173.....45641		1926.....48275
172.....46794	180.....47698, 47699, 47713, 50359		2550.....50363, 50367
173.....46794	182.....48269		
Proposed Rules:	184.....50360		30 CFR
Ch. I.....45334	189.....45641		Ch. VII.....49673
6.....46880	201.....47547		55.....48490, 48535, 50571
103.....48709	203.....47104		56.....48490, 48535, 50571
134.....47103, 48719	207.....47547		57.....48490, 48535, 50571
152.....48709	250.....45642		252.....46404
175.....48709	310.....47698, 47699, 47713, 50359		Proposed Rules:
20 CFR	312.....47698, 47699, 47713, 50359		Ch. I.....50357
404.....47766	314.....47698, 47699, 47713, 48953, 50359		45.....47746
416.....47766	320.....47698, 47699, 47713, 50359		250.....47109
655.....47040, 49644	330.....47698, 47699, 47713, 50359		722.....48720
675.....50002	361.....47698, 47699, 47713, 50359		843.....48720
676.....47260, 48185	429.....47528		
685.....50002	430.....47698, 47699, 47713, 50359		31 CFR
Proposed Rules:	431.....47548, 47698, 47699, 47713, 50359		8.....47059
Ch. I.....50357	514.....47548, 48953		Proposed Rules:
Ch. III.....48040	601.....47698, 47699, 47713, 50359		Subtitle A.....45326
IV.....50357	630.....47698, 47699, 47713, 50359		51.....45335
V.....50357	680.....45642		350.....49478
VI.....50357	701.....47547		
VII.....50357	801.....45644		32 CFR
655.....49697	808.....47105		158.....47332
901.....46881	813.....47713		168.....47767
21 CFR			211.....50598
74.....45614			214.....46841
81.....48964			360.....47335, 47931
101.....46266			505.....46459
102.....45614			701.....46272
105.....49665			810.....45623
145.....48186			813a.....45624
161.....50327			879.....47540
176.....48967			903.....47929
			940.....45624
			2500.....50039

Proposed Rules:

41.....	46296
65.....	50616
513.....	45967
953.....	45193

32A CFR**Proposed Rules:**

Ch. VI.....	48976
-------------	-------

33 CFR

17.....	47932
110.....	50040
117.....	45924, 47335
147.....	49452
161.....	45381, 47932
165.....	45925, 47335, 47336, 47933
183.....	47934
209.....	50338

Proposed Rules:

117.....	45969
161.....	47349

35 CFR

253.....	50837
----------	-------

36 CFR

7.....	45124
223.....	45925
907.....	45925
1228.....	47018

Proposed Rules:

222.....	49479
231.....	46480
261.....	47110
1213.....	45417

37 CFR

304.....	45130, 50041
----------	--------------

Proposed Rules:

Ch. I.....	48976
201.....	47550
202.....	47555

38 CFR

3.....	45930, 50339
36.....	47336

Proposed Rules:

3.....	46891
14.....	50864
26.....	48281
36.....	50864

39 CFR

10.....	46460, 50837
233.....	49687

Proposed Rules:

10.....	47556
111.....	47959, 49702

40 CFR

1.....	45131
52.....	46273, 46465, 46845, 47769, 50066, 50600
60.....	49222
65.....	46274, 46275, 47060-47063, 47540, 48202, 48203, 48211, 48675-48679
80.....	46275, 47541
81.....	48679
86.....	47884, 48204
117.....	50766
122.....	47063

125.....	47063
162.....	45131
180.....	45386, 47934
205.....	45194, 45203, 45204, 45210, 45624
405.....	50732
406.....	50732
407.....	50732
408.....	45944, 50732
409.....	50732
411.....	50732
412.....	50732
418.....	50732
422.....	50732
424.....	50732
426.....	50732
427.....	50732
432.....	50732
600.....	46846

Proposed Rules:

50.....	47959
51.....	46481
52.....	45210, 45420, 45647, 46481, 46482, 46892-46895, 47350, 47557, 47559, 47777, 47959, 48988, 49702, 50371, 50619, 50620
60.....	47778
65.....	47111, 47960
81.....	45210, 45650, 44970, 47778, 48285, 48723, 49703
85.....	46686
86.....	46296, 47113
116.....	50783
117.....	50783
120.....	45651
122.....	50780
123.....	49275
162.....	45218, 46303, 46414
163.....	47777
180.....	49276
250.....	49277, 49278, 49402
414.....	47113
416.....	47113

41 CFR

Ch. 101.....	50340, 50838
18.....	48205, 48209
29-70.....	48972
60-30.....	49691
60-250.....	49691
60-741.....	49691
101-20.....	49453
101-26.....	47934
101-36.....	47359, 50342
114-35.....	49454

Proposed Rules:

101-36.....	46305
101-47.....	50865

42 CFR

21.....	46846
51f.....	50601
53.....	45946
57.....	45946
90.....	45946
100.....	45946
122.....	47064, 49454

Proposed Rules:

Ch. I-IV.....	48040
405.....	47117
440.....	46899

43 CFR

2.....	50343
--------	-------

1600.....	46386
3422.....	45946

Proposed Rules:

Ch. II.....	45425
-------------	-------

Public Land Orders:

4228 (Corrected by PLO 5675).....	45133
5446 (Corrected by PLO 5678).....	49455
5653 (Amended by PLO 5677).....	49249
5654 (Amended by PLO 5677).....	49249
5675.....	45133
5676.....	45133
5677.....	49249
5678.....	49455
5679.....	50344

44 CFR

0-10.....	50276
3.....	50276
5.....	50286
6.....	50292
64.....	45133, 45387, 48221, 48222, 49250
65.....	45136, 45137, 45388, 45390, 48224, 49252
67.....	45391-45394, 48680-48682, 49254, 49267

Proposed Rules:

1.....	50299
60.....	45652
67.....	45225-45227, 45970-45972, 47560, 47568, 48285-48287, 48724, 48725, 49278

45 CFR

174.....	47444
175.....	47444
176.....	47444
185.....	48691
302.....	45137
1069.....	50839
1388.....	45947
1968.....	47935

Proposed Rules:

Subtitles A & B.....	48040
Ch. X.....	49479
Ch. XX.....	48976
46.....	47688
64.....	45973
161g.....	45976
503.....	49703
640.....	46901
1062.....	47961
1067.....	50982

46 CFR

282.....	492270
----------	--------

Proposed Rules:

Ch. I.....	47359
Ch. II.....	48976
201.....	48287
208.....	48287
221.....	46492
251.....	48287

47 CFR

Ch. I.....	47935
0.....	50839
1.....	45396
13.....	48225
18.....	48178
19.....	50841

31.....	47359
33.....	47359
42.....	47359
43.....	47359
73.....	45395, 45625, 45626, 45951, 47092, 47936, 48225, 50345
76.....	45951
81.....	45396
83.....	45396, 45627
87.....	45627
90.....	49691, 49692, 50602
201.....	47772
202.....	47772

Proposed Rules:

1.....	48287
2.....	48299
15.....	45227, 48299
31.....	48988
63.....	50371, 50377, 50866
64.....	47961, 50371, 50377
73.....	45653, 47962-47964, 50377-50380
74.....	48303
76.....	48997
81.....	46493
83.....	46493
87.....	47118
90.....	49704, 50876

49 CFR

Ch. X.....	46847
Subchapter B.....	49459
1.....	47937
171.....	49455
172.....	49455
173.....	47937, 49455
176.....	49455
178.....	49455
192.....	50842
265.....	50041
266.....	51128
396.....	50041
571.....	46849, 46850
393.....	47938
609.....	47343
1033.....	45397, 46277, 46278, 46460, 47773, 48692, 48693
1036.....	47541
1056.....	49692
1245.....	45956
1246.....	45956

Proposed Rules:

Chs. I-VI.....	50140
Ch. X.....	48304
127.....	47966
171.....	47966
172.....	47966
173.....	47966
174.....	47966
175.....	47966
176.....	47966
177.....	47966
269.....	51141
571.....	45426, 47966, 50067, 50878
635.....	50067
1056.....	45429, 49706
1065.....	47120
1090.....	49279
1109.....	48732

50 CFR

17.....	49218
18.....	45565

20.....	46462, 47093, 48846, 50544
32.....	45137, 46279, 46280, 46463, 46464, 47093, 47939- 47942, 49459, 50346-50348, 50842, 50844
33.....	45397, 46464, 50844, 50845
611.....	45398, 46285, 50042
653.....	48226
67250042	
674.....	45398, 46286
810.....	47902

Proposed Rules:

Ch. II.....	48976
Ch. VI.....	48976
17.....	47862, 51144
20.....	47246
32.....	49707
216.....	46903
402.....	47862
405.....	47862
410.....	48305
530.....	45654
540.....	47123
611.....	46903, 47124, 50879
652.....	45227
672.....	47124
810.....	47386

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

- 45066 7-31-79 / Guidelines for development and implementation of State solid waste management plans

FEDERAL RESERVE SYSTEM

- 44830 7-31-79 / Equal credit opportunity, official staff interpretation

INTERIOR DEPARTMENT

Indian Affairs Bureau—

- 45096 7-31-79 / Indian Child Welfare Act, implementation
45092 7-31-79 / Tribal reassumption of jurisdiction over child custody proceedings

LABOR DEPARTMENT

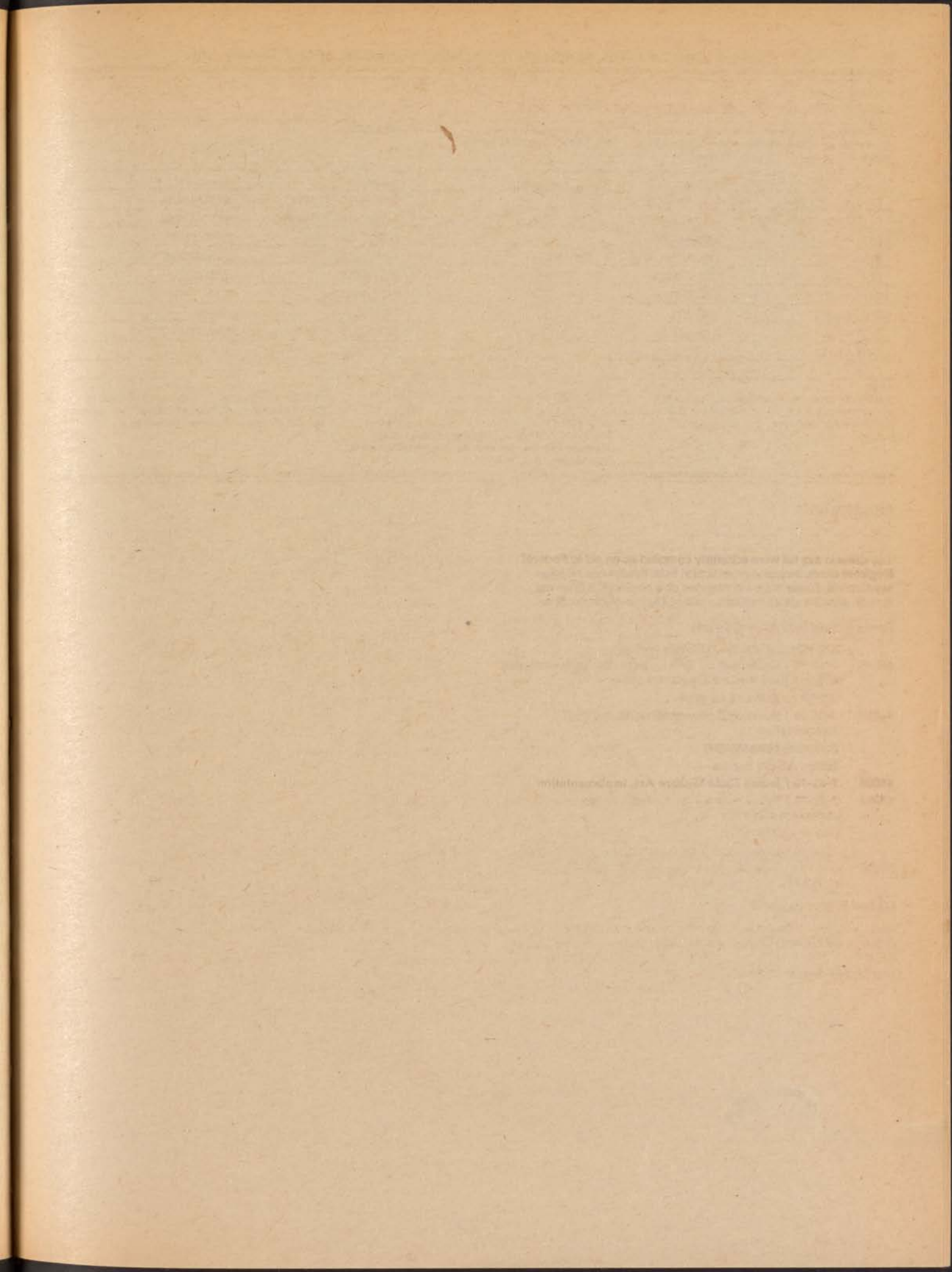
Mine Safety and Health Administration—

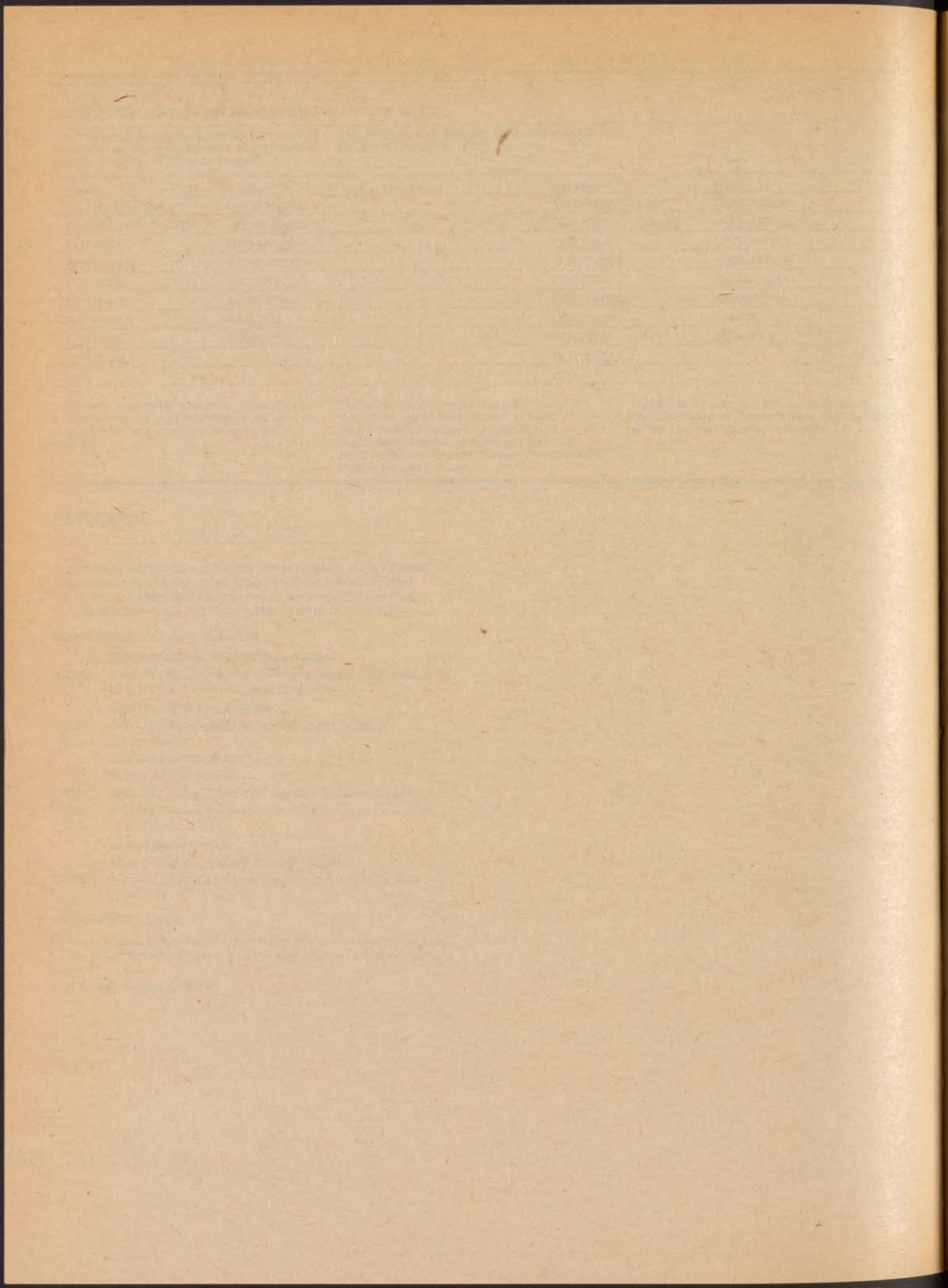
- 31908 6-1-79 / Radiation, fire protection and control; safety standards

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 17, 1979



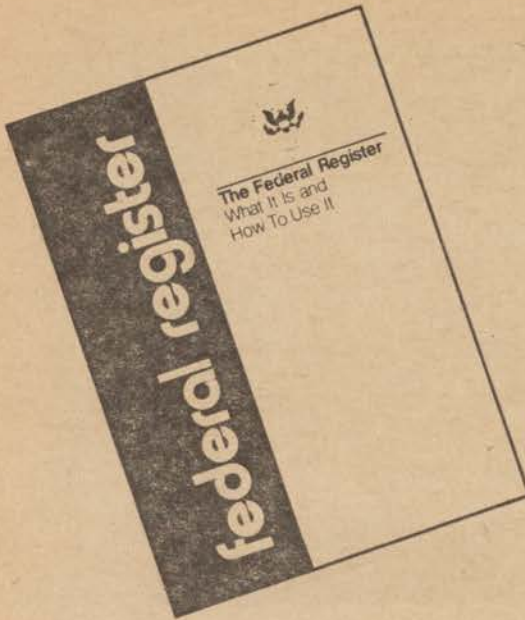




THE EDITORIAL ASSISTANT
HOW TO USE IT



NOW AVAILABLE



THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

A Guide for the User of the Federal Register—
Code of Federal Regulations System

This handbook contains a narrative version of the main elements of the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide helpful information for using the FEDERAL REGISTER and related publications.

MAIL ORDER FORM To: Superintendent of Documents, U.S. Government Printing Office,
Washington, D.C. 20402

Enclosed find \$..... (check, money order). Please send me copies of THE FEDERAL
REGISTER—WHAT IT IS AND HOW TO USE IT, at \$2.40 per copy. (Stock No. 022-003-00953-1)

Please charge this order Name
to my Deposit Account Street address
No. City and State ZIP Code

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW INCLUDING YOUR ZIP CODE

U.S. GOVERNMENT PRINTING OFFICE
SUPERINTENDENT OF DOCUMENTS
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

Name
Street address
City and State ZIP Code

FOR USE OF SUPT. DOCS.

..... Enclosed.....
..... To be mailed.....
..... later.....
..... Subscription.....
..... Refund.....
..... Postage.....
..... Foreign handling.....

☆ GPO: 1977-O-248-907

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK