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Monday
September 10, 1979

Highlights

ADDRESSES FOR DELIVERY OF COMMENTS

Some readers of the **FEDERAL REGISTER** have complained that it is difficult to hand deliver comments on agency rulemakings. Agencies always give a mailing address, but when that address is a post office box, it may take many phone calls to find out where to deliver comments. Consider saving the readers time by including this information in proposed rule documents. For example—

ADDRESSES: Comments may be mailed to Box 1, Washington, D.C. 00000, or delivered to Room 1, 1 First Street, Washington, D.C. between 8:45 am and 5:15 pm. Comments received may also be inspected at Room 1 between 8:45 am and 5:15 pm.

52741 **Energy** DOE prints notice of extension of time on subsequent arrangement between U.S. and Japan for the reprocessing of fuel; effective 9-25-79

52680 **Handicap** NASA provides regulations to eliminate discrimination in any program or activity receiving Federal financial assistance; effective 9-10-79; comments by 10-25-79

52696 **Income Tax** Treasury/IRS solicits views on proposed regulations defining "gross cash rentals" for electing to value certain farm real property; comments by 11-9-79

CONTINUED INSIDE

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Highlights

52675 **International Banking** FDIC issues amending regulations to include deposits of nonresident foreign citizens and adopt an interpretation providing an alternate "initial deposit" for accounts at State branches of foreign banks; effective 9-10-79

52692 **Banking** FDIC intends to amend regulations on the insured status of banks; comments by 11-9-79

52761 **Financial Assistance** USDA/SCS sets forth final rule on requirements relative to acquisition of landrights, permits, and clearances required by Federal, State and local statutes; effective 9-10-79

52711 **Grants** CSA prints notice to fund seven conduit farmworker Community Food and Nutrition Programs; effective 9-10-79

52820 **Securities** SEC proposes regulations on existing staff guidelines for statistical disclosure by bank holding companies; comments by 10-30-79 (Part V of this issue)

52816 **Securities** SEC adopts a rule and two amendments on advertising by investment companies under the Act; effective 8-31-79 (Part IV of this issue)

52792 **Clean Air** EPA promulgates rule on standards of performance for new stationary gas turbines under the Act; effective 9-10-79 (Part II of this issue)

52678 **Aircraft** DOT/FAA gives final rule on miscellaneous amendments designed to provide safe and efficient use of navigable airspace and promote safe flight operations

52696 **Mobile Homes** HUD proposes revision of construction and safety standards; comments by 11-6-79

52695 **Housing** HUD proposes to establish standard requirements and guidelines for locating projects at acceptable distances from stationary hazardous operations; comments by 11-9-79

52713 **Import Products from Thailand** Committee for the Implementation of Textile Agreements announces additional controls on certain cotton textile; effective 9-10-79

52787 **Sunshine Act Meetings**

Separate Parts of This Issue

52792 **Part II, EPA**
52810 **Part III, SEC**
52816 **Part IV, SEC**
52820 **Part V, SEC**

Contents

Federal Register
Vol. 44, No. 176
Monday, September 10, 1979

The President
PROCLAMATIONS
52669 National Grandparents Day (Proc. 4679); correction

Executive Agencies

ACTION
NOTICES
52703 VISTA guidance papers

Agricultural Marketing Service
RULES
52674 Potatoes (Irish) grown in Colo.
PROPOSED RULES
52690 Potatoes (Irish) grown in Colo.

Agriculture Department
See Agricultural Marketing Service; Forest Service; Soil Conservation Service.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings:
52754 Advisory committees; September

Civil Aeronautics Board
NOTICES
52709 Certificates of public convenience and necessity; foreign air carrier permits; applications:
Hearings, etc.:
52709 Baltimore/Washington-St. Louis route proceeding
52710 Frontier, Lake Central, and Mohawk Airlines; redetermination of profit sharing refunds
52709 U.S. Airways, Inc.
52787 Meetings; Sunshine Act
52710 Standard industry fare level; interim

Coast Guard
NOTICES
Meetings:
52781 Maritime industry structural research programs and research needs

Commerce Department
See Maritime Administration; National Oceanic and Atmospheric Administration.

Community Planning and Development, Office of Assistant Secretary
RULES
Community development block grants:
52685 Editorial and technical changes; interim; correction

Community Services Administration
RULES
52689 Energy crisis assistance program; correction
NOTICES
52711 Community food and nutrition programs; farmworkers funding notifications

Defense Department
NOTICES
Meetings:
52714 Women in Services Advisory Committee
52714 Privacy Act; systems of records

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; exemption requests, etc.:
52716 Cincinnati Gas & Electric Co.
52717, 52725 Consolidated Edison Co. of New York, Inc. (2 documents)
52718 Consumers Power Co.
52719 Dayton Power & Light Co.
52720 Duke Power Co.
52721 Florida Power & Light Co.
52723 Iowa Power & Light Co.
52726 Iowa Power & Light Co. et al.
52724 Kansas Power & Light Co.

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
52741 Japan
52715 Thailand

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
52792 Gas turbines
Water pollution control:
52685 Conventional pollutants list; additions, deletions, etc.; correction
NOTICES
Environmental statements; availability, etc.:
52742, 52746 Agency statements; review and comment (2 documents)
Meetings:
52750 Administrator's Toxic Substances Advisory Committee
Water pollution:
52751 Toxic substances; water quality criteria; inquiry; correction
Water pollution control; safe drinking water; public water systems designations:
52751 California

Equal Employment Opportunity Commission
NOTICES
52787 Meetings; Sunshine Act

Federal Aviation Administration
RULES
Airworthiness directives:
52676 Agusta
52676 Boeing

52677, 52678 Control zone and transition area (2 documents)
52678 Standard instrument approach procedures
PROPOSED RULES
52694 Terminal control areas; informal airspace; meetings; location change for Puerto Rico
52694 Transition areas
NOTICES
52781 Exemption petitions; summary and disposition:
Meetings:
52782 Aeronautics Radio Technical Commission

Federal Deposit Insurance Corporation
RULES
Foreign banks:
52675 Deposit insurance procedures; nonresident foreign citizen exemption and alternate "initial deposit" interpretation
PROPOSED RULES
52691 Deposit insurance coverage; payment of insured deposits; receiverships and liquidations, etc.; CFR Parts and Sections removed
Practice and procedure:
52692 Insured status termination

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978:
52702 High-cost natural gas, etc; hearings on proposals
NOTICES
Hearings, etc.:
52727 Algonquin Gas Transmission Co.
52728 ANR Storage Co.
52728-52730 Central Vermont Public Service Corp. (6 documents)
52731, 52732 Columbia Gas Transmission Corp. (2 documents)
52731 Connecticut Light & Power Co.
52731 Consolidated Gas Supply Corp.
52732 Edison Sault Electric Co.
52732 Florida Power & Light Co.
52733 Gas Transport, Inc.
52733 Iowa Power & Light Co.
52733 Kentucky West Virginia Gas Co.
52734 Lo-Vaca Gathering Co.
52735 Montana Power Co.
52735 Municipal Wholesale Power Group
52736 Natural Gas Pipeline Co. of America (2 documents)
52736, 52738 Northern Natural Gas Co. (2 documents)
52739 Northern States Power Co.
52739 Ohio Edison Co.
52739 Public Service Co. of New Mexico
52741 Union Electric Co.
52787, 52788 Meetings; Sunshine Act (2 documents)

Federal Home Loan Bank Board
NOTICES
52788 Meetings; Sunshine Act (2 documents)

Federal Maritime Commission
NOTICES
52753, 52754 Agreements, filed etc. (2 documents)
52788 Meetings; Sunshine Act
52754 United National Convention; code of conduct for liner conferences; inquiry; extension of time

Federal Railroad Administration
NOTICES
Petitions for exemptions, etc.:
52782 East Erie Commercial Railroad Co.
52783 Mount Hood Railway Co.
52783 National Railroad Passenger Corp., hearing

Fish and Wildlife Service
RULES
Hunting:
52689 Muscatatuck National Wildlife Refuge, Ind., et al.

Forest Service
NOTICES
Environmental Statements; availability, etc.:
52708 Land and Resource Management Plan, Southwestern Region
Meetings:
52708 National Forest System Advisory Committee

Health, Education, and Welfare Department
See also Alcohol, Drug Abuse, and Mental Health Administration; Health Resources Administration.
NOTICES
Organization, functions, and authority delegations:
52755 Social Security Administration

Health Resources Administration
NOTICES
Grants; availability:
52755 Financial distress
52755 Physician assistant training program

Housing and Urban Development Department
See also Community Planning and Development, Office of Assistant Secretary; Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.
PROPOSED RULES
52695 Projects near stationary hazardous operations which handle explosive or flammable fuels or chemicals

Indian Affairs Bureau
NOTICES
52757 Indian tribes, acknowledgement of existence; petitions

Interior Department
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service; Reclamation Bureau; Surface Mining Office.
NOTICES
Environmental statements; availability, etc.:
52758 Missouri Breaks area, Mont.; grazing management program

Internal Revenue Service
PROPOSED RULES
Estate and gift taxes:
52698 Farm and closely held business real property valuation; material participation requirements; withdrawal of "gross cash rental" portion of proposed rulemaking

52696 Farm real property valuation; definition of "gross cash rental"
NOTICES
Meetings:
52784 Art Advisory Panel
52711 Merchant marine and fisheries capital construction funds; interest rates on nonqualified withdrawals

Interstate Commerce Commission
NOTICES
52785 Fourth section applications for relief
Motor carriers:
52785 Agricultural cooperative transportation; filing notices
Railroad car service orders; various companies:
52786 Atchison, Topeka & Santa Fe Railway Co., et al.

Justice Department
See Law Enforcement Assistance Administration.

Land Management Bureau
RULES
Public land orders:
52686 Idaho
52685 New Mexico
NOTICES
Meetings:
52757 Craig District Grazing Advisory Board

Law Enforcement Assistance Administration
NOTICES
Meetings:
52758 Law Enforcement and Criminal Justice National Institute Advisory Committee

Management and Budget Office
NOTICES
52759 Agency forms under review

Maritime Administration
NOTICES
52711 Merchant marine and fisheries capital construction funds; interest rates on nonqualified withdrawals

National Aeronautics and Space Administration
RULES
Nondiscrimination:
52680 Handicapped in federally-assisted programs; comments requested

National Highway Traffic Safety Administration
NOTICES
Meetings:
52784 Motorcycles, increased conspicuousness to prevent urban intersection accidents
52784 Single beam headlighting system feasibility evaluation to reduce nighttime accidents
52783 Motor vehicle identification numbers, appointment of agent for assignment of manufacturer identifier

National Oceanic and Atmospheric Administration
NOTICES
Coastal zone management programs:
52711 Michigan
52712 Wisconsin
Meetings:
52711 Mid-Atlantic Fishery Management Council
52711 Merchant marine and fisheries capital construction funds; interest rates on nonqualified withdrawals

National Park Service
NOTICES
Management and development plans:
52758 National Colonial Farm, Md.; inquiry and hearings

National Science Board
NOTICES
52789 Meetings; Sunshine Act

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
PROPOSED RULES
52696 Mobile home construction and safety standards; extension of time

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
52759 Southern California Edison Co. et al.; republication
52789 Meetings; Sunshine Act

Reclamation Bureau
PROPOSED RULES
52699 Rights-of-way use; requests processing and cost recovery procedures
NOTICES
52757 Water service contracts, temporary

Securities and Exchange Commission
RULES
52816 Investment companies, advertising; "omitting" prospectus and "tombstone" advertisements
PROPOSED RULES
52820 Bank holding companies; statistical disclosures
Improving Government regulations:
52810 Regulatory agenda
NOTICES
Hearings, etc.:
52777 Capital Corp. of Wyoming, Inc.
52762 Columbia Gas System, Inc.
52762 Financial Trends Mutual Fund, Inc.
52779 Narragansett Electric Co.
52779 Warner-Lambert Co.
Self-regulatory organizations; proposed rule changes:
52763 American Stock Exchange, Inc.
52772, 52775 Municipal Securities Rulemaking Board (2 documents)
52772, 52773 National Association of Securities Dealers, Inc. (2 documents)

Small Business Administration
NOTICES
Applications, etc.:
52780 Wisconsin Capital Corp.
Disaster areas:
52780 Tennessee

Soil Conservation Service
RULES
Support activities:
52761 Landrights, water rights, and construction permits; acquisition requirements; correction

State Department
NOTICES
Meetings:
52781 Inter-American Tropical Tuna Commission: U.S. National Section Advisory Committee

Surface Mining Office
PROPOSED RULES
52698 Abandoned mine reclamation funds

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
52712 Malaysia
52713 Thailand

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

Treasury Department
See also Internal Revenue Service.
NOTICES
Meetings:
52785 Foreign Portfolio Investment Survey Advisory Committee

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
52708 Environmental Statement for the Southwestern Region Land and Resource Management Plan, September and October meeting
52708 National Forest System Advisory Committee, 10-9 through 10-11-79

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
52711 Mid-Atlantic Fishery Management Council, 9-28-79, 10-26-79, 11-30-79, 1-25-80, and 2-29-80

DEFENSE DEPARTMENT
Office of the Secretary—
52714 Defense Advisory Committee on Women in the Services 10-21 through 10-25-79

ENVIRONMENTAL PROTECTION AGENCY
52750 Administrators Toxic Substances Advisory Committee, 9-25-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
52754 Rape Prevention and Control Advisory Committee, 9-24 and 9-25-79

INTERIOR DEPARTMENT
Land Management Bureau—
52757 Craig District Grazing Advisory Board, 10-4-79
National Park Service—
52758 National Colonial Farm Development Concept Plan, 10-2-79

JUSTICE DEPARTMENT
Law Enforcement Assistance Administration—
52758 National Institute of Law Enforcement and Criminal Justice Advisory Committee, 9-27 and 9-28-79

STATE DEPARTMENT
52781 United States National Section of the Inter-American Tropical Tuna Commission Advisory Committee, 10-4 and 10-5-79

TRANSPORTATION DEPARTMENT
Coast Guard—
52781 Office of Merchant Marine Safety, 9-20-79
Federal Aviation Administration—
52782 Radio Technical Commission for Aeronautics Executive Committee, 9-21-79
Federal Railroad Administration—
52783 National Railroad Passenger Corporation, 10-16-79
National Highway Traffic Safety Administration—
52784 Final Contract Briefing, 9-24-79 (2 documents)

TREASURY DEPARTMENT
Internal Revenue Service—
52784 Art Advisory Panel, 10-10 and 10-11-79
Office of the Secretary—
52785 Foreign Portfolio Investment Survey Advisory Committee, 9-27-79

CHANGED MEETING

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
52694 Informal Airspace meeting in San Juan, Puerto Rico, 10-9-79

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

4679 (correction) 52669

7 CFR

651 52671
948 52674

Proposed Rules:

948 52690

12 CFR

346 52675

Proposed Rules:

301 52691
305 52691
306 52691
307 52692
325 52691
327 52692
330 52691

14 CFR

39 (2 documents) 52676
71 (2 documents) 52677, 52678
97 52678
1251 52680

Proposed Rules:

Ch. I 52694
71 52694

17 CFR

230 52816

Proposed Rules:

Ch. II 52810
231 52820
241 52820

18 CFR

Proposed Rules:

271 52702
274 52702
275 52702

24 CFR

570 52685

Proposed Rules:

51 52695
3280 52696

26 CFR

Proposed Rules:

20 (2 documents) 52696, 52698

30 CFR

Proposed Rules:

872 52698

40 CFR

60 52792
401 52685

43 CFR

Public Land Orders:

5680 52686
5682 52685

Proposed Rules:

429 52699

45 CFR

1061 52689

50 CFR

32 52689

Federal Register
Vol. 44, No. 176
Monday, September 10, 1979

Presidential Documents

Title 3—

The President

Proclamation 4679 of September 6, 1979

National Grandparents Day

Correction

The file line for Proclamation 4679, appearing at page 52159 in the **Federal Register** issue of September 7, 1979, was incomplete. The correct file line is [FR Doc. 79-28208 Filed 9-6-79; 1:00 pm]

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Part 651

Landrights, Water Rights, and Construction Permits for Projects Receiving Federal Financial Assistance

AGENCY: Soil Conservation Service (SCS).

ACTION: Final rule.

SUMMARY: This rule sets forth the requirements relative to the acquisition of landrights, permits and clearances required by Federal, State and local statutes for Federal financial assistance under programs administered by SCS. The requirements are mandated by the programs set out in 7 CFR, Chapter VI, Subchapter A, Part 601. This rule will be SCS policy and procedures for acquiring the needed landrights, permits and clearances.

EFFECTIVE DATE: September 10, 1979.

FOR FURTHER INFORMATION CONTACT: Lincoln F. Gallacher, Director, Administrative Services Division, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, Telephone (202) 447-5111.

SUPPLEMENTAL INFORMATION: In the November 16, 1978, issue of the **Federal Register** (43 FR 53443), the Soil and Conservation Service published a notice of proposed rulemaking establishing policy for acquiring landrights and other rights needed for projects under programs administered by the Soil Conservation Service.

Interested persons were given until January 15, 1979, to submit written comments regarding the proposed rules. All comments received were carefully considered. Written comments received pursuant to this notice are available at the Administrative Services Division (Room 2202 Auditors Building), Soil Conservation Service, Department of Agriculture, Washington, D.C.

SUMMARY OF COMMENTS RECEIVED AND RESPONSES: 1. Comment: Subpart B, § 651.12(c)(4), is unclear on whether natural gas facilities are included in the term utilities.

Response: § 651.2 has been expanded to include a definition for public utilities.

2. Comment: § 651.14 should be revised to clarify how the relocation of railroads, highways, and public utilities should be carried out. For example, it might be interpreted by some as limiting the relocation of railroad rights-of-way.

Response: § 651.14(c)(1) requires that no impoundment structure be built that will result in flooding of a railroad that is to remain in use. The converse of the stated requirement is neither intended nor to be implied.

3. Comment: § 651.14(d) should add the term "natural gas facilities or buildings" and § 651.14(f) should add "natural gas facilities or property" and "natural gas company" after "utilities" and "utility company" respectively to remove all doubt that such property interests are to be protected from flood damage.

Response: The definition of public utilities in § 651.2 was added to clarify for the purposes of these rules that the term "public utilities" includes all such facilities.

4. Comment: § 651.21 appears to allow only fee simple title acquisitions. Provision should be made to allow less than fee simple title acquisitions when sufficient for the project.

Response: § 651.21 provides for Federal financial assistance for certain landrights acquired under PL 83-566, PL 91-343, and PL 91-566. These require the acquisition of fee simple interest for public developments. Projects requiring landrights for the sole purpose of flood prevention under PL 91-566 allow the use of easements and do not require fee title. § 651.21 has been expanded to permit Federal financial assistance up to an amount representing the minimum cost of easements needed for the sole purpose of flood prevention acquired under PL 91-566 but not PL 83-566 or PL 91-343. Other landrights interests are not eligible for Federal financial assistance and may be other than fee title.

5. Comment: There may be instances in which the policy requiring the acquisition of mineral rights and water rights would hinder the acquisition process. This complication of the land acquisition may jeopardize the entire project.

Response: The requirement regarding mineral rights is explained in § 651.14 (k). If it is determined that an outstanding prior right will interfere with the purposes of the project, it is only proper that such an interference be removed. If the property were used without removal of the outstanding right, a hazardous condition could be created or a subsequent legal action could be started by the holder of the outstanding right. This action could close the project.

A comment within the Soil Conservation Service suggested that § 651.22 be further amended to include donations as an item to which financial assistance may be applied. Because this will clarify what is intended to be covered and will not adversely affect applicants' benefits, the proposal has been adopted.

Accordingly 7 CFR, Chapter VI, Part 651 is published as a final new regulation.

R. M. Davis,
Administrator, Soil Conservation Service.
August 29, 1979.

PART 651—LANDRIGHTS, WATER RIGHTS, AND CONSTRUCTION PERMITS

Subpart A—General

Sec.
651.1 Purpose and scope.
651.2 Definitions.

Subpart B—Landrights Not Authorized for Federal Financial Assistance

651.10 General.
651.11 Designation of sponsor responsible for landrights.
651.12 Duration of landrights.
651.13 Responsibilities of sponsors.
651.14 Responsibilities of SCS.

Subpart C—Landrights Authorized for Federal Financial Assistance

651.20 General.
651.21 Responsibilities of sponsors.
651.22 Responsibilities of SCS.

Subpart D—Conservation Operations

651.30 Responsibility for acquisition of landrights.
651.31 [Reserved].

Subpart E—Emergency Watershed Protection

Sec.

651.40 Responsibility for acquisition of landrights.

651.41 [Reserved].

Subpart F—Great Plains Conservation Program

651.50 Responsibility for acquisition of landrights.

651.51 [Reserved].

Authority: 7 CFR 2.62.

Subpart A—General

§ 651.1 Purpose and scope.

(a) This part sets forth the requirements for Federal financial assistance to projects under programs administered by the Soil Conservation Service (SCS) for—

(1) Acquisition of landrights, including water rights and mineral or subsurface rights;

(2) Acquisition of installation permits;

(3) Acquisition of clearances required by Federal, State, and local statutes; and

(4) Implementation of Part 21 of this title as it relates to the acquisition of interests in real property.

(b) These regulations apply to measures installed under the following programs:

(1) Watershed Protection and Flood Prevention (WP&FP). See Part 622 of this chapter.

(2) Flood Prevention (FP). See Part 623 of this chapter.

(3) Resource Conservation and Development (RC&D).

(4) Conservation Operations (CO). See Part 610 of this chapter.

(5) Great Plains Conservation (GP). See Part 631 of this chapter.

(6) Emergency Watershed Protection (EWP). See Part 624 of this chapter.

(7) Specifically authorized projects.

(c) These regulations are to remain in force until they are superseded. Project measures in existing project agreements are not affected by these regulations.

§ 651.2 Definitions.

Acquiring agency. Any agency or organization that has or acquires an interest in real property to carry out a project with Federal financial assistance under programs administered by SCS. In watershed projects and resource conservation and development areas, the acquiring agency must be a sponsor of the project.

Donated landright. A donated landright is a conveyance of real property or an interest in real property in which the only consideration paid is a pro forma amount such as $1.00 customarily cited as the consideration for a landright's conveyance.

Easement. An interest in land that entitles the easement holder to a specific limited use or enjoyment.

Induced flooding. Flooding caused by installation of a project measure.

Landrights. Any interests acquired or permission obtained to use land, buildings, structures, or other improvements classified or referred to generally as real property or as land, easements, and rights-of-way.

Landrights agreement. A fund-obligating document that identifies the eligible landrights to be acquired and the amount of Federal financial assistance to be provided.

Land users. Those who individually or collectively use land as owners, lessees, occupiers, or by other arrangement that gives them conservation planning or implementation concern and responsibility for the land.

Mineral right. An interest in minerals, including the right to exploit or develop that interest.

Permit. A permission or license issued by a person in authority or proprietary control empowering the permittee to do some act(s) not forbidden by law but allowable only with that permission or license.

Project agreement. A written agreement between SCS and the sponsor(s) establishing detailed working arrangements for the installation of works of improvement or for other related purposes.

Project measures. An undertaking for watershed protection; flood prevention; the conservation, development, use, and disposal of water; the conservation and proper use of land; or a combination thereof. The undertaking may consist of land treatment, nonstructural or structural measures, or a combination thereof.

Public utilities. The facilities of an organization engaged in regularly supplying some commodity or service needed by the public, such as electricity, gas, steam, water, sewerage, transportation, or telephone or telegraph service.

Sponsor. An agency or organization with authority to provide local responsibility for a Federal financially assisted local project under a program administered by SCS.

State conservationist. The SCS line officer responsible for SCS activities within a particular State, the Commonwealth of Puerto Rico, or the U.S. Virgin Islands.

Term easement. An easement in effect for a specified period of time, such as a term of years or months, or for the life of either the grantor or grantee.

Water right. Any interest acquired in, priority established for, or permission obtained for the use of water.

Subpart B—Landrights Not Authorized for Federal Financial Assistance

§ 651.10 General.

This subpart prescribes the regulations for the acquisition of landrights when Federal financial assistance for landrights is not authorized.

§ 651.11 Designation of sponsor responsible for landrights.

One or more sponsors are to be responsible for acquiring landrights needed for project measures. The responsible sponsors are to be designated in the program agreement along with their authority and sources of funds to acquire landrights.

§ 651.12 Duration of landrights.

(a) The sponsor must acquire the necessary landrights before the project agreement can be signed.

(b) The rights must extend through a reasonable period for planning, installation, and—

(1) The evaluated life of the project measure;

(2) The evaluated life of project measures that are economically evaluated as a unit; or

(3) The useful life of project measures for land conservation or land use.

(c) Permits are sufficient for the following financially assisted project measures:

(1) Project measures that do not require operation and maintenance.

(2) Project measures that are to be operated and maintained by the landowner.

(3) One-time operations within a project measure such as a survey, investigation, or spoil spreading.

(4) Subordination of the rights of utilities within a project measure area.

(d) Term or perpetual easements are required for financially assisted project measures that require operation and maintenance by someone other than the landowner.

§ 651.13 Responsibilities of sponsors.

Sponsors are responsible for—

(a) Acquiring landrights, waterrights, and permits needed for the investigation and survey, installation, inspection, and operation and maintenance of project measures to be installed with Federal financial assistance in conformance with SCS policy set forth in this part;

(b) Acquiring the rights in accordance with Pub. L. 91-646 and the implementing regulations of the U.S.

Department of Agriculture (USDA) (Part 21 of this title);

(c) Paying all costs associated with acquiring or failing to acquire landrights;

(d) Acquiring all landrights before entering into a project agreement to install the project measures;

(e) Submitting proposed landrights instruments for SCS approval;

(f) Submitting proposed special provisions before they are included in landrights instruments; and

(g) Providing certification of the legality and adequacy of the landrights acquired along with copies of the landrights instruments for SCS review.

§ 651.14 Responsibilities of SCS.

(a) The state conservationist is to determine for each project measure the minimum area for which landrights must be acquired. In making this determination, the state conservationist is to include all areas needed to comply with the criteria set forth below and such additional areas as, in his or her prudent judgment, are to be included because of present, proposed, or possible future land uses that will adversely affect the functioning of the project measure.

(1) *Dams.* The state conservationist is to ensure that the sponsor acquires landrights for the area of the structure, reservoir, and spillway; areas adversely affected by changed waterflow including but not limited to areas for spillway discharge; areas for environmental and protective features; and other areas needed for activities such as design, operation and maintenance, construction, spoil disposal, borrow, ingress and egress, and diversion of water. If the structure is designed with an emergency spillway, upstream landrights are required for the area below the higher elevation of either the crest of the primary emergency spillway or the maximum elevation of the water surface attained during passage of the 100-year, 24-hour hydrograph through the structure. If the dam is not designed with an emergency spillway, minimum upstream landrights, are to include all the area below the elevation of the top of the dam.

(2) *Channels.* The state conservationist is to ensure that the sponsor acquires landrights for—

(i) Areas within the channel's designed top width and the berm width necessary on each channel bank to insure stability of the channel, channel banks, and side slopes;

(ii) Areas needed for installation, inspection, design, operation and maintenance, ingress and egress, and disposal and diversion of water;

(iii) Areas needed for environmental protection features; and

(iv) Other areas adversely affected by changed streamflow characteristics or induced flooding.

(b) The state conservationist is to furnish the sponsor a landrights work map showing the specific areas on which landrights are to be obtained and the minimum interest that must be acquired in each area. The map is to show landmarks for location of area, acquisition elevations, flowage elevations, apparent tract ownerships, acreages and boundaries, location of the project measure, installations affected by construction such as roads, utility lines, pipelines, railroads, buildings, wells, springs, and bridges, all right-of-way boundaries, routes of ingress and egress where essential, and other similar features.

(c) Before installing any structure that would result in flooding of railroads, highways, public roads, dwellings, buildings, water sources, public utilities, burial sites, and historic sites or monuments, the state conservationist is to meet the following criteria:

(1) Railroads that are to remain in use may not be flooded.

(2) Highways and public roads may not be flooded below the elevation of the flowage line except under the following conditions:

(i) The highway or public road is closed for a brief period and there is an alternate all-weather route that can be used with a minimum of inconvenience.

(ii) A written right or permission to flood the highway or public road has been obtained from the State, county, or agency having jurisdiction over the highway or public road. The written right or permission may be an easement, court order, or, if those cannot legally be given, a permit. The written right or permission must be accompanied by a citation of the applicable State statute or a written opinion of the State attorney general stating that the State, county, or agency granting the permission has legal authority to allow the road to be closed by flooding.

(iii) Dwellings are accessible by an all-weather road that will not flood more frequently than it did under preconstruction conditions. If a road providing the only access to a dwelling is at a lower elevation than the flowage line, an historical record of preconstruction flooding is to be developed and documented in the landrights file.

(d) The state conservationist may not allow dwellings, including basements, or any other buildings that contain valuable property or that may be used as permanent or seasonal living quarters, to remain in the area requiring flowage rights unless they are floodproofed or otherwise protected from damage by the storm event used to establish the flowage right elevation. Before financial assistance is made available to a sponsor, the dwelling or building must be demolished, relocated, raised or protected by a floodwall, and it must be done so that there will be adequate drainage and no unreasonable ponding of water.

(1) If formally requested by the sponsor and approved by the state conservationist, other buildings such as barns and garages may remain in the flowage easement area. Generally, approval for flooding buildings of this type will not be granted if the building is used for the storage of feed, perishable items, supplies, equipment, or other items that would be substantially damaged by flooding. This also applies to any building used for other purposes if flooding would cause an interruption or delay of operations carried on in the building or cause a hazard that may result in injury, death, or damage to the building's contents.

(e) The state conservationist may not allow the flooding of water sources such as springs or wells until sponsors have complied with State laws, ordinances, and regulations relating to water sources.

(f) The state conservationist may not allow public utilities to be flooded unless the utility company has determined that the function of the facility will not be affected adversely and a subordination agreement has been obtained.

(g) The state conservationist may not allow burial sites such as cemeteries and private family plots to be flooded unless disinterment and reburial has been accomplished in accordance with State law.

(h) The state conservationist may not allow historical sites or monuments to be flooded until Part 656 of this title has been complied with.

(i) The state conservationist is to assist the sponsor in obtaining permission to survey for and/or recover archeological or historical resources in accordance with Part 656 of this title.

(j) The state conservationist is to identify apparent water rights needed and develop a procedure for the sponsor to document their compliance with State laws.

(k) The state conservationist is to advise the sponsor of the importance of mineral rights to the project measure and review the findings on outstanding mineral rights against design criteria for the measure.

(l) Before landrights negotiations begin, the state conservationist is to review and approve all instruments to be used in acquiring landrights except for those used in condemnation proceedings.

(m) The state conservationist is to review all special provisions to be included in landrights instruments as a result of the negotiations for the landright.

(n) The state conservationist is to arrange for periodic inspections of the sponsor's records to see that relocation assistance, relocation assistance advisory services, and relocation payments are being provided and that the sponsor is complying with pledged assurances.

(o) The state conservationist is to determine the need for and provide technical assistance to the sponsors as available.

Subpart C—Landrights Authorized for Federal Financial Assistance

§ 651.20 General.

This subpart supplements and modifies Subpart B if a program agreement authorizes Federal financial assistance for landrights from SCS program funds.

§ 651.21 Responsibilities of sponsors.

(a) Fair market values for the landrights needed are to be established according to appraisals as provided by Part 21 of this title and agreed to by the sponsor and the state conservationist.

(b) Sponsors are to enter into landrights agreements with SCS.

(c) The sponsor must obtain the following:

(1) Evidence of title for all fee simple interests for which Federal financial assistance is authorized. After SCS approves the preliminary title evidence, the sponsor may proceed to acquire the property. Federal financial assistance for fee simple interests may not be provided until the property has been acquired and final title evidence has been approved.

(2) Perpetual easements as minimum landrights needed for the sole purpose of flood prevention for which Federal financial assistance is authorized. The amount of Federal financial assistance is limited to the minimum landrights cost for single-purpose flood prevention measures if something more than minimum landrights is obtained.

§ 651.22 Responsibilities of SCS.

(a) SCS is to prepare a landrights agreement documenting the eligible landrights and the level of Federal financial assistance. The agreement is to be consistent with arrangements in the program agreement.

(b) The amount of Federal financial assistance shown in the landrights agreement is to be applied as follows:

(1) For negotiated landrights the SCS share is to be computed on the price paid by the sponsor or the fair market value jointly determined by the sponsor and SCS, whichever is the lesser amount.

(2) For landrights acquired by condemnation, SCS provides financial assistance computed on the amount of damages awarded by the court. However, if SCS considers the court award excessive and the sponsor does not exercise an appeal that SCS considers necessary, the financial assistance is to be based on the fair market value determined by SCS.

(3) For landrights acquired by donation, SCS provides financial assistance in the form of credit based on the value of the property at the time of donation.

(4) For landrights costs included in a project agreement or its equivalent, SCS financial assistance is to be computed on the actual cost of the work incurred under the project agreement or its equivalent.

(c) SCS may provide financial assistance to perform joint appraisals in satisfying the requirements for appraisal and review before purchase under Part 21 of this title.

(d) SCS is to arrange for the legal review of title evidence provided by the sponsor.

(e) SCS is to identify project areas that require fee simple title ownership by the sponsor.

Subpart D—Conservation Operations

§ 651.30 Responsibility for acquisition of landrights.

Land users who receive technical assistance on conservation practices are respnsible for obtaining the landrights necessary to carry out the practice. Land users must indemnify and save the United States harmless from any infringements on the rights of others or from any failure to comply with applicable laws or regulations.

§ 651.31 [Reserved]

Subpart E—Emergency Watershed Protection

§ 651.40 Responsibility for acquisition of landrights.

Sponsors are responsible for the acquisition of landrights needed for emergency measures. The responsible sponsor is to be designated in the plan of work for the emergency measures. The pertinent procedures set forth in Subpart B apply to these measures.

§ 651.41 [Reserved]

Subpart F—Great Plains Conservation Program

§ 651.50 Responsibility for acquisition of landrights.

Responsibility for practices under the Great Plains Conservation Program in § 631.30 of this chapter.

§ 651.51 [Reserved]

[FR Doc. 79-27550 Filed 9-7-79; 8:45 am]
BILLING CODE 3410-16-M

Agricultural Marketing Service

7 CFR Part 948

Potatoes; Approval of Amendment No. 2 To Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment reduces the minimum size requirements for round varieties from 2⅛ inches to 2 inches in diameter and for all long varieties of U.S. No. 2 grade except Russet Burbank from 2 inches or 4 ounces to 1⅞ inches minimum diameter. This should allow additional shipments of potatoes, which are expected to average smaller this season because of a late crop caused by heavy rains in the production area.

EFFECTIVE DATE: September 10, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This amendment is issued under Marketing Agreement No. 97 and Order 948, both as amended, which regulate the handling of Irish potatoes grown in designated counties of Colorado in Area No. 2. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado Area No. 2 Potato Committee, established under the order, is responsible for its local administration.

At an open meeting of the Colorado Area No. 2 Committee held August 16, 1979, at Monte Vista, Colorado, the committee recommended reducing the minimum size requirements for round varieties of potatoes from 2⅛ inches to 2 inches in diameter and for all long varieties of U.S. No. 2 grade except Russet Burbank variety from 2 inches in diameter or 4 ounces in weight to 1⅞ inches in diameter. All the potatoes from the 1978 crop have been shipped to market, and shipments of the 1979 crop

are expected to begin about September 1. The 1979–80 crop is late due to heavy rains, and growers fear an early frost that would result in smaller diameter potatoes. Reducing the size requirements will enable growers to market the usual proportion of their crop. The grade and size requirements of this amended regulation are the same as those proposed for 1979–80 to be effective November 1 for the new season. Since many shipments of potatoes will be made prior to the effective date of the new regulation, this amendment will ensure that all new crop potatoes meet the same requirements.

It is hereby found that this amendment will tend to effectuate the declared policy of the act. It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits from it, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Section 948.380 *Handling regulation* (43 FR 37982, 45979) is amended to read as follows:

§ 948.380 Handling regulation.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(3) *All other long varieties except Russet Burbank.* For U.S. Commercial, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; for U.S. No. 2 grade, 1⅞ inches minimum diameter.

* * * * *

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

In accord with emergency procedures in Executive Order 12044 the emergency nature of this regulation warrants publication without opportunity for further public comment because marketing should begin about September 1. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Peter G. Chapogas, (202) 447–5432.

Dated September 4, 1979 to become effective September 10, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-28031 Filed 9-7-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 346

Foreign Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC has amended Part 346 of its regulations to include deposits of nonresident foreign citizens as exempt under § 346.6 and to adopt an interpretation providing an alternate "initial deposit" for accounts at State branches of foreign banks which were established prior to September 17, 1978.

EFFECTIVE DATE: September 10, 1979.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, (202–389–4433).

SUPPLEMENTARY INFORMATION: On June 28, 1979 FDIC's Board of Directors adopted final rules implementing the International Banking Act of 1978 (the "Act," 44 FR 40056). Since then the FDIC has received several comments on its rules. After consideration of these comments, the Board has determined two amendments to Part 346 are necessary.

First, the Board has decided to include a category for nonresident foreign citizens within the provisions of § 346.6 (which establishes the kinds of initial deposits of less than $100,000 noninsured State branches may accept). Under FDIC's proposed rules (44 FR 23869) noninsured State branches would have been able to accept, without limitation, initial deposits of less than $100,000 from such depositors. However, this exemption was withdrawn as a separate category when final regulations were adopted; instead, such deposits were included within the provisions of § 346.6(a)(5) (the *de minimis* exemption). Commenters on the final rule advise the FDIC that, as an average, 7 percent of many of the branches' deposits consist of deposits belonging to nonresident foreign citizens. If an exemption for such deposits is not adopted, State branches not otherwise subject to mandatory insurance would have to become insured. The Board believes this exemption is warranted because the Act allows both agencies and branches limited to the kinds of deposits allowed Edge corporations to accept these deposits without being insured. Further, the Act does not mandate insurance coverage for such deposits even if the branch were insured.

Second, the Board had determined it is necessary to adopt an interpretation allowing for an alternate "initial deposit" for existing deposits at branches established before September 17, 1978. Commenters have pointed out that in many cases records as to the initial deposit of long standing accounts may no longer exist; in other cases, a deposit's balance may presently exceed $100,000 although the initial deposit many years ago was less than $100,000. In the first situation, relief is essential; in the second situation, there is no overiding public policy reason to deem such accounts "retail". Thus, the Board adopts an interpretation allowing State branches established prior to September 17, 1978 to consider a depositor's initial deposit to be either the first deposit transaction (as set out in § 346.1(k)) or the balance to the credit of the depositor at the close of business on any day during August 1979.

Accordingly, pursuant to its authority under section 9 of the Federal Deposit Insurance Act and section 13 of the Act (12 U.S.C. 1819 and 3108), the Board amends Part 346 of FDIC's regulations as set out below:

1. Section 346.6(a) is amended by adding a new paragraph (a)(7) to read as follows:

§ 346.6 Exemptions from the insurance requirement.

* * *

* * * * *

(7) Any depositor who is not a citizen of the United States and who is not a resident of the United States at the time of the initial deposit.

* * * * *

2. Part 346 is amended by adding a new § 346.101 to read as follows:

§ 346.101 Determination of the initial deposit by branches established prior to September 17, 1978.

For the purpose of determining whether a deposit was opened with an initial deposit of $100,000 or more, a State branch which was established prior to September 17, 1978 may consider, at its option, the initial deposit to be (a) the first deposit transaction between the depositor and the branch as set out in § 346.1(k) or (b) the balance of the depositor's account at the close of business on any day during August 1979. Deposit accounts held by the depositor

in the same right and capacity may be added together to determine this balance.

By order of the Board of Directors, September 4, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-28053 Filed 9-7-79; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 18198, Amdt. 39-3559]

Airworthiness Directives; Agusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections of the tail rotor gear box attachment provisions for defects and for proper installation, replacement of defective parts if necessary, and installation adjustments on Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters. The AD is needed to detect and correct conditions which could lead to the possible failure of the tail rotor mounting and consequent loss of control.

DATES: Effective October 10, 1979. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30., or C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections of the tail rotor gear box attachment provisions for defects and for proper installation, replacement of defective parts if necessary, and installation adjustments on Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters, was published in the **Federal Register** at 43 FR 34786.

The proposal was prompted by an FAA determination that the tail rotor gear box attach sleeve P/N 109-0435-29-3, and shim, P/N 109-0372-18-5 are subject to cracking, fretting and wear. This could result in failure of the tail rotor gear box mounting, possible destruction of the tail rotor, and loss of control on Agusta Model A109A helicopters.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without substantive change. Clarifying language has been added concerning the FAA-approved equivalent to the manufacturer's service bulletin.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Costruzioni Aeronautiche Giovanni Agusta. Applies to Model A109A helicopters, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible tail rotor gear box mounting failure, within the next 50 hours time in service after the effective date of this AD, and, thereafter, at intervals not to exceed 100 hours time in service since the previous inspection, accomplish the following in accordance with Agusta Bollettino Tecnico No. 109-10, dated April 11, 1978 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent:

(a) Inspect the tail rotor gear box attach nutplates for condition and security. Replace any defective nutplates that are found.

(b) Inspect the tail rotor gear box attach sleeve and shim, P/N 109-0435-29-3 and P/N 109-0372-18-5, respectively, for cracks, fretting, nicks, and wear.

(c) If a cracked sleeve or shim is found during the inspection required by paragraph (b) of this AD, replace the defective part with a serviceable part of the same part number or, in the case of sleeves, by P/N 109-0435-29-5.

(d) If a sleeve is found to have wear, fretting, or nicks, during the inspection required by paragraph (b) of this AD, and if—

(1) They are not more than 0.2 mm (0.008 in.) in depth, remove the defect; and

(2) If they are more than 0.2 mm (0.008 in.) in depth, replace the sleeve with a sleeve of the same part number or P/N 109-0435-29-5.

(e) If a shim is found to have wear, fretting, or nicks during the inspection required by paragraph (b) of this AD, replace the shim with a new part of the same number.

(f) Inspect and, as necessary, correct the alignment and coaxiality between the sleeve and helicopter tail boom, and the sleeve-to-shim flatness fit, in accordance with paragraph 6 of the Service Bulletin or an FAA-approved equivalent.

(g) For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective October 10, 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)); 14 CFR 11.89.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action will be placed in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on August 31, 1979.

Robert D. Blacker,

Acting Director, Office of Airworthiness.

[FR Doc. 79-28032 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NW-16-AD Amdt. 39-3556]

Airworthiness Directives; Boeing Model 720/720B Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This Amendment requires inspection of the Boeing Models 720/720B airplanes to detect cracks in the wing lower surface splice stringers. Cracked splice stringers could seriously reduce the structural capability of the wing lower surface, if they are not repaired.

DATES: Effective date September 18, 1979.

ADDRESSES: Boeing Service Bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East

Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Harold N. Wantiez, P.E., Airframe Section, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION:

History

Inspections of Boeing 720 airplanes have revealed fatigue cracks in the wing lower surface splice stringers. The cracks initiate from fastener holes and have caused additional cracks to form in the wing skin. As of this date, no cracks have been found in 707 airplanes even though the structural configuration is similar to that of the 720. If cracks should go unrepaired, they could grow and seriously compromise the structural capability of the wing. This amendment is based on a Notice of Proposed Rulemaking (NPRM) (44 FR 36197, June 21, 1979). It was proposed that an Airworthiness Directive (AD) be issued which would require a repetitive inspection by eddy current on all Boeing 707/720 aircraft.

Public Participation

All interested persons have been given an opportunity to participate in the making of this amendment, and due consideration has been given to all matters presented. The Boeing Commercial Airplane Company commented, and the Air Transport Association of America (ATA) commented on behalf of the principal U.S. operators. The National Transportation Safety Board (NTSB) also commented.

Discussion of Comments

The commentators agree that an inspection of the 720 airplanes would be appropriate at intervals which were specified in the NPRM. Boeing and the ATA, however, disagree that a similar inspection is required on 707 airplanes in light of previous service history. Both Boeing and the ATA point out that there have been no cracks detected on 707 airplanes to date. They also state that the inspection of the splice stringers is included as part of the Supplemental Inspection Program developed by Boeing (Document D6-44860), and, if cracks should be found in 707 "lead the fleet" airplanes, action could then be taken to amend the AD to include 707s when they reach a threshold which had been determined by actual service history. In summary, the commentators concur with the provisions of the NPRM in regards to 720 airplanes but Boeing and the ATA believe a similar inspection of all 707 airplanes is not justified at this time. The NTSB indicated their support for the proposed rule as stipulated in the notice.

Conclusions

As Boeing and the ATA pointed out, there have been no cracks discovered on 707 airplanes to date, even though the structural configurations are similar. While it appears that cracks in 707 splice stringers may occur in the future, it is difficult analytically to predict what the actual threshold for crack formation will be. Such information will be provided by the supplemental inspection program and the AD will be amended to include the 707 fleet if necessary.

After a review of all comments the FAA finds the service history of the 707 lower wing splice stringers does not presently justify AD action. The rule will require inspection of the 720 fleet at this time and, if the future service history of the 707 should indicate a problem exists there also, the AD will then be amended to include those airplanes.

The Manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 3913) is amended by adding the following new Airworthiness directive.

Boeing: Applies to all Boeing 720/720B airplanes.

A. Prior to the accumulation of 18,000 landings, or within the next 715 landings, unless accomplished within the last 715 landings, and at intervals thereafter not to exceed 1430 landings, perform a low frequency eddy current inspection of the wing lower skin splice stringers for cracks, in accordance with Boeing Service Bulletin 3226 Revision 2, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. If cracks are found, repair prior to further revenue flight in accordance with a method approved by the Chief, Engineering and Manufacturing Branch FAA Northwest Region.

C. For the purpose of complying with this AD and subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

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

E. Airplanes with cracked splice stringers may be flown in accordance with FAR 21.197 to a base where repairs can be performed.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85.)

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

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

Issued in Seattle, Washington, on August 29, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79-28035 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-SO-55]

Alteration of Control Zone and Transition Area, Beaufort, S.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends Subpart F, § 71.171, and Subpart G, § 71.181, of Part 71 of the Federal Aviation Regulations by altering the control zone and transition area at Beaufort, South Carolina. This action provides controlled airspace required to protect instrument flight operations at the Beaufort MCAS.

EFFECTIVE DATE: November 29, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In the Beaufort, South Carolina, Control Zone and Transition Area described in § 71.171 (44 FR 353) and § 71.181 (44 FR 442), an extension was designated on the Beaufort TACAN 037° radial and the 042° bearing from the Beaufort MCAS RBN (VHF). The off-airport VHF RBN has been replaced by an on-airport UHF RBN for which a new instrument approach procedure has been developed. The airport geographic

position has changed as a result of a runway extension. It is necessary to redesignate the extension and correct the airport geographic position in order to provide controlled airspace to protect aircraft executing instrument approach procedures at the airport. Since this amendment is minor in nature and creates no burden on the public, notice and public procedures hereon are unnecessary.

Adoption of the Amendment

Accordingly, Subpart F, § 71.171 (44 FR 353) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t. November 29, 1979, as follows:

Beaufort, South Carolina

The present description is deleted and "* * * within a 5-mile radius of Beaufort MCAS (latitude 32°28'53" N., longitude 80°43'10" W.); within 3 miles each side of the 033° bearing from the Beaufort MCAS UHF RBN extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily * * *" is substituted therefor.

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t. November 29, 1979, as follows:

Beaufort, South Carolina

The present description is deleted and "* * * that airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (latitude 32°28'53" N., longitude 80°43'10" W.); within 5 miles each side of Beaufort MCAS TACAN 037° radial extending from the 8.5-mile radius area to 9 miles northeast of the TACAN * * *" is substituted therefor.

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

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

Issued in East Point, Georgia, on August 29, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-28039 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-56]

Revocation of Transition Area, Concord, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule revokes the Concord, North Carolina, 700-foot transition area as it is no longer required.

EFFECTIVE DATE: October 1, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: The Concord, North Carolina, transition area, described in § 71.181 (44 FR 442), was designated to provide controlled airspace for instrument operations at the Propst Airport. The special instrument approach procedure to the airport was cancelled in February 1978 because the supporting facility, Charlotte VOR, could not provide required navigational tolerances. Therefore, it is necessary to revoke the transition area as it no longer serves a useful purpose. Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., October 1, 1979, by deleting the Concord, North Carolina, transition area.

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

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

Issued in East Point, Georgia, on August 29, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-28038 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 19483; Amdt. No. 1146]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Lewis O. Ola, Flight Procedures and Airspace Branch (AFS-730), Aircraft

Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending §97.23 VOR-VOR/DME SIAPs identified as follows:

. . . *Effective November 1, 1979*

Indianapolis, IN—Indianapolis Terry, VOR Rwy 36, Amdt. 3

. . . *Effective October 18, 1979*

Kingman, AZ—Mohave County, VOR Rwy 21, Amdt. 5
Fort Smith, AR—Fort Smith Muni, VOR/DME Rwy 7, Amdt. 6
Jonesboro, AR—Jonesboro Muni, VOR Rwy 23, Amdt. 6
Tracy, CA—Tracy Muni, VOR-A, Amdt. 2
Groton (New London), CT—Groton-New London, VOR Rwy 5, Amdt. 2
Sioux City, IA—Sioux City Muni, VOR/DME or TACAN Rwy 13, Amdt. 15
Sioux City, IA—Sioux City Muni, VOR Rwy 31 (TAC), Amdt. 23
Maryville, MO—Maryville Memorial, VOR/DME Rwy 36, Original
Montgomery, NY—Orange County, VOR-A, Original
New York, NY—John F. Kennedy International, VOR/DME or TACAN Rwy 22L, Amdt. 2
Quakertown, PA—Quakertown, VOR Rwy 11, Amdt. 3
Houston, TX—Houston Gulf, VOR/DME Rwy 31, Original
Houston, TX—Houston Gulf, VOR Rwy 13, Original
League City, TX—Houston Gulf, VOR Rwy 13, Amdt. 1, cancelled
League City, TX—Houston Gulf, VOR/DME Rwy 31, Amdt. 2, cancelled
New Braunfels, TX—New Braunfels Muni, VOR/DME-A, Amdt. 4
Port Lavaca, TX—Calhoun County, VOR/DME-A, Original
Port Lavaca, TX—Calhoun County, VOR/DME Rwy 23, Amdt. 2, cancelled
Rockport, TX—Arkansas County, VOR/DME-A, Amdt. 3
Weatherford, TX—Parker County, VOR Rwy 35, Original
Weatherford, TX—Parker County, VOR/DME Rwy 35, Original, cancelled
Mosinee, WI—Central Wisconsin, VOR-A, Amdt. 5
Reedsburg, WI—Reedsburg Muni, VOR-A, Amdt. 2

. . . *Effective October 4, 1979*

Oklahoma City, OK—Will Rogers World, VOR Rwy 12, Amdt. 17
Houston, TX—Clover Field, VOR/DME-A, Original

. . . *Effective August 23, 1979*

Middleton Island, AK—Middleton Island, VOR Rwy 1, Amdt. 1

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

. . . *Effective October 18, 1979*

Fort Smith, AR—Fort Smith Muni, LOC BC Rwy 7, Amdt. 5
Corpus Christi, TX—Corpus Christi Intl, LOC BC Rwy 31, Amdt. 8
Dallas, TX—Dallas Love Field, LOC (BC) Rwy 13R, Amdt. 10, cancelled
Mosinee, WI—Central Wisconsin, LOC BC Rwy 26, Amdt. 6

. . . *Effective October 4, 1979*

Oklahoma City, OK—Will Rogers World, LOC BC Rwy 17L, Original
Oklahoma City, OK—Will Rogers World, LOC BC Rwy 35L, Amdt. 4

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . *Effective November 1, 1979*

Decorah, IA—Decorah Muni, NDB Rwy 29, Amdt. 5
Omaha, NE—Millard, NDB Rwy 12, Amdt. 5
Marshfield, WI—Marshfield Muni, NDB Rwy 4, Amdt. 9
Marshfield, WI—Marshfield Muni, NDB Rwy 16, Amdt. 5

. . . *Effective October 18, 1979*

Fort Smith, AR—Fort Smith Muni, NDB Rwy 7, Amdt. 4
Tell City, IN—Perry County Muni, NDB Rwy 31, Amdt. 3
Charlevoix, MI—Charlevoix Muni, NDB Rwy 26, Amdt. 5
Quakertown, PA—Quakertown, NDB Rwy 29, Amdt. 8
Arlington, WA—Arlington, NDB-A, Amdt. 2

. . . *Effective October 4, 1979*

Raton, NM—Crews Field, NDB Rwy 2, Original
Oklahoma City, OK—Will Rogers World, NDB Rwy 17L, Original
Oklahoma City, OK—Will Rogers World, NDB Rwy 17R, Amdt. 18
Oklahoma City, OK—Will Rogers World, NDB Rwy 35L, Amdt. 7
Oklahoma City, OK—Will Rogers World, NDB Rwy 35R, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

. . . *Effective November 1, 1979*

Harrisburg, PA—Capital City, ILS Rwy 8, Amdt. 4

. . . *Effective October 18, 1979*

Detroit, MI—Detroit City, ILS Rwy 15, Amdt. 1
Mosinee, WI—Central Wisconsin, ILS Rwy 8, Amdt. 6

. . . Effective October 4, 1979

Oklahoma City, OK—Will Rogers World, ILS Rwy 17R, Amdt. 4
Oklahoma City, OK—Will Rogers World, ILS Rwy 35R, Original
Philadelphia, PA—North Philadelphia, ILS Rwy 24, Amdt. 8

5. By amending § 97.31 RADAR SIAPs identified as follows:

. . . Effective October 18, 1979

Fort Smith, AR—Fort Smith Muni, RADAR-1, Amdt. 3
Middletown, PA—Harrisburg Intl Arpt-Olmsted Fld, RADAR-1, Amdt. 4

. . . Effective October 4, 1979

Oklahoma City, OK—Will Rogers World, RADAR-1, Amdt. 17

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . Effective November 1, 1979

Indianapolis, IN—Indianapolis Terry, RNAV Rwy 18, Amdt. 1
Omaha, NE—Millard, RNAV Rwy 12, Amdt. 2

. . . Effective October 18, 1979

Sioux City, IA—Sioux City Muni, RNAV Rwy 17, Amdt. 1
Sioux City, IA—Sioux City Muni, RNAV Rwy 35, Amdt. 4
Hillsboro, WI—Kickapoo, RNAV Rwy 23, Amdt. 1

[Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3).]

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

Note.—The incorporation by reference in the preceding document was approved by the Director of the **Federal Register** on May 12, 1969.

Issued in Washington, D.C. on August 31, 1979.

John S. Kern,

Acting Chief, Aircraft Programs Division.

[FR Doc. 79-28033 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1251

Nondiscrimination on Basis of Handicap

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule with comments requested.

SUMMARY: NASA establishes policies and regulations to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance whether by contract, grant or other arrangement. This regulation is required by Section 504 of the Rehabilitation Act of 1973.

EFFECTIVE DATE: September 10, 1979. Comments or suggestions must be submitted in writing no later than October 25, 1979.

ADDRESS: Richard N. Wolf, Office of General Counsel, Code GK-3, National Aeronautics and Space Administration, Washington, D.C. 20546

FOR FURTHER INFORMATION CONTACT: Richard N. Wolf, Office of General Counsel, Telephone (202) 755-3160, National Aeronautics and Space Administration, Washington, D.C. 20546.

SUPPLEMENTARY INFORMATION: Because the public had adequate opportunity to comment on the Dept. of Health, Education, and Welfare regulations upon which these regulations are based, NASA is publishing these regulations as a final rule. Written comments, however, are invited and should be sent to the address listed above on or before October 25, 1979.

This regulation has been reviewed and approved by HEW pursuant to E.O. 11914.

14 CFR Chapter V is amended by adding a new Part 1251, reading as follows:

PART 1251—NONDISCRIMINATION ON BASIS OF HANDICAP

Subpart 1251.1—General Provisions

Sec.
1251.100 Purpose.
1251.101 Application.
1251.102 Definitions.
1251.103 Discrimination prohibited.
1251.104 Assurances required.
1251.105 Remedial action, voluntary action, and self-evaluation.
1251.106 Designation of responsible employee and adoption of grievance procedures.
1251.107 Notice.
1251.108 Administrative requirements for small recipients.
1251.109 Effect of state or local law or other requirements and effect of employment opportunities.

Subpart 1251.2—Employment Practices

1251.200 Discrimination prohibited.
1251.201 Reasonable accommodation.
1251.202 Employment criteria.
1251.203 Preemployment inquiries.
1251.204-209 [Reserved]

Subpart 1251.3—Program accessibility

1251.300 Discrimination prohibited.
1251.301 Existing facilities.
1251.302 New construction.
1251.303-309 [Reserved]

Subpart 1251.4—Procedures

Authority: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 374 (29 U.S.C. 794, Executive Order 11914 (41 FR 17871, April 28, 1976)).

Subpart 1251.1—General Provisions

§ 1251.100 Purpose.

This part effectuates section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§ 1251.101 Application.

This part applies to each recipient of Federal financial assistance from the National Aeronautics and Space Administration and to each program or activity that receives or benefits from such assistance.

§ 1251.102 Definitions.

As used in this part, the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794.

(b) "Section 504" means section 504 of the Act.

(c) "Director" means the Director of the Office of Equal Opportunity for NASA.

(d) "Recipient" means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entry, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(e) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by a NASA official or by a recipient as a condition to becoming a recipient.

(f) "Federal financial assistance" means any grant, loan, contract (other

than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Agency provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(g) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(h) "Handicapped person." (1) "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. (2) As used in paragraph (h)(1) of this section, the phrase "physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(1) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(2) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(3) "Is regarded as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined in this paragraph but is treated by a recipient as having such an impairment.

(i) "Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(2) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(j) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (h) of this section.

§ 1251.103 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefits, or services, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped persons and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Recipients shall take appropriate steps to insure that no handicapped individual is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in any program receiving or benefiting from Federal financial assistance because of the absence of auxiliary aids for individuals with impaired sensory, manual, or speaking skills.

(4) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.

(5) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(6) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(7) As used in this section, the aid, benefit, or service provided under a

program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(8) Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

(c) Programs limited by Federal law. The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped persons from a program limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

§ 1251.104 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity to which this part applies shall submit an assurance, on a form specified by the Director, that the program will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to NASA.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases, the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from NASA, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (c)(3) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from NASA, the covenant shall also include a condition coupled with a right to be reserved by NASA to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing facilities on the property for the purposes for which the property was transferred, the Director may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 1251.105 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Director finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 of this part and where another recipient exercises control over the recipient that has discriminated, the Director, where appropriate, may require either or both recipient to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of section 504 of this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred, or (iii) with respect to handicapped persons presently in the program, but not receiving full benefits or equal and integrated treatment within the program.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this part; or within one year of first becoming a recipient;

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this part; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years follow completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Director upon request: (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

§ 1251.106 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§ 1251.107 Notice.

(a) A recipient that employs fifteen or more persons shall take appropriate

initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 1251.106(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipient's publication, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipent may meet the requirement of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 1251.108 Administrative requirements for small recipients.

The Director may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§ 1251.106 and 1251.107, in whole or in part, when the Director finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§ 1251.189 Effect of state or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

Subpart 1251.2—Employment Practices

§ 1251.200 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this part applies.

(2) A recipient that receives assistance shall take positive steps to employ and advance in employment qualified handicapped persons in programs assisted under the Act.

(3) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient and with organizations providing training and apprenticeship programs.

(b) *Specific activities.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

(d) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

§ 1251.201 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include: (1) Making facilities used by employees readily accessible to and usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operation, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 1251.202 Employment criteria.

(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless: (1) The test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question, and (2) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available.

(b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports, to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

§ 1251.203 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 1251.105(a), when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 1251.105(b), or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, provided, that:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided, that: (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this part.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(1) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request.

§ 1251.204-209 [Reserved]

Subpart 1251.3—Program Accessibility

§ 1251.300 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 1251.301 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment; reassignment of classes or other services to accessible buildings; assignment of aides to beneficiaries; home visits; delivery of health, welfare, or other social services at alternate accessible sites; alteration of existing facilities and construction of new facilities in conformance with the requirements of § 1251.302; or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(e) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the

existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 1251.302 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction (ground breaking) was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc., (ANSIA117.1–1961 (R1971)),[1] which is incorporated by reference in this part, shall constitute compliance with paragraphs (a) and (b) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

§§ 1251.303–309 [Reserved]

Subpart 1251.4—Procedures

The procedural provisions applicable to title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 1250.106, 1250.108 and 1250.110 of this chapter.

Robert A. Frosch,

Administrator.

[FR Doc. 79–28010 Filed 9–7–79; 8:45 am]

BILLING CODE 7510–01–M

[1] Copies obtainable from American National Standards Institute, 1430 Broadway, New York, N Y 10018.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R–79–704]

Community Development Block Grants; Technical Amendments; Interim Rule

Correction

In FR Doc. 79–26953 appearing on page 50248 in the issue for Monday, August 27, 1979, in the first column of page 50251, seven lines from the bottom of paragraph (ii) of § 570.200(f)(2), change ". . . funds, and a special assessment, as . . ." to read ". . . funds, and a special assessment is levied for $80,000, the apportionment of the special assessment, as . . ."

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 401

[FRL 1260–5]

Identification of Conventional Pollutants; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: In Federal Register document 79–23646, Monday, July 30, 1979, at 44 FR 44501, EPA published a final rule on the identification of conventional pollutants. On page 44503, Sec. 401.16, item 1 lists "biological oxygen demand (BOD)" as a conventional pollutant. That is an error. The correct listing on item 1 should read "*Biochemical* oxygen demand (BOD)," as was specified in the Agency's action of July 28, 1978 (43 FR 32857), and in the text of the July 30, 1979, notice.

DATE: This correction is effective retroactively to July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH–585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Telephone 202/755–0100.

Dated: August 30, 1979.

Swep T. Davis,

Assistant Administrator for Office of Water and Waste Management.

[FR Doc. 79–28128 Filed 9–7–79; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5682

[NM–30563]

New Mexico; Partial Revocation of Executive Order No. 6276

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This order will restore 200 acres of land to operation of the public land laws and to location for nonmetalliferous minerals.

EFFECTIVE DATE: October 5, 1979.

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

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

1. Executive Order No. 6276 of September 8, 1933, which withdrew public lands in New Mexico to aid the State in making exchange selections as provided by the Act of June 15, 1926, 44 Stat. 746–748, is hereby revoked so far as it affects the following described lands:

New Mexico Principal Meridian

T. 23 S., R. 7 W.,
Sec. 25, SW¼NE¼ and S½NW¼;
Sec. 26, N½NW¼.

The area described contains 200 acres in Luna County.

2. At 10 a.m., on October 5, 1979, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on October 5, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10 a.m., on October 5, 1979.

Inquiries concerning the lands should be addressed to the Chief, Division of

Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Guy R. Martin,

Assistant Secretary of the Interior.

August 30, 1979.

[FR Doc. 79-28008 Filed 9-7-79; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5680

[I-13259]

Idaho; Partial Revocation of Phosphate Reserve Nos. 2, 13, 19 and 31

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This order partially revokes four Executive Orders which withdrew approximately 262,686 acres of land from all forms of disposition, except metalliferous minerals. This action will restore 2,971 acres of public land to operation of the public land laws, including location for nonmetalliferous minerals under the mining laws. 20,738 acres of privately owned lands in which phosphate was reserved to the United States will also be open to location for nonmetalliferous minerals under the mining laws. 238,977 acres of Forest Service lands will be open to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: October 5, 1979.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber: 202-343-6486.

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

1. The Executive Orders of July 2, 1910, June 19, 1912, July 9, 1913, and October 9, 1917, creating Phosphate Reserve Nos. 2, 13, 19, and 31, are hereby revoked so far as they affect the following described lands:

Boise Meridian

Phosphate Reserve No. 2, Idaho No. 1, Approved 7/2/10

T. 1 N., R. 42 E.,
Secs. 1 to 3, inclusive;
Secs. 11 to 14, inclusive.
T. 2 N., R. 42 E.,
Sec. 26;
Sec. 27;
Secs. 34 and 35;
Sec. 36, W½NE¼, NW¼, S½.
T. 4 N., R. 42 E.,
Sec. 25;
Sec. 26.
T. 1 N., R. 43 E.,
Sec. 6, Lots 3, 4, 6, 7, SE¼NW¼, E½SW¼, NW¼SE¼, S½SE¼;
Sec. 7;
Sec. 8, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 16, Lot 4, S½NW¼, SW¼, NW¼SE¼;
Secs. 17 to 21, Inclusive;
Sec. 22, SW¼NE¼, NW¼, S½;
Sec. 23, NW¼SW¼, S½SW¼;
Sec. 25, NW¼SW¼, S½SW¼;
Sec. 26, NW¼NE¼, S½NE¼, W½, SE¼;
Secs. 27 to 30, inclusive;
Sec. 35;
Sec. 36, NW¼NE¼, S½NE¼, W½, SE¼.
T. 3 N., R. 43 E.,
Sec. 14;
Sec. 24.
T. 4 N., R. 43 E.,
Sec. 2, Lots 1, 2, S½NE¼, SE¼;
Sec. 8, E½;
Ses. 9 to 17, inclusive;
Sec. 20, NE¼;
Secs. 21 to 26, inclusive;
Sec. 27, N½;
Sec. 28, NE¼;
Sec. 31;
Sec. 36, NE¼.
T. 1 N., R. 44 E.,
Sec. 31, Lots 3, 4, E½SW¼
T. 2 N., R. 44 E.,
Sec. 3;
Sec. 4;
Sec. 10.
T. 3 N., R. 44 E.,
Secs. 1 to 4, inclusive;
Sec. 5, Lots 1, 2, 3, 4, S½N½;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12, N½;
Sec. 29;
Sec. 30;
Sec. 32;
Sec. 33.
T. 4 N., R. 44 E.,
Secs. 18 to 21, inclusive;
Secs. 27 to 35, inclusive;
T. 1 N., R. 45 E.,
Secs. 1 to 3, inclusive;
Sec. 12;
Sec. 13.
T. 2 N., R. 45 E.,
Sec. 1;
Sec. 2;
Sec. 11;
Sec. 12.
T. 3 N., R. 45 E.,
Sec. 7;
Sec. 17;
Sec. 18, Lots 1 to 7, inclusive, NE¼, E½NW¼, SE¼SW¼, S½SE¼;
Sec. 20;
Sec. 21, Lots 1, 2, N½, SW¼, W½SE¼;
Sec. 25, Lots 3, 4, S½NW¼, S½;
Sec. 26;
Sec. 27;
Sec. 28, Lots 1, 2, 3, 4, S½N½;
Sec. 29, Lots 1, 2, S½NE¼;
Secs. 34 to 36, inclusive.
T. 2 N., R. 46 E.,
Secs. 5 to 8, inclusive.
T. 3 N., R. 46 E.,
Sec. 5, Lots 1, 2, 3, 4, 5, 6, SW¼NW¼, SE¼NW¼, SW¼;
Sec. 8;
Sec. 17;
Sec. 20;
Sec. 29;
Sec. 31;
Sec. 32.
T. 1 S., R. 44 E.,
Sec. 4, Lot 4, SW¼, SW¼SE¼;
Sec. 5;
Sec. 10, NW¼.
T. 1 S., R. 45 E.,
Sec. 19, Lots 6, 7, SE¼SW¼;
Sec. 29, SW¼, S½SE¼;
Sec. 30, Lots 1, 2, 3, 4, W½NE¼, SE¼NE¼, E½W½, SE¼;
Sec. 31;
Sec. 32;
Sec. 33, Lots 3, 4, SW¼NE¼, SE¼NW¼, W½NW¼, SW¼, W½SE¼;
Sec. 34, SW¼SW¼.

Phosphate Reserve No. 13, Idaho No. 3, Approved 6/19/12

T. 1 N., R. 41 E.,
Sec. 1;
Sec. 2;
Sec. 3, Lots 1, 2, S½NE¼, SE¼;
Sec. 11, N½, SE¼;
Sec. 12;
Sec. 13, N½, SE¼.
T. 2 N., R. 41 E.,
Sec. 24, NE¼, S½;
Sec. 25;
Sec. 26, NE¼, S½;
Sec. 34, E½;
Sec. 35;
Sec. 36.
T. 1 N., R. 42 E.,
Secs. 4 to 10, inclusive;
Secs. 15 to 18, inclusive;
Sec. 19, NE¼;
Sec. 20, N½, SE¼;
Secs. 21 to 26, inclusive;
Sec. 27, N½, SE¼;
Sec. 28, NE¼;
Sec. 35, NE¼;
Sec. 36, N½, SE¼.
T. 2 N., R. 42 E.,
Sec. 14, SW¼,
Sec. 15;
Sec. 17, S½;
Sec. 18, SE¼;
Secs. 19 to 22, inclusive;
Sec. 23, W½NE¼, W½, SW¼;
Sec. 25, W½NW¼, SW¼;
Secs. 28 to 33, inclusive.
T. 1 N., R. 43 E.,
Secs. 31 to 34, inclusive.
T. 1 S., R. 43 E.,
Secs. 1 to 4, inclusive;
Sec. 5, Lots 1, 2, 3, E½SE¼, SE¼SE¼;
Sec. 9, NE¼, N½NW¼, NE¼SE¼;
Secs. 10 to 14, inclusive;
Sec. 15, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 23, N½NE¼, SE¼, NE¼;
Sec. 24, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 25, NE¼NE¼.
T. 1 S., R. 44 E.,
Secs. 6 to 9, inclusive;
Sec. 10, S½;
Sec. 11, SW¼SW¼;
Sec. 13, W½SW¼, SE¼SW¼;
Sec. 14, SW¼NE¼, W½, SE¼;
Secs. 15 to 23, inclusive;
Sec. 24, W½NE¼, SE¼NE¼, W½, SE¼;
Secs. 25 to 29, inclusive;
Sec. 30, Lots 1, 2, NE¼, N½SE¼, SE¼SE¼;
Sec. 32, NE¼, NE¼NW¼;
Sec. 33, N½, E½SW¼, SE¼;
Secs. 34 to 36, inclusive.

T. 2 S., R. 44 E.,
Sec. 1;
Sec. 2;
Sec. 3, Lots 1, 2, 3, 4, S½NE¼, S½NW¼, NE¼SW¼, SE¼;
Sec. 4, Lot 1;
Sec. 11, NE¼, N½NW¼, NE¼SE¼;
Sec. 12;
Sec. 13, N½NE¼, SE¼NE¼.
T. 2 S., R. 45 E.,
Sec. 2, SW¼SW¼;
Sec. 3, Lots 2, 3, 4, 6, 7, S½NW¼, SW¼, W½SE¼;
Secs. 4 to 10, Inclusive;
Sec. 11, NE¼SW¼NE¼, NW¼SW¼NE¼, S½SW¼NE¼, W½, SE¼;
Secs. 14 to 17, inclusive;
Sec. 18, Lots 1, 2, E½, E½NW¼, NE¼SW¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Secs. 21 to 23, inclusive;
Sec. 24, Lot 3, NW¼NE¼, SW¼NE¼, W½, SE¼;
Secs. 25 and 26;
Sec. 27, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 28, NE¼, NE¼NW¼;
Sec. 34, NE¼NE¼;
Sec. 35, N½, N½SE¼;
Sec. 36.
T. 3 S., R. 45 E.,
Sec. 1, Lots 1, 2, 3, SE¼NE¼.
T. 2 S., R. 46 E.,
Sec. 30, Lots 7, 8, W½NW¼, SE¼NW¼, SW¼;
Sec. 31, Lots 1, 2, 3, and 5, W½, W½SE¼, SE¼SE¼.
T. 3 S., R. 46 E.,
Sec. 6, Lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, SE¼.

Phosphate Reserve No. 19, Idaho No. 4. Approved 7/19/13

T. 4 N., R. 42 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 and 24.
T. 5 N., R. 42 E.,
Secs. 25, 26, 35 and 36.
T. 3 N., R. 43 E.,
Secs. 1 to 4, inclusive;
Secs. 11 to 13, inclusive.
T. 4 N., R. 43 E.,
Sec. 2, Lots 3, 4, S½NW¼, SW¼;
Secs. 3 to 7, inclusive;
Sec. 8, W½;
Secs. 18 and 19;
Sec. 20, NW¼, S½
Sec. 27, S½;
Sec. 28, NW¼, S½
Secs. 29 and 30;
Secs. 32 to 35, inclusive;
Sec. 36, NW¼, S½.
T. 5 N., R. 43 E.,
Secs. 28 to 34, inclusive.
T. 2 N., R. 44 E.,
Secs. 1 and 2;
Secs. 11 to 13, inclusive.
T. 3 N., R. 44 E.,
Sec. 5, S½;
Secs. 6 to 9, inclusive;
Sec. 10, S½;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13 to 28, inclusive;
Secs. 34 to 36, inclusive.
T. 2 N., R. 45 E.,
Secs. 3 to 10, inclusive;
Secs. 13 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 3 N., R. 45 E.,
Sec. 19;
Sec. 28, S½;
Sec. 29, Lots 3, 4, S½NW¼, S½;
Secs. 30 to 33, inclusive.
T. 1 N., R. 46 E.,
Secs. 5 to 8, inclusive;
Secs. 17, 18, and 20.
T. 2 N., R. 46 E.,
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 4 N., R. 46 E.,
Secs. 5, 8, 17, 19, and 20;
Secs. 29 to 32, inclusive.

Phosphate Reserve No. 31, Idaho No. 6, Approved 10/9/17

T. 14 N., R. 39 E.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 14 N., R. 40 E.,
T. 14 N., R. 41 E.,
T. 14 N., R. 42 E.,
Secs. 7 and 8;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 16 N., R. 43 E.,
Sec. 13, SE¼SE¼;
Sec. 24, E½NE¼.
T. 15 N., R. 44 E.,
Sec. 7, E½;
Sec. 8;
Sec. 17;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20;
Sec. 29, N½N½;
Sec. 30, N½NE¼.
T. 16 N., R. 44 E.,
Sec. 18, SW¼,SW¼;
Sec. 19, Lots 3, 4, W½NW¼, E½SW¼, W½SE¼;
Sec. 29;
Sec. 30, Lot 1, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 31, N½.

The areas described aggregate 262,686.51 acres of private, Forest Service, and public lands in Bonneville, Teton, Madison, Clark and Fremont Counties, of which the following 20,737.89 acres are private lands:

T. 3 N., R. 45 E.,
Sec. 7;
Sec. 17;
Sec. 18, Lots 1, 2, 3, 4, NE¼, E½NW¼, S½SE¼;
Sec. 20, N½;
Sec. 21, N½.
T. 3 N., R. 46 E.,
Sec. 5, SW¼NW¼;
Sec. 20, portion of Lot 4, NW¼NW¼NW¼, S½SE¼NW¼NW¼, S½S½SE¼SW¼;
Sec. 29, portion of Lot 1, NE¼NE¼NW¼, N½NW¼NE¼NW¼, N½NE¼ NW¼NW¼.
T. 1 N., R. 41 E.,
Sec. 2;
Sec. 3, Lots 1, 2, S½NE¼, SE¼;
Sec. 11, N½, SE¼.
T. 2 N., R. 41 E.,
Sec. 24, NE¼, S½;
Sec. 25;
Sec. 26, NE¼, S½;
Sec. 34, E½;
Sec. 35, E½, N½NW¼, SW¼NW¼, SW¼;
Sec. 36.
T. 2 N., R. 42 E.,
Sec. 14, SW¼;
Sec. 15;
Sec. 17, S½;
Sec. 18, SE¼;
Secs. 19 to 22, Inclusive;
Sec. 23, W½NE¼, W½, SW¼;
Sec. 25, W½NW¼, SW¼;
Secs. 26 to 30, Inclusive.
T. 2 S., R. 45 E.,
Sec. 11, NE¼SW¼NE¼;
Sec. 24, Lot 3, NW¼NE¼, NE¼SE¼
T. 5 N., R. 42 E.,
Sec. 25, Lots 1, 4, 5, 6, 7, 8, 9, 10, 11, Tracts A and B, HES 119, HES 384;
Sec. 26;
Sec. 35, N½, SW¼, N½SE¼, N½S½SE¼;
Sec. 36.
T. 5 N., R. 43 E.,
Sec. 30, HES 119.
T. 4 N., R. 46 E.,
Sec. 5;
Sec. 8;
Sec. 17;
Sec. 19;
Sec. 20;
Sec. 29, Lots 1, 2, 3, 4, 5;
Sec. 30, Lots 1 to 8, Inclusive, SW¼NE¼, E½NW¼, E½SW¼, NW¼SE¼;
Sec. 31, Lots 1, 2.

The area described below contains 2,971.25 acres of public land:

T. 2 N., R. 41 E.,
Sec. 35, SE¼NW¼.
T. 5 N., R. 42 E.,
Sec. 25, Lots 1, 5;
Sec. 35, S½S½SE¼.
T. 3 N., R. 46 E.,
Sec. 5, Lots 1 to 6, Inclusive, SE¼NW¼, SW¼;
Sec. 8;
Sec. 17;
Sec. 20, Lots 1, 2, NW¼.
T. 4 N., R. 46 E.,
Sec. 29, Lot 6, S½NW¼, SW¼;
Sec. 30, Lot 9, SW¼SE¼;
Sec. 31, Lots 3, 4, 5, 6, 7, 8, 9, SW¼NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 32.

The area described below contains 238,977.37 acres of Forest Service lands in the Caribou and Targhee National Forests:

T. 1 N., R. 41 E.,
Sec. 1;
Sec. 12;
Sec. 13, N½, SE¼.
T. 14 N., R. 41 E.
T. 1 N., R. 42 E.,
Secs. 1 to 18, Inclusive;
Sec. 19, NE¼;
Sec. 20, N½, SE¼;
Secs. 21 to 26, Inclusive;
Sec. 27, N½, SE¼;
Sec. 35, NE¼;
Sec. 36, N½, SE¼.
T. 2 N., R. 42 E.,
Secs. 31 to 36, Inclusive.

T. 4 N., R. 42 E.,
Sec. 1;
Sec. 2;
Secs. 11 to 14, Inclusive;
Secs. 23 to 26, Inclusive.
T. 5 N., R. 42 E.,
Sec. 25, Lots 2, 3, W½NW¼.
T. 14 N., R. 42 E.
T. 1 N., R. 43 E.,
Sec. 6, Lots 3, 4, 6, 7, SE¼NW¼, E½SW¼, NW¼SE¼, S½SE¼;
Sec. 7;
Sec. 8, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 16, Lot 4, S½NW¼, SW¼, NW¼SE¼;
Secs. 17 to 21, Inclusive;
Sec. 22, SW¼NE¼, NW¼, S½;
Sec. 23, NW¼SW¼, S½SW¼;
Sec. 25, NW¼SW¼, S½SW¼;
Sec. 26, NW¼NE¼, S½NW¼, W½, SE¼;
Secs. 27 to 30, Inclusive;
Sec. 35;
Sec. 36, NW¼NE¼, S½NE¼, W½, SE¼.
T. 3 N., R. 43 E.,
Secs. 1 to 4, Inclusive;
Secs. 11 to 14, Inclusive;
Sec. 24.
T. 4 N., R. 43 E.,
Secs. 2 to 36, Inclusive.
T. 5 N., R. 43 E.,
Secs. 28 and 29;
Sec. 30, Lots 1, 2, 6, 7, 8, 10, 11, 12, Portions of Lots 3, 4, 5, 9, E½;
Secs. 31 to 34, Inclusive.
T. 16 N., R. 43 E.,
Sec. 13, SE¼SE¼;
Sec. 24, E½NE¼.
T. 1 N., R. 44 E.,
Sec. 31, Lots 3, 4, E½SW¼.
T. 2 N., R. 44 E.,
Secs. 1 to 4, Inclusive;
Secs. 10 to 13, Inclusive.
T. 3 N., R. 44 E.,
Secs. 1 to 30, Inclusive;
Secs. 32 to 36, Inclusive.
T. 4 N., R. 44 E.,
Secs. 18 to 21, Inclusive;
Secs. 27 to 35, Inclusive.
T. 15 N., R. 44 E.,
Sec. 7, E½;
Sec. 8;
Sec. 17;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20;
Sec. 29, N½N½;
Sec. 30, N½NE¼.
T. 16 N., R. 44 E.,
Sec. 18, SW¼SW¼;
Sec. 19, Lots 3, 4, W½NW¼, E½SW¼, W½SE¼;
Sec. 29;
Sec. 30, Lot 1, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 31, N½.
T. 1 N., R. 45 E.,
Secs. 1 to 3, Inclusive;
Sec. 12;
Sec. 13.
T. 2 N., R. 45 E.,
Secs. 1 to 29, Inclusive;
Secs. 33 to 36, Inclusive.
T. 3 N., R. 45 E.,
Sec. 18, Lots 5, 6, 7, SE¼SW¼;
Sec. 20, S½;
Sec. 21, S½;
Secs. 25 to 36, Inclusive.
T. 1 N., R. 46 E.,
Secs. 5 to 8, Inclusive;
Sec. 17;
Sec. 18;
Sec. 20.
T. 2 N., R. 46 E.,
Secs. 5 to 8, Inclusive;
Secs. 17 to 20, Inclusive;
Secs. 29 to 32, Inclusive.
T. 3 N., R. 46 E.,
Sec. 20, Lot 3, portion of Lot 4, N½SW¼, N½SW¼SW¼, N½SE¼SW¼SE¼, N½SE¼SW¼, N½S½SE¼SW¼;
Sec. 29, Lots 2, 3, 4, portion of Lot 1, S½NW¼NE¼NW¼, S½NE¼NW¼, NW¼NW¼NW¼, S½NW¼NW¼, S½NW¼, SW¼;
Sec. 31;
Sec. 32.
T. 1 S., R. 44 E.,
Sec. 4, Lot 4, SW¼, SW¼SE¼;
Sec. 5;
Secs. 6 to 9, Inclusive;
Sec. 10, NW¼,S½;
Sec. 11, SW¼SW¼;
Sec. 13, W½SW¼, SE¼SW¼;
Sec. 14, SW¼NE¼, W½, SE¼;
Secs. 15 to 23, Inclusive;
Sec. 30, Lots 1, 2, NE¼, N½SE¼, SE¼SE¼;
Sec. 32, NE¼, NE¼NW¼;
Sec. 33, N½, E½SW¼, SE¼;
Secs. 34 to 36, Inclusive.
T. 2 S., R. 44 E.,
Sec. 1;
Sec. 2;
Sec. 3, Lots 1, 2, 3, 4, S½NE¼, S½NW¼, NE¼SW¼, SE¼;
Sec. 4, NE¼, N½NW¼, NE¼SE¼;
Sec. 12;
Sec. 13, N½NE¼, SE¼NE¼.
T. 1 S., R. 45 E.,
Sec. 19, Lots 6, 7, SE¼SW¼;
Sec. 29, SW¼, S½SE¼;
Sec. 30, Lots 1, 2, 3, 4, W½NE¼, SE¼NE¼, E½W½, SE¼;
Sec. 31;
Sec. 32;
Sec. 33, Lots 3, 4, SW¼NE¼, SE¼NW¼, W½NW¼, SW¼, W½SE¼;
Sec. 34, SW¼SW¼.
T. 2 S., R. 45 E.,
Sec. 2, SW¼SW¼;
Sec. 3, Lots 2, 3, 4, 6, 7, S½NW¼, SW¼, W½SE¼;
Secs. 4 to 10, inclusive;
Sec. 11, NW¼SW¼NE¼, S½SW¼NE¼, W½, SE¼;
Secs. 14 to 17, inclusive;
Sec. 18, Lots 1, 2, E½, E½NW¼, NE¼SW¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Secs. 21 to 23, inclusive;
Sec. 24, SW¼NE¼, W½, NW¼SE¼, S½SE¼;
Secs. 25 and 26;
Sec. 27, N½, N½SW¼, SE¼SW¼, SE¼.
T. 3 S., R. 45 E.,
Sec. 1, Lots 1, 2, 3, SE¼NE¼.
T. 1 S., R. 43 E.,
Secs. 1 to 4, inclusive;
Sec. 5, Lots 1, 2, 3, E½SE¼, SE¼SE¼;
Sec. 9, NE¼, N½NW¼, NE¼SE¼;
Secs. 10 to 14, inclusive;
Sec. 15, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 23, N½NE¼, SE¼NE¼;
Sec. 24, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 25, NE¼NE¼.
T. 2 S., R. 46 E.,
Sec. 30, Lots 7, 8, W½NW¼, SE¼NW¼, SW¼;
Sec. 31, Lots 1, 2, 3, 5, W½, W½SE¼, SE¼SE¼.
T. 3 S., R. 46 E.,
Sec. 6, Lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, SE¼.
T. 14 N., R. 39 E.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 14 N., R. 40 E.

2. At 10 a.m. on October 5, 1979, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 5, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands will be open to location for nonmetalliferous minerals at 10 a.m. on October 5, 1979. They have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws for metalliferous minerals.

4. The privately owned lands in which the United States owns the phosphate will be open to location for nonmetalliferous minerals at 10 a.m. on October 5, 1979. They have been open to location under the U.S. mining laws for metalliferous minerals.

5. At 10 a.m. on October 5, 1979, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the public lands shall be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Guy R. Martin,

Assistant Secretary of the Interior.

August 30, 1979.

[FR Doc. 79-28007 Filed 9-7-79; 8:45 am]

BILLING CODE 4310-84-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1061

[CSA Instruction 6143-4]

Emergency Energy Conservation Program; Energy Crisis Assistance Program

Correction

In FR Doc. 79-27464 appearing at page 51780 in the issue for Tuesday, September 4, 1979, on page 51783, in the second column, please delete the signature and title for H. E. Lofdahl. The correct signature for this document appears on page 51780 (W. W. Allison, *Deputy Director.*).

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting; National Wildlife Refuges in Indiana and Michigan

AGENCY: Fish and Wildlife Service.

ACTION: Special Regulations.

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

DATES: Effective on September 10, 1979 for duration of seasons noted below for individual refuge areas.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below.

John Popowski, Area Manager, U.S. Fish and Wildlife Service, 1405 S. Harrison Rd., Room 202, East Lansing, Mich. 48823. Telephone (517) 372-1910 ex. 206.

Charles E. Scheffe, Refuge Manager, Muscatatuck National Wildlife Refuge, P.O. Box 631, Seymour, Indiana 47274. Telephone (812) 522-4352.

John R. Frye, Refuge Manager, Seney National Wildlife Refuge, Seney, MI 49883. Telephone (906) 586-9851.

Robert G. Johnson, Refuge Manager, Shiawassee National Wildlife Refuge, 6975 Mower Road, Route 1, Saginaw, Mich. 48601. Telephone (517) 777-5930.

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

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

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

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

Indiana

Muscatatuck National Wildlife Refuge

Muscatatuck National Wildlife Refuge will be open to hunting of two upland game species—rabbit and quail. Dates are: rabbit, November 9, 1979–January 31, 1980. Quail: November 9–December 25, 1979. Area of hunting is on the Muscatatuck National Wildlife Refuge, Indiana, only on refuge lands lying south of Myer Road, designated by signs as open to hunting. The area comprises 1,320 acres.

Michigan

Seney National Wildlife Refuge

Seney National Wildlife Refuge will be open to hunting of upland game species in accordance with all applicable State regulations subject to the following conditions: 1. Ruffed Grouse and Snowshoe Hare hunting is permitted only on 33,525 acres of the refuge designated as Area B from September 15 through November 12, 1979. 2. Snowshoe Hare may be taken from December 1, 1979 through February 29, 1980 on 85,200 acres designated as Area A and Area B. 3. All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

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

Michigan

Seney National Wildlife Refuge

Seney National Wildlife Refuge will be open to hunting of big game species in accordance with all applicable State regulations subject to the following conditions: 1. Bow and arrow hunting is permitted only on 33,525 acres of the refuge designated as Area B, from October 1 through November 12, 1979 and on the 85,200 acres of refuge designated as Area A and Area B, from December 1 through December 15, 1979. 2. Bear may be taken by archers only from October 1 through November 12, 1979 and by gun hunters only from November 15 through November 30, 1979. Bear may not be taken with the aid of dogs. 3. Camping is permitted only west of the Driggs River except in designated wilderness area during the gun season. A Camp Registration Permit, obtainable at refuge headquarters, is required. 4. All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

Shiawassee National Wildlife Refuge

Hunting of deer with bow and arrow is permitted on the entire refuge area from 6 a.m. to 7 p.m. EST each day from December 1, 1979 through December 31, 1979; with the exception of 1,500 acres known as the Johnson Tract, which will be closed to archery hunting from December 7, 1979 through December 16, 1979, only. Muzzle-loading firearm hunting for deer is permitted on the 1,500 acres known as the Johnson Tract from 6 a.m. to 7 p.m. each day from December 7, 1979 through December 16, 1979, only. Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

1. All bow and arrow hunters, and muzzle-loading firearm hunters, must possess a valid Federal permit. These permits must be carried by the hunter whenever on refuge lands.

2. Applications for Federal permits must be received at the refuge office on or before October 31, 1979.

3. All hunters must exhibit their hunting license, Federal permit, deer tag, game, and vehicle contents to Federal and State officers upon request.

4. Bow and arrow hunters, and muzzle-loading firearm hunters, are prohibited from constructing or using any permanent blind, platform or scaffold.

Dated: August 27, 1979.

Richard O. Winters,

Acting Area Manager.

[FR Doc. 79-28115 Filed 9-7-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 44, No. 176
Monday, September 10, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

Irish Potatoes Grown in Colorado—Area No. 2; Notice of Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Colorado—Area No. 2 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comment due October 10, 1979.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 2. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado Area No. 2 Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Monte Vista, Colorado, on August 16, 1979.

The grade, size, maturity, and inspection requirements recommended herein are similar to those issued during past seasons. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Because heavier than normal rains have slowed potato development, the committee recommended that size requirements for round varieties be reduced from 2⅛ inches to 2 inches minimum diameter. Minimum size requirements for potatoes of the Russet Burbank variety remain unchanged at 1⅞ inches. Other long varieties must be a minimum of 1⅞ inches in diameter if U.S. No. 2 grade, and at least 2 inches in diameter or 4 ounces in weight if U.S. Commercial or better grade. However, all varieties for export would only be required to be at least 1½ inches in diameter. Size B may be handled if U.S. No. 1 grade. Maturity requirements during the months of September and October would be for U.S. No. 2 grade potatoes, "moderately skinned" and for all other grades "slightly skinned."

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity, and inspection requirements provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt since no purpose would be served by regulating such potatoes. Shipments for charity purposes also would be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While standard quality requirements are desired in foreign markets, smaller sizes are often more acceptable. Therefore, different requirements for export shipments are proposed.

To maximize the benefits of orderly marketing the proposed regulation should become effective on November 1, 1979, when the current regulations expire. Interested persons were given an opportunity to comment on the proposal at an open public meeting held August 16 where it was recommended by the committee. This proposal is similar to regulations in effect for the past season. It is therefore determined that the period allowed for comments will be sufficient under the circumstances and will tend to effectuate the declared purpose of the act.

7 CFR Part 948 would be amended by adding a new § 948.382 as follows:

§ 948.382 Handling regulation.

During the period November 1, 1979, through October 31, 1980, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Russet Burbank.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All other long varieties except Russet Burbank.* U.S. Commercial, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, or U.S. No. 2 grade 1⅞ inches minimum diameter.

(4) *All varieties.* Size B, if U.S. No. 1.

(5) *All varieties for export.* 1½ inches minimum diameter.

(b) *Maturity (skinning) requirements.* During September and October minimum maturity requirements shall be:

(1) *For U.S. No. 2 grade* not more than "moderately skinned."

(2) *All other grades.* Not more than "slightly skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to § 948.40(d) that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. Commerical," "U.S. No. 2," "Size B," "sligthly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the periods November 1, 1979, through June 30, 1980, and September 1, 1980 through October 31, 1980 shall meet the minimum grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: September 5, 1979.

D. S. Kuryloski,

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

[FR Doc. 79–28030 Filed 9–7–79; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Parts 301, 305, 306, 325, 330]

Payment of Insured Deposits; Receiverships and Liquidations; Clarification and Definition of Deposit Insurance Coverage; Proposed Deletion of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed deletion of regulations.

SUMMARY: The FDIC proposes to eliminate four regulations—Part 301 (introductory), Part 305 (Payment of Insured Deposits), Part 306 (Receiverships and Liquidations), and Part 325 (Introductory). These regulations are basically informational in nature and contain little or no operative language. Their removal is being proposed merely as a "housecleaning" measure, in accordance with the FDIC's stated policy of simplifying its regulations and eliminating any unnecessary regulations. The FDIC also proposes to delete certain out-of-date provisions of its rules governing deposit insurance coverage (§§ 330.13 and 330.14).

DATE: Comments must be received by November 9, 1979.

ADDRESS: Interested persons may submit written data, views, or arguments regarding this proposal to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, FDIC, (202) 389–4237.

SUPPLEMENTARY INFORMATION: As part of its program to eliminate unnecessary regulations, the FDIC proposes to delete four regulations that do little more than serve as a narrative description of certain FDIC procedures. The proposed action would not change these procedures, but would merely remove them from the body of FDIC regulations. The FDIC also proposes to delete two sections of its rules governing deposit insurance coverage that are out-of-date. The regulations proposed to be deleted are:

Part 301 (Introductory)

This reglation is merely a "roadmap" provision describing the general content of the FDIC's rules of procedure and practice. Basically it tracks some language in the Administrative Procedure Act, but has no operative language of its own.

Part 305 (Payment of Insured Deposits)

This regulation describes what the FDIC does when an insured bank closes and how insured deposits are paid. Much of the information contained in the regulation can also be found in the underlying statute (sections 11 and 12 of the Federal Deposit Insurance Act).

Part 306 (Receiverships and Liquidations)

Like Part 305, Part 306 contains little, if any, operative language and is basically informational. It describes in general terms the procedures followed by FDIC liquidators in liquidating assets acquired through loans, purchase and assumption transactions, and closed bank receiverships.

Information regarding FDIC receivership and liquidation procedures and operations and payment of insured deposits is contained in the FDIC Liquidators' Manual of Instructions. This manual is a public document.

Part 325 (Introductory)

Like Part 301, Part 325 is simply a "roadmap" provision describing the general scope of the FDIC's substantive regulations. It serves no particular purpose related to the FDIC's functions or operations.

Sections 330.13 and 330.14 (Clarification and Definition of Deposit Insurance Coverage—Continuation of prior coverage; Notification of depositors)

When new Part 330 relating to deposit insurance coverage was adopted in 1967 §§ 330.13 and 330.14 were added to permit a transition period between the old and new rules (§ 330.13) and to ensure that all depositors were notified of the new rules (§ 330.14). These provisions have been out-of-date for some time now.

In consideration of the foregoing, the FDIC Board of Directors does hereby propose to delete Parts 301, 305, 306, and 325 and §§ 330.13 and 330.14 of Title 12 of the Code of Federal Regulations.

By order of the Board of Directors, September 4, 1979.

Federal Deposit Insurance Corporation.

By Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-28051 Filed 9-7-79; 8:45 am]

BILLING CODE 6714-01-M

[12 CFR Parts 307, 327]

Termination of Insured Status; Proposed Revision

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed amendments to regulations.

SUMMARY: The FDIC proposes to revise and simplify Part 307 of its regulations, which prescribes procedures to be followed by a bank whose insured status has terminated other than by action of the FDIC Board of Directors. Several provisions which have not been used since 1969 would be eliminated and certain provisions relating to assessments would be transferred to Part 327, which deals specifically with assessments. The remainder of Part 307 would be revised and simplified to reduce the reporting burden on insured banks whose deposits are assumed by other insured banks and to make the procedures more understandable. The simplified rules include a revised, easier-to-understand form of notice to be sent to depositors when an insured bank's deposits are assumed by another insured bank. As proposed, revised Part 307 would also provide for notice to depositors when an FDIC-insured mutual savings bank converts to a Federal charter.

DATE: Comments must be received by November 9, 1979.

ADDRESS: Interested persons are invited to submit written data, views, or arguments regarding this proposal to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, FDIC, (202) 389-4237.

SUPPLEMENTARY INFORMATION: Part 307 of the FDIC's regulations (12 CFR Part 307) prescribes certain steps that must be taken and records that must be furnished to the FDIC by an insured nonmember bank that voluntarily terminates its insured status and goes into liquidation (§ 307.1), by a member bank of the Federal Reserve System that ceases to be a member bank, thereby terminating its insured status (§ 307.2), and by an insured bank whose deposits are assumed by another insured bank (§ 307.3).

Part 307 was originally adopted in 1950. However, between 1962 and 1969 there were only 7 banks that voluntarily liquidated and whose deposits were not assumed by another insured bank, and since 1969 there have been no instances in which §§ 307.1 or 307.2 have been used. Therefore, in accordance with the FDIC's stated policy of eliminating any unnecessary regulations, the FDIC proposes to delete §§ 307.1 and 307.2 from its regulations.

In addition, the FDIC proposes to simplify and update Part 307 by restructuring it according to whether or not the terminating bank's deposits are assumed by another insured bank. In nearly all cases, there is an assumption. Thus, the revised regulation, as proposed, would spell out the procedures to be followed in these cases. In all other cases (*i.e.*, when deposits are not assumed), the regulation would provide only that the appropriate FDIC Regional Director will approve, on an "as needed" basis, the procedures to be followed, including the notice to be given depositors.

The revised regulation would prescribe the form of notice that must be given to depositors when an insured bank's deposits are assumed by another insured bank. The notice has been redrafted from the form contained in present Part 307 to make it easier for depositors to understand and to provide more information about the status of their insured deposits. In addition, the proposal would simplify and consolidate the requirements regarding information that must be furnished to the FDIC when an insured bank's deposits are assumed by another insured bank. The number of separate submissions of information would be reduced from three to one. Finally, the revised regulation would make clear that notice to depositors need not be given for a "phantom" bank merger or for a purchase and assumption transaction involving only a portion of the bank's deposits where the bank continues in operation as an insured bank.

In addition, certain provisions of Part 307 relating to assessments paid by insured banks on their insured deposits would be transferred to Part 327 dealing specifically with that subject.

Finally, revised Part 307 would require notice to depositors when an FDIC-insured mutual savings bank converts, merges, or consolidates into an institution insured by the Federal Savings and Loan Insurance Corporation. This type of conversion is authorized by the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Accordingly, the FDIC Board of Directors does hereby propose to amend Part 307 and Part 327 of Title 12 of the Code of Federal Regulations as set forth below.

By order of the Board of Directors, September 4, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

1. Revise 12 CFR Part 307 to read:

PART 307—TERMINATION OF INSURED STATUS

Sec.
307.1 Purpose, scope, and authority.
307.2 When deposit liabilities are assumed by another insured bank.
307.3 When deposit liabilities are not assumed by another insured bank or when a State-chartered FDIC-insured mutual savings bank becomes an institution insured by the FSLIC.
Appendix A—Notice to depositors of assumption of deposit liabilities by another insured bank.

§ 307.1 Purpose, scope, and authority.

(a) This Part describes the procedures to be followed by a bank whose insured status under the Federal Deposit Insurance Act has terminated other than by action of the FDIC Board of Directors.

(b) This Part is issued under the authority of sections 8 and 9 of the Federal Deposit Insurance Act. Section 8(a) governs voluntary termination of insured status by an insured nonmember bank. Section 8(o) governs termination of the insured status of a member bank that ceases to be a member of the Federal Reserve System. Section 8(q) governs termination of the insured status of an insured bank whose deposit liabilities are assumed by another insured bank.

(c) Termination of a bank's insured status by action of the FDIC Board of Directors is not covered by this Part, but is covered in Part 308 and in sections 8(a) and 8(p) of the Federal Deposit Insurance Act.

§ 307.2 When deposit liabilities are assumed by another insured bank.

(a) Whenever the deposit liabilities of an insured bank are assumed by another insured bank (whether by merger, consolidation, or other statutory assumption, or by contract), the assuming or resulting bank shall give notice of the assumption to each of the depositors of the bank whose deposits are assumed. The notice shall be given within 30 days after the assumption takes effect and shall be substantially in the form provided in Appendix A. The assuming or resulting bank shall mail the notice to each depositor at the depositor's last address of record as shown on the books of the bank whose deposits are assumed and shall publish the notice in at least two issues of a local newspaper of general circulation. However, no notice need be given for a "phantom" bank merger (*i.e.*, a merger or other transaction involving a newly chartered bank or corporation, the purpose of which is merely to effect a change in organizational structure and which, in and of itself, has no effect on competition) or for a purchase and assumption transaction involving only a portion of a bank's deposits where the bank continues in operation as an insured bank.

(b) Within 30 days after the assumption takes effect, the assuming or resulting bank shall certify to the FDIC (1) that it has agreed to assume the deposit liabilities of the bank whose deposits were assumed and (2) that notice was given as required in paragraph (a). The certification shall state the date the assumption took effect, the dates the notice was mailed and published, and the name of the newspaper in which it was published, and shall include a copy of the notice as mailed. This certification shall be considered satisfactory evidence of the assumption.

§ 307.3 When deposit liabilities are not assumed by another insured bank or when a State-chartered FDIC-insured mutual savings bank becomes an institution insured by the FSLIC.

Any insured bank whose insured status terminates, but whose deposit liabilities are not assumed by another insured bank, or any State-chartered insured mutual savings bank that converts, merges, or consolidates into an institution insured by the Federal Savings and Loan Insurance Corporation, shall give notice to each of its depositors of the date of termination of its insured status under the Federal Deposit Insurance Act. The notice to depositors shall be given in a form, in a manner, and at a time approved by the appropriate FDIC Regional Director. The FDIC may require the bank to take other steps that it considers necessary for the protection of depositors.

Appendix A (Notice to depositors of assumption of deposit liabilities by another insured bank)

(Date)

Notice to Depositors of the ———— (Name of bank):

Please be advised that the deposit liabilities shown on the books of the (Name of bank)————(City and town)————(State)————as of the close of business on ————, 19—— have been assumed by the undersigned bank, and insured bank under the Federal Deposit Insurance Act. Although the insured status of (Name of bank)———— will end on ————, 19——

in accordance with section 8(q) of the Federal Deposit Insurance Act, your insured deposits in that bank at the time of assumption will continue to be insured separately from any insured deposits you may have in the undersigned bank for an additional six months after the date of assumption stated above or, in the case of a time deposit, until the earliest maturity date after that six-month period. At that time, your deposits will be combined with any deposits you may have in the undersigned bank for purposes of determining deposit insurance coverage.[1]

(Name of assuming bank)————

(Address)————

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2. Amend 12 CFR Part 327 by revising § 327.3 to read:

§ 327.3 Payment of assessments by banks whose insured status has terminated.

(a) *Assumed deposits of terminating bank become deposits of assuming bank.* When the deposit liabilities of an insured bank are assumed by another insured bank the assumed deposits, for assessment purposes, shall be deposit liabilities of the assuming bank and shall cease to be deposit liabilities of the bank whose deposits are assumed from and after the effective date of the assumption.

(b) *Payment of assessments by bank whose deposits are assumed.* When the deposit liabilities of an insured bank are assumed by another insured bank, the insured bank whose deposits are assumed shall file a final certified statement, as provided for in § 304.3(u) and (v), and shall pay to the Corporation the normal assessment thereon. If the deposits of the terminating bank are assumed by a newly insured bank, the terminating bank is not required to file certified statements or pay any assessment upon the deposits so assumed after the semiannual period in which the assumption takes effect.

(c) *Payment of assessment by assuming bank on assumed deposits of terminating bank.* When the deposit liabilities of an insured bank are assumed by another insured bank and the assuming bank agrees to file the certified statement which the terminating bank is required to file, the filing of such certified statement and the payment of the assessment thereon by the assuming bank shall be deemed the acts of the terminating bank: *Provided,* That the requisite notice of assumption, as provided in Part 307 of this chapter, be given to the depositors of the terminating bank, and *Provided further,* That such certified statements shall be filed separately from that required to be filed by the assuming bank.

(d) *Resumption of insured status before insurance of deposits ceases.* If a bank whose insured status has been terminated under section 8(a) of the Federal Deposit Insurance Act makes application to the Corporation before the insurance of its deposits shall have ceased, to be permitted to continue or to resume its status as an insured bank, and if the Board of Directors grants the application, the bank will be deemed, for assessment purposes, to continue as an insured bank and must thereafter furnish certified statements and pay assessments as though its insured status had not been terminated. For the procedure to be followed in making such application, see § 303.7 of this chapter.

(e) *Payment of assessments by bank deposits are not assumed.* (1) When the deposit liabilities of an insured bank are not assumed by another insured bank, the terminating bank shall continue to file certified statements and pay assessments thereon for the period its deposits are insured, as provided by the Federal Deposit Insurance Act: *Provided,* That after the bank shall have paid in full its deposit liabilities and the assessment to the Corporation required to be paid for the semiannual period in which its deposit liabilities are paid in full, and after it shall, under applicable law, have ceased to have authority to transact a banking business and to have

[1] The bank may include in this notice any additional information it desires.

existence, except for the purpose of, and to the extent permitted by law for, winding up its affairs, it shall not be required to file further certified statements nor to pay further assessments.

(2) When the deposit liabilities of the bank have been paid in full, the bank shall certify to the Corporation that the deposit liabilities have been paid in full and give the date of the final payment thereof. Where the bank has unclaimed deposits, the certification shall further state the amount of such unclaimed deposits and the disposition made of the funds to be held to meet such claims. For assessment purposes, the following will be considered as payment of such unclaimed deposits:

(i) The transfer of cash funds in an amount sufficient to pay such unclaimed and unpaid deposits to the public official authorized under the law to receive the same; or

(ii) If no provision is made by law for the transfer of funds to a public official, the transfer of cash funds or compensatory assets to an insured bank in an amount sufficient to pay the unclaimed and unpaid deposits in consideration of such insured bank assuming the payment therof: *Provided*, That, prior to such transfer, the terminating bank shall have given notice, as provided in this subparagraph, to the owners of the unclaimed deposits of the intended transfer and a reasonable time shall have elapsed after the giving of such notice to enable the depositors to obtain their deposits. Such notice shall be mailed to each depositor and shall be published in a local newspaper of general circulation. The notice shall advise such depositors of the liquidation of the bank, shall request them to call for and accept payment of their deposits, and shall state the disposition to be made of their deposits upon their failure to promptly claim the same.

(iii) If such unclaimed and unpaid deposits are disposed of as provided in paragraph (e)(2)(i) of this section, a certified copy of the public official's receipt issued for such funds shall be furnished to the Corporation. If such unclaimed and unpaid deposits are disposed of as provided in subdivision (ii) of this subparagraph, an affidavit of the publication and of the mailing of the notice to depositors, together with a copy of such notice, and a certified copy of the contract of assumption shall be furnished to the Corporation.

(3) The terminating bank shall advise the Corporation of the date on which the authority or right of the bank to do a banking business shall have terminated and the method or means whereby such termination shall have been effected, that is, whether such termination has been effected by the surrender of its charter, by the cancellation of its authority or license to do a banking business by the supervisory authority, or otherwise.

[FR Doc. 79-28054 Filed 9-7-79; 8:45 am]
BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Chapter 1]

Informal Airspace Meeting; Notice of Change in Meeting Place

AGENCY: Department of Transportation/FAA.

ACTION: Notice of change in meeting place, informal airspace meeting.

SUMMARY: The location of the informal airspace meeting in San Juan, Puerto Rico, for the purpose of discussing a plan by the FAA to establish a Group II Terminal Control Area (TCA) for the Puerto Rico International Airport has been changed from the Puerto Rico ports authority meeting area on pier no. 1 to:

DATE: October 9, 1979, 7 p.m. local time.

ADDRESS: Puerto Rico Ports International Airport Terminal Building Passenger Lounge, Gate 6 (next to Prinair ticket counter).

SUPPLEMENTARY INFORMATION: For further information, call: Mr. Clifford C. Monteau, FAA Southern Region, telephone: (A/C 404) 763-7866, or Mr. Jose L. Rodriguez, San Juan CERAP, telephone: (A/C 809) 791-4830.

Issued in Atlanta, Georgia, on August 29, 1979.

Richard M. Robinson,

Acting Chief, Air Traffic Division, Southern Region.

[FR Doc. 79-28036 Filed 9-7-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-SO-54]

Proposed Designation of Transition Area; Hopkinsville, Ky.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will designate the Hopinsville, Kentucky, transition area and will lower the base of controlled airspace in the vicinity of the Hopkinsville-Christian County Airport from 1,200 to 700 feet AGL. Public use standard instrument approach procedures have been developed to the airport and additional controlled airspace is required to proctect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before: October 16, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 16, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14

CFR 71) to alter the Hopkinsville, Kentucky, 700-foot Transition Area. This action will provide controlled airspace for protection for IFR operations at the Hopkinsville-Christian County Airport. Standard instrument approach procedures, NDB RWY 26 and SDF RWY 26 to the airport are proposed in conjunction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (44 FR 442), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Hopkinsville, Kentucky

. . . within an 8-mile radius of the Hopkinsville-Christian County Airport (latitude 36°51'25"N, longitude 87°27'25"W).

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

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

Issued in East Point, Georgia, on August 29, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-28040 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 51]

[Docket No. R-79-709]

Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature

AGENCY: Department of Housing and Urban Development.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: HUD proposes to add a new Subpart C to Part 51, Title 24 of the CFR, establishing Departmental standards, requirements and guidelines for locating HUD projects at acceptable distances from stationary hazardous operations which handle conventional fuels or chemicals of an explosive or flammable nature.

COMMENTS DUE: November 9, 1979. Interested persons may submit written data, opinions or comments to the Department. Comments received on or before November 9, 1979 will be considered prior to the publication of the proposed rule. Each submittal should include name and address of the commentator and the regulatory docket number.

ADDRESS: Statements should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FURTHER INFORMATION: For further information contact James L. Christopulos or Michael McGee, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone number 202-755-8910.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development has for some time been deeply concerned about proposals to locate HUD-supported projects in the vincinity of operations that handle large quantities of explosive or flammable materials. This was first brought to the attention of the Department in 1975, during the environmental review process, when one of the local Housing Authorities proposed construction of 1,250 units of public housing within 120 feet of a public utility facility containing forty 60,000 gallon tanks of liquid propane. An engineering analysis determined that an explosion of just one of the tanks would emit an explosive force capable of "wiping-out" 60 percent of the project. As a result the project was modified to take into account the potential hazard. An extensive research project then developed criteria for acceptable siting to be used by planners, designers and public officials. During the past 2 years Departmental staff and local officials have been using interim guidelines contained in the HUD publication dated December, 1975, PD&R-161 entitled "Safety Considerations in Siting Housing Projects" to identify potentially hazardous operations and to determine acceptable separation distances (ASD) for all HUD-supported projects, defined as any project application that requests or requires Department subsidy, grant assistance or mortgage insurance in the vicinity of such operations.

The only change between the guidelines in PD&R-161 and the proposed policy is that the protective standard for people in exposed areas from thermal radiation has been revised with the latest findings of research to identify potentially hazardous operations and to determine acceptable separation distances (ASD) for HUD-supported projects in the vicinity of such operations.

The proposed regulation will establish explosion and thermal radiation standards, which will be applied as a basis for determining the ASD if a HUD supported project is to be located near a potential hazard of an explosion or fire prone nature. This will assure that such a project is located outside the danger zone.

A Technical Handbook will provide the actual procedures to implement the regulation. The supplement will contain formulas, monographs, tables and other data which, in conjunction with the environmental standards, will be used to determine acceptable separation distances from such hazards.

Operations to be covered by the proposed regulation and the technical supplement include the manufacture, processing and storage of chemicals of an explosion prone or flammable nature and ordinary flammable fuels, e.g., kerosene, gasoline and naptha; liquid petroleum gases (LPG), e.g. liquid propane and liquid butane; and liquefied natural gas (LNG).

It has been determined that the proposed regulation may significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will be prepared for agency and public comment in accordance with the Council on Environmental Quality regulations and HUD's environmental policies. An economic analysis, however, is not considered necessary.

The regulation will establish explosion and fire (thermal radiation) standard for both buildings and people as follows.

1. *Environmental standard for explosion:* The proposed standards for explosion is 0.5 pounds per square inch (PSI) overpressure. It has been determined that 0.5 PSI is the acceptable level of blast overpressure for both buildings and occupants, because a frame structure building can withstand that level of external exertion with no structural damage, and human beings would suffer only minor superficial injury.

2. *Environmental standards for thermal radiation:* There will be two standards for thermal radiation.

Wooden buildings generally withstand a thermal radiation flux level of about 10,000 Btu/hr. ft.^{2} for a relatively long period of time (15–20 minutes) before igniting. Since the national average response time for fire fighting units in urbanized and suburban areas is approximately 5 to 8 minutes, 10,000 Btu/hr. ft.^{2} is considered an acceptable level of thermal radiation for buildings. Therefore, this is the proposed standard for calculating the acceptable separation distance for a proposed HUD building project from the site of a potential thermal radiation (fire) hazard.

It is generally accepted that the average person will respond and take shelter within a 15-second time period. However, since children and elderly or handicapped individuals could be affected, the Department is proposing a longer reaction time. People who are in an outdoor area and are exposed to a thermal radiation level of about 450 Btu/hr. ft.^{2} will suffer pain after about 2 minutes and get a burn comparable to a bad sunburn. Longer than 2 minutes of exposure to a radiation level of 450 Btu/hr. ft.^{2} causes blistering. Since it is assumed that an individual will take refuge or be assisted by other people to a safe area within the 2-minute time period, before skin blistering occurs, 450 Btu/hr. ft.^{2} is the thermal radiation level proposed as the standard for determining the acceptable separation distance for people in unsheltered locations. Therefore, exposed recreation areas such as playgrounds, parks, outside swimming pools, etc. must be placed at such a distance from a potential fire hazard so that the radiation flux level does not exceed 450 Btu/hr. ft.^{2} This includes open space ancillary to residential structures, such as yard areas and vehicle parking areas, unless such space is protected (shielded) from the potential source of thermal radiation by the structure being served or by other means.

These then are the proposed explosion and thermal radiation standards, which are to be used in determining the acceptable separation distance ASD for a HUD-supported project when it is to be located near a facility handling or storing materials which are of an explosion or fire prone nature.

It is realized that many conventional fuels and chemicals may also present a toxic vapor hazard in addition to the explosion and thermal radiation hazards. However, no attempt has been made to develop a protective standard for vapor hazards at this time, because of the many statistical parameters involved, including wind direction and velocity and their variability over any given time period.

Other hazards are of concern to the Department of Housing and Urban Development that are not addressed in this proposed regulation. The Department is currently assembling information on ways to effectively address the issues of suitable siting of HUD-supported projects near various sources of potential hazards. HUD will solicit public comments before promulgating any regulations on any additional hazards.

Authority: 42 U.S.C. 3535d.

Issued at Washington, D.C., August 29, 1979.

Jay Janis,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-28052 Filed 9-7-79; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[24 CFR Part 3280]

[R-79-672]

Revision of Mobile Home Construction and Safety Standards

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

ACTION: Notice—Extension of Comment Period

SUMMARY: This Notice extends the comment period for the Advance Notice of Proposed Rulemaking issued in the **Federal Register** (44 FR 32711) on June 7, 1979. The Advance Notice requested comment on areas of the Federal Mobile Home Construction and Safety Standards which are being considered for revision prior to publication of the proposed amendments to those standards. This extension of the comment period is being made in response to requests for additional time to review research documents and other data prior to submitting comments on this Notice. This extension will provide the public more time in which to consider their comments to the Department, assure fuller public participation, and provide the Department with more substantial commentary on which to base the proposed amendments to the Standards.

DATES: The comment period for the Advance Notice of Proposed Rulemaking issued by the Department at 44 FR 32711 on June 7, 1979, has been extended from August 6, 1979, November 6, 1979. Comments received after the extended date will be considered if time permits.

ADDRESSES: Comments should be sent to: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D. C. 20410.

FOR FURTHER INFORMATION CONTACT: Richard A. Mendlen, Director, Standards Division, Office of Mobile Home Standards, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D. C. 20410 (202) 426–1872. This Notice is being issued pursuant to the provisions of section 604(d) of the National Mobile Home Safety Standards Act of 1974. (Secs. 604, 625 of the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5403 and 5424)).

Issued at Washington, D.C. September 4, 1979.

Richard C. D. Fleming,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 79-28041 Filed 9-7-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 20]

[LR-203-76, Part IV]

Definition of Gross Cash Rentals for Valuation of Certain Farm Real Property According to Actual Use

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations defining "gross cash rental" for purposes of electing to value certain farm real property according to its actual use under section 2032A(e)(7). Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations affect all estates for which elections are made to value certain farm real property according to its actual use.

DATES: Written comments and requests for a public hearing must be delivered or mailed by November 9, 1979. The regulations are proposed to be effective for estates of decedents dying after December 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T

(LT-203-76, Part IV), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: H. B. Hartley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Estate Tax Regulations (26 CFR Part 20) under section 2032A. The amendments are proposed to conform the regulations to section 2003(a) of the Tax Reform Act of 1976 (90 Stat. 1856). They are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

The proposed regulations replace an earlier proposed amendment to the regulations which was published in the **Federal Register** for July 19, 1978 (43 FR 31036). A notice withdrawing the July 19, 1978, proposed regulation appears in the Proposed Rules section of this edition of the **Federal Register** (FR Doc. 79-28119).

Statutory Provisions

Section 2032A(e)(7) provides a special method for valuing real property used as a farm for farming purposes. This method requires the executor to locate actual tracts of comparable real property which are rented. The gross cash rental from the comparable real property, minus State and local real estate taxes, is then divided by the average annual effective interest rate charged by Federal land banks on new agricultural loans to farmers and ranchers. The estate tax value is the average of the resulting amount for the five most recent calendar years ending before the decedent's death. These proposed regulations provide a definition of gross cash rentals for use in valuing property under this method.

The proposed regulations define gross cash rentals as the return on property rented solely for cash. This definition replaces an earlier proposed definition of gross cash rentals contained in the July 19, 1978, proposed regulations. That definition permitted treatment of crop share rentals as cash rentals if no actual cash rentals of comparable real property in the locality exist. The new proposed regulations follow the language of the statute more closely and do not permit crop share rentals to be converted to cash rentals.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is H. B. Hartley of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

A new paragraph (b) to read as set forth below is added to the proposed § 20.2032A-4 published in the **Federal Register** on July 19, 1978 (43 FR 31039).

§ 20.2032A-4 Method of valuing farm real property.

* * * * *

(b) *Gross cash rental*—(1) *Generally.* Gross cash rental is the total amount of cash received for the use of actual tracts of comparable farm real property in the same locality as the property being specially valued during the period of 1 calendar year. This amount is not diminished by the amount of any expenses or liabilities associated with the farm operation or the lease. See, § 20.2032A-4(d) for a definition of comparable property and rules for property containing buildings or other improvements and farms including mutliple property types. Only rentals from tracts of comparable farm property which are rented solely for cash are acceptable for use in valuing real property under section 2032A(e)(7). The rentals considered must result from an arms'-length transaction as defined in this section. Additionally, rentals received under leases which provide for payment solely in cash are not acceptable as accurate measures of cash rental value if involvement by the lessor (or a member of the lessor's family who is other than a lessee) in the management or operation of the farm to an extent which amounts to material participation under the rules of section 2032A is contemplated or actually occurs. In general, therefore, rentals for any property which qualifies for special use valuation cannot be used to compute gross cash rentals under this section because the total amount received by the lessor does not reflect the true cash rental value of the real property.

(2) *Special rules*—(i) *Documentation required of executor.* The executor must identify to the Internal Revenue Service the actual comparable property and cash rentals from that property if the decedent's real property is valued under section 2032A(e)(7). If the executor cannot identify such property and rentals, the real property must be valued under the rules of section 2032A(e)(8) if special use valuation has been elected. See, however, § 20.2032A-8(d) for a special rule for estates electing section 2032A treatment on or before [the date which is 30 days after publication in the **Federal Register** of § 20.2032A-8 as a Treasury decision].

(ii) *Arms'-length transaction required.* Only those cash rentals which result from a lease entered into in an arms'-length transaction are acceptable under section 2032A(e)(7). For these purposes, lands leased from the Federal government, or any State or local government, which are leased for less than the amount that would be demanded by a private individual leasing for profit are not leased in an arms'-length transaction. Additionally, leases between family members (as defined in section 2032A(e)(2)) which do not provide a return on the property commensurate with that received under leases between unrelated parties in the locality are not acceptable under this section.

(iii) *In kind rents, statements of appraised rental value, and area averages.* Rents which are paid wholly or partly in kind (*e.g.*, crop shares) may not be used to determine the value of real property under section 2032A(e)(7). Likewise, appraisals or other statements regarding rental value as well as areawide averages of rentals (*e.g.*, those compiled by the U.S. Department of Agriculture) may not be used under section 2032A(e)(7) because they are not true measures of the actual cash rental value of comparable property in the same locality as the specially valued property.

(iv) *Period for which comparable real property must have been rented solely for cash.* Comparable real property rented solely for cash must be identified for each of the five calendar years preceding the year of the decedent's

death if section 2032A(e)(7) is used to value the decedent's real property. The same tract of comparable property need not be used for each of these 5 years, however, provided an actual tract of property meeting the requirements of this section is identified for each year.

(v) *Leases under which rental of personal property is included.* No adjustment to the rents actually received by the lessor is made for the use of any farm equipment or other personal property the use of which is included under a lease for comparable real property unless the lease specifies the amount of the total rental attributable to the personal property.

* * * * *

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-28118 Filed 9-5-79; 4:48 pm]

BILLING CODE 4830-01-M

[26 CFR Part 20]

[LR-203-76]

Material Participation Requirements for Valuation of Certain Farm and Closely Held Business Real Property and Method of Valuing Farm Real Property According to Actual Use; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a portion of the notice of proposed rulemaking relating to material participation requirements for valuation of certain farm and closely held business real property and method of valuing farm real property according to actual use that appeared in the **Federal Register** on July 19, 1978 (43 FR 31039). The portion being withdrawn, proposed regulation § 20.2032A-4 (b), relates to the definition of "gross cash rental" for valuing farm real property according to its actual use under section 2032A (e)(7). This portion of the notice is being withdrawn for further consideration of whether land leased for in kind rentals (e.g. crop share rentals) can be used to value farm real property under the method provided by section 2032A (e)(7).

FOR FURTHER INFORMATION CONTACT: H. B. Hartley of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC: LR:T) (202-566-3287, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document withdraws a portion, proposed regulation § 20.2032A-4 (b), of the notice of proposed rulemaking that appeared in the **Federal Register** on July 19, 1978 (43 FR 31039). That notice proposed amendments to the regulations under section 2032A of the Internal Revenue Code of 1954. The proposed amendments being withdrawn would, in some cases, have permitted crop share rentals to be used for valuing farm real property according to its actual use under section 2032A (e)(7). The Service anticipates issuing a new notice of proposed rulemaking to reflect changes resulting from further consideration of the treatment of crop share rentals as cash rentals under section 2032A(e)(7).

Drafting Information

The principal author of this document is H. B. Hartley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both on matters of substance and style.

Proposed regulation § 20.2032A-4 (b) relating to the method of valuing farm real property according to actual use that was published in the **Federal Register** (43 FR 31039) on July 19, 1978, is hereby withdrawn.

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: August 23, 1979.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

[FR Doc. 79-28119 Filed 9-5-79; 4:48 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR 872]

Abandoned Mine Reclamation Funds

AGENCY: Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior.

ACTION: Proposed amendment of final rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to amend portions of its final Abandoned Mine Lands Reclamation rules (43 FR 49932-49952, October 25, 1978), relating to Abandoned Mine Reclamation Funds, to allow the States and Indian tribes to enter into a cooperative agreement to prepare and submit first annual work plans for implementation of specific reclamation projects.

DATES: Comments must be received at the address below on or before October 8, 1979, by no later than 5 p.m.

ADDRESS: Written comments must be mailed or hand delivered to: Office of Surface Mining, Administrative Record—Room 135, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Charles L. Crawford, P.E., Chief, Division of State & Indian Reclamation Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245, Telephone (202) 343-4061.

SUPPLEMENTARY INFORMATION: On October 25, 1978, the Secretary of the Interior promulgated Final Rules for the Abandoned Mine Land Reclamation Program under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act).

Under section 405(a) of the Act, the Secretary was required to promulgate and publish in the **Federal Register**, procedures and requirements for preparation, submission and approval of State abandoned mine reclamation programs, consisting of a reclamation plan and an annual request for funding specific reclamation projects. The rules as promulgated provided that a State is eligible to submit a State reclamation plan if it has eligible lands and water as defined in 30 CFR 874.12, and the State is eligible for a State reclamation plan to be approved if it has an approved State regulatory program under section 503 of the Act.

Under the present rule, OSM has provided for advance funds to be available for preparation of State and Indian tribe plans (30 CFR 872.11(b)(5)(vi)). Funds are not presently available however, for developing a State's first annual work plan for implementation of specific reclamation projects. As a result, development of a State's first work plan cannot begin until after a State plan is approved. Since this provision will cause a delay in implementing a State's reclamation program, the amendment now being proposed will provide for the collection of data and budgetary information to assure prompt implementation. In the event the State fails to obtain approval of their permanent regulatory program, and a Federal Reclamation Program must be instituted, this proposed

amendment also provides a means to implement Federal Reclamation Programs immediately.

A public hearing will not be held as the proposed change is minor. It will affect only those States and tribes participating in the AML program and would serve no benefit at this time. All projects developed must go through the public participation procedures established by 30 CFR 884.13(e) and the individual State reclamation plan prior to being funded.

The alternatives considered by OSM are:

1. Leave the Final Rules unchanged, which would delay implementation of the State's Reclamation Program until approval of each State reclamation plan; and

2. Amend the Final Rules, which will expedite the States' full participation in AML program and provide to OSM the necessary information for instituting a Federal reclamation program, should the State fail to fulfill requirements for State plan approval.

OSM has selected alternative two because it conforms with Congress' directive to expedite implementing the State and Indian Reclamation Program. The Department of the Interior has determined that this action will not have a significant effect on the human environment.

The Department of the Interior has determined that this document is not a significant rule and does not require a Regulatory Analysis under Executive Order 12044 and 43 CFR Part 14, 43 FR 58292, *et seq.* (December 3, 1978).

Amendment

PART 872—ABANDONED MINE RECLAMATION FUNDS

It is proposed to amend 30 CFR 872.11(b)(5)(vi) to read as follows:

§ 872.11 Abandoned Mine Reclamation Fund.

(b) * * *

(5) * * *

(vi) Cooperative projects to compile information required for preparation of State and Indian reclamation plans, as specified in § 884.13(f) of this part and the first annual work plan for implementation of specific reclamation projects as specified in § 886.14. This work shall be done only with those moneys allocated or available for allocation to a State or Indian tribe and at the request of the Governor of a State or the Indian tribe.

Dated: August 23, 1979.

Walter N. Heine,

Director.

Dated: August 28, 1979.

Joan M. Davenport,

Assistant Secretary—Energy & Minerals.

[FR Doc. 79-28002 Filed 9-7-79; 8:45 am]

BILLING CODE 4310-05-M

Bureau of Reclamation

[43 CFR Part 429]

Procedure To Process and Recover; Value of Rights-of-Way and Administrative Costs

AGENCY: Bureau of Reclamation, Interior.

ACTION: Proposed rules.

SUMMARY: The Bureau of Reclamation has prepared proposed rules to provide a uniform policy for processing requests and recovering costs for the use of lands under Reclamation control.

DATES: Comments must be received by October 10, 1979.

ADDRESS: Comments should be submitted to the Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240, attention, code 400.

FOR FURTHER INFORMATION CONTACT: Mr. L. David Williamson, Senior Staff Assistant, Land Resources Management, Bureau of Reclamation, Department of the Interior, Washington, DC 20240, (202) 343-5204.

SUPPLEMENTAL INFORMATION: Audits by OMB and Department of the Interior internal auditors which pointed up inconsistencies in the Bureau of Reclamation's procedures for issuing land use documents and in the collecting of fees and recovering the values of the rights granted, instigated the issuing of these proposed rules.

These proposed rules will standardize the issuing of land used documents and the granting of rights-of-way across Bureau lands. They should also ensure that the administrative costs incurred by the Bureau in issuing or granting these documents and rights will be borne by the applicant. These regulations will also ensure that the Bureau will recover a fair market value of the rights in Bureau lands granted to non-Bureau users.

Primary authors of this document are Mr. Terence G. Cooper, Natural Resource Specialist, Washington, DC (202) 343-5204 and Mr. Jerry D. Alendal, Supervisory Realty Specialist, Sacramento, California (916) 484-4610.

An assessment of environmental and economic impacts prepared by and on file with the Bureau of Reclamation has determined that this document does not contain a major proposal requiring the preparation of an economic or environmental impact statement under Executive Order 12044, OMB Circular A-107, and Public Law 91-190.

Dated: September 4, 1979.

Daniel P. Beard,

Acting Assistant Secretary of the Interior.

It is proposed to amend Title 43 of the Code of Federal Regulations by adding a new Part 429 to read as follows:

PART 429—PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-WAY AND ADMINISTRATIVE COSTS

Sec.
429.1 Purpose.
429.2 Definitions.
429.3 Establishment of the value of rights-of-way.
429.4 Request by other governmental agencies for rights-of-way.
429.5 Request by other agencies for assistance.
429.6 Request by private parties for rights-of-way.
429.7 Conditions of and for rights-of-way
429.8 Reclamation land use stipulation.
429.9 Hold harmless clause.
429.10 Decisions and appeals.
429.11 Addresses.

Authority: 53 Stat. 119, Title 43 U.S.C. 387, and 65 Stat. 290, Subsection 31 U.S.C. 483.

§ 429.1 Purpose.

The purpose of this part is to set forth the procedures for the recovery of the value of rights-of-way and administrative costs of rights-of-way issued by the Commissioner of Reclamation. This subsection refers to costs incurred in aiding and assisting other agencies and parties in rights-of-way matters.

These regulations apply to interests on land granted by the Commissioner of Reclamation except those issued for replacement or relocation under section 14 of the Reclamation Project Act of August 4, 1939, 43 U.S.C. Subsection 389.

§ 429.2 Definitions.

As used in this part:

(a) "Commissioner" means the Commissioner of Reclamation or his designated representative.

(b) "Bureau" means the Bureau of Reclamation.

(c) "Regional Director" means any one of the seven representatives of the Commissioner designated to act for the Commissioner in specified rights-of-way actions. The Regional Directors may have further designated certain of their

authorities for granting rights-of-way to the supervising heads of certain field offices.

(d) "Rights-of-way" means only those leases, licenses, permits, easements, or agreements issued or granted by the Regional Director under the authority granted to him. The term "rights-of-way" does not include the leasing of land in the custody or under the control of the Bureau for grazing, agriculture, recreation, or any other purpose where a greater return will be realized by the United States through a competitive bidding process.

(e) "Other agencies" means all Federal, State, and local governmental agencies not connected in any way with the Bureau of Reclamation, that request rights-of-way from the Bureau.

(f) "Rights-of-way assistance" means any assistance given upon request to another party. Such assistance includes but is not limited to work in the processing of environmental requirements, preparing, checking, and inspecting engineering data and standards.

(g) "Value of rights-of-way" means the value of the rights, privileges, and estates granted by the Bureau for the use of land under its custody and control.

(h) "Administrative costs" means all direct or indirect costs incurred by the Bureau in reviewing, issuing, and processing rights-of-way requests or assisting others in their right-of-way matters.

(i) "Grantor" means the agency controlling the Federal land and granting use of a portion, in this case the Bureau of Reclamation.

(j) "Grantee" means the agency, firm or individual to whom is granted the right to use Federal lands for rights-of-way or other purposes.

§ 429.3 Establishment of the value of rights-of-way.

The value of a right-of-way shall be determined by the Bureau. Where practical, the value of a right-of-way shall be established by a Bureau staff appraiser. The appraiser shall base the appraisal on the fair market value for the requested right or privilege. The value of a right-of-way shall not include any unauthorized use of the land under the custody and control of the Bureau by the applicant prior to his request for a right-of-way.

§ 429.4 Request by other governmental agencies for rights-of-way.

Rights-of-way requested by other agencies may be provided with no charge being made for the value of these rights-of-way when it is determined that the use of these rights-of-way will not interfere with present or future use of the land by the Bureau. Other agencies will be required to reimburse the Bureau for all administrative costs.

§ 429.5 Request by other governmental agencies for assistance.

The requesting agency shall be required to reimburse the Bureau for all administrative costs to the Bureau (§ 429.2(h)).

§ 429.6 Request by private parties for rights-of-way.

The applicant for a right-of-way over land or estate in land in the custody and control of the Bureau must make application to the Regional Director of the region in which the land is located or to the affected field office. The addresses for the seven Regional Directors are located in § 429.11. No right-of-way will be granted when it is determined that the proposed right-of-way will interfere with the purposes of Reclamation or Reclamation's ability to maintain its facilities.

(a) The application does not have to be in any particular form but must be in writing. The application must contain at least the following items:

(1) A detailed description of the proposed use of the Bureau land.

(2) A description of the Bureau lands on which the proposed use is desired.

(b) An initial fee of $100, as a filing fee, must accompany the initial application. No refund will be made for any deposit or cost after the right-of-way application has been received by the appropriate regional office of the Bureau.

(c) The applicant also must furnish, or agree to furnish, the following before the Bureau grants a right-of-way:

(1) A legal land description and/or a plat of the requested right-of-way. The description and plat should relate to the Bureau's land boundaries.

(2) Detailed construction details, construction specifications, engineering drawings, power flow diagrams, one-line diagram, and any other plans and specification which may be applicable.

(3) Statements, reports, or other documents prepared by the applicant which will be used by the Bureau of Reclamation to satisfy the requirements of the National Environmental Policy Act (42 U.S.C. 4321–4347).

(4) Proof of compliance with cultural resource policies prescribed in Executive Order 11593 and applicable historic preservation laws.

(d) The applicant shall agree to pay to the Bureau all additional administrative costs it incurs above the initial fee of $100 deposit required by § 429.6(a)(2). These charges must be paid prior to the issuance of the right-of-way.

§ 429.7 Conditions of and for the right-of-way.

(a) The right-of-way-granting document shall contain such special conditions or requirements as may be necessary to protect the interest of the United States.

(b) Rights-of-way shall be granted only to firms or individuals licensed to do business in the United States, corporations, governmental, quasi-governmental entities, or individuals.

(c) No right-of-way shall be granted any person or corporation while any debt is known to be due the United States.

(d) Any grant of a right-of-way for a term of 25 years or longer must have the consent of any involved water user organization.

(e) The Reclamation land-use stipulation appearing in § 429.8 shall be included in all permanent rights-of-way granted, excepting grants to other Federal agencies.

(f) Temporary right-of-way grants shall contain a termination clause in the event the applicant use becomes or may become an interference with the Bureau use of the land.

(g) Except for grants of right-of-way to Federal agencies, the grant shall contain a hold harmless clause found in § 429.9.

§ 429.8 Reclamation land use stipulation

The following shall be a part of every land use document issued by the Bureau of Reclamation:

There is reserved from the rights herein granted, the prior rights of the United States acting through the Bureau of Reclamation, Department of the Interior, to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for severance or other damage to Grantee's work; provided, however, that if such reserved rights are not exercised for works authorized by the Congress before the date of this grant, they will not be exercised unless Grantee or Grantee's successor in interest is compensated for resultant damage to works placed on said lands pursuant to the rights herein granted. Compensation shall be in the amount of the cost of reconstruction of Grantee's works to accommodate the exercise of the Government's reserved rights. As an alternative to such compensation, the United States at its option and at its own expense may reconstruct Grantee's works to effect such accommodations.

§ 429.9 Hold harmless clause.

The following clause shall be a part of every land use document issued by the Bureau of Reclamation:

The Grantee hereby agrees to indemnify and hold harmless the United States, its employees, agents, and assigns from any loss

or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death arising out of the Grantee's activities under this agreement.

§ 429.10 Decisions and appeals.

(a) The Regional Director, acting as designee of the Secretary, shall make the determinations required under these rules and regulations. A party directly affected by such determination may appeal in writing to the Commissioner of the Bureau of Reclamation within 30 days of receipt of the Regional Director's determination. The affected party shall have an additional 30 days thereafter within which to submit a supporting brief or memorandum to the Commissioner. The Regional Director's determination will be held in abeyance until the Commissioner has reviewed the matter and rendered a decision.

(b) Any party to a case adversely affected by a final decision of the Commissioner of the Bureau of Reclamation under this part shall have a right of appeal to the Director, Office of Hearings and Appeals, Office of the Secretary, in accordance with the procedures provided in Title 43, CFR Part 4, Subpart G.

§ 429.11 Addresses.

Bureau of Reclamation, Upper Missouri Region, P.O. Box 2553, Billings, MT 59103.
Bureau of Reclamation, Lower Missouri Region, P.O. Box 25247, Denver, CO 80225.
Bureau of Reclamation, Engineering and Research Center, Division of O&M Technical Services, P.O. Box 25007, Denver Federal Center, Denver, CO 80225.
Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.
Bureau of Reclamation, Southwest Region, Box H-4377, Amarillo, TX 79107.
Bureau of Reclamation, Pacific Northwest Region, P.O. Box 043, Boise, ID 83724.
Bureau of Reclamation, Mid-Pacific Region, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.
Bureau of Reclamation, Lower Colorado Region, P.O. Box 427, Boulder City, NE 89005.
Bureau of Reclamation, Upper Colorado Region, P.O. Box 11568, Salt Lake City, UT 84147.

[FR Doc. 79-28117 Filed 9-7-79; 8:45 am]
BILLING CODE 4310-09-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 271, 274, and 275]

[RM79-44, RM79-66, RM79-76]

High-Cost Natural Gas, Public Hearings on Proposals

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Public Hearings.

SUMMARY: The Federal Energy Regulatory Commission will convene several public hearings to enable the public to present views on three rulemakings: (1) Docket No. RM79-44, which defines the types of high-cost natural gas listed in sections 107(c)(2) through (5) of the Natural Gas Policy Act of 1978 (NGPA); (2) Docket No. RM79-76, which implements sections 107(b) and (c)(5) of the NGPA insofar as they relate to high-cost natural gas produced from tight formations; and (3) Docket No. RM79-66, which allows for the withdrawal of notices of determination filed by jurisdictional agencies pursuant to the NGPA.

DATES: RM79-44—September 25, 1979. RM79-66—September 25, 1979. RM79-76—September 24, 1979 (FERC Office) September 28, 1979 (Denver)

ADDRESSES: The public hearings for Docket Nos. RM79-44 and RM79-66 will be held in Hearing Room A, Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. The public hearing for Docket No. RM79-76 will be held at the above address as well as at the offices of the United States Geological Survey, Building 25, Room 1204, Denver Federal Center, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Philip Yates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8078.

Issued September 5, 1979.

The Federal Energy Regulatory Commission (Commission) will convene several public hearings to enable the public to present views on three rulemakings: (1) Docket No. RM79-44,[1] which defines the types of high-cost natural gas listed in sections 107(c)(2) through (5) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.*; (2) Docket No. RM79-76,[2] which implements sections 107(b) and (c)(5) of the NGPA insofar as they ralate to high-cost natural gas produced from tight formations; and (3) Docket No. RM79-66,[3] which allows for the withdrawal of notices of determination filed by jurisdictional agencies pursuant to the NGPA.

There will be two public hearings held for the tight formation rulemaking, Docket No. RM79-76. They will be held on September 24, 1979, in Hearing Room A, at 10:00 A.M., at the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C., and at 10:00 A.M. September 27, 1979, at the offices of the United States Geological Survey, Building 25, Room 1204, Denver Federal Center, Denver, Colorado.

There will be one public hearing in Washington, D.C. on the other two rulemakings. This public hearing will be held on September 25, 1979, at 10:00 A.M. at the Washington address set forth above; oral comments on Docket No. RM79-66 will be heard first, with the remainder of the day reserved for oral comments on Docket No. RM79-44.

Requests to participate in any of the hearings should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, no later than seven days prior to the hearing. Requests should indicate in which hearing the person wishes to participate, the amount of time required for the oral presentation, and the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring 50 copies of their testimony to the hearing. A list of the participants in each hearing will be available in the Commission's Office of Public Information three days before the hearing and will be available at the site of the hearing on the morning it is convened.

[1] See Notice of Proposed Rulemaking, Docket No. RM79-44, issued June 13, 1979 (44 FR 34969; June 18, 1979).

[2] See Notice of Proposed Rulemaking, Docket No. RM79-76, issued August 29, 1979. (44 FR 52253; September 7, 1979).

[3] See Notice of Proposed Rulemaking, Docket No. RM79-66, issued August 13, 1979 (44 FR 48262; August 17, 1979).

The hearings will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearings. Transcripts of the hearings will be available in the public files of the Commission's Office of Public Information.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28323 Filed 9-7-79; 11:26 am]

BILLING CODE 6450-01-M

Notices

Federal Register
Vol. 44, No. 176
Monday, September 10, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

VISTA Guidance Papers

AGENCY: Action.

ACTION: Notice of VISTA Guidance Papers.

SUMMARY: The following notice sets out the VISTA Guidance Papers which provide information to VISTA sponsors and include the VISTA Philosophy of Project Selection and Explanation of the Philosophy, Criteria for Selecting VISTA Sponsors, and Additional Project Selection Factors. Changes in the Guidance Papers are also described.

In accordance with the requirements of Executive Order 12044, Improving Government Regulations, a working group met on July 16, 1979, and determined that the changes made in the VISTA Guidance Papers are not significant and do not necessitate the issuance of any regulations. Therefore, in accordance with Section 420 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 *et seq.*), the VISTA Guidance Papers will be effective thirty (30) days from this date.

FOR FURTHER INFORMATION CONTACT: Angelo Traficanti, VISTA, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, 202–254–5195.

SUPPLEMENTARY INFORMATION:

The following textual changes are being made in the *VISTA Guidance Papers* in order to:

(1) State more clearly the VISTA mission, and

(2) Give more precise programmatic guidance to ACTION field staff, VISTA Volunteers and sponsors, and the general public at large.

The changes are as follows:

(1) Page 11, paragraph 1 presently reads:

"VISTA Volunteers can serve a unique role in the effort against poverty by working to empower groups of low-income citizens so they can influence the decisions that affect their lives."

This sentence will be changed to read:

"VISTA Volunteers can serve a unique role in the effort against poverty by working to assist groups of low-income citizens develop the confidence and skills necessary to influence the decisions that affect their lives."

(2) Page 13, paragraph 2 presently reads:

"The Volunteers' roles should be ones of support. Under no circumstances should the Volunteers be providing a direct service unless it can be demonstrated that the service roles are an integral part of an overall organizing strategy which will lead to the empowerment of low-income people."

This will be changed to read:

"The Volunteers' roles should be ones of support. Under no circumstances should the Volunteers be providing a direct service unless it can be demonstrated that the service roles are an integral part of an overall organizing strategy which will lead to a more self-reliant low-income community."

(3) 14, paragraph 2, last sentence presently reads:

"It is also based on the belief that the problems of poverty will be ameliorated when, and only when, the poor develop the capacity to help themselves."

This sentence will be changed to read:

"Also, it is based on the belief that the problems of proverty will be ameliorated when, and only when, the poor develop the capacity to help themselves."

(4) Page 20, paragraph 2 under *"Must Priority Preference Be Given to Citizen Participation and Advocacy Organizations?"* delete the last sentence that reads "Public agencies should be considered sponsors of the last resort." Presently the full paragraph reads as follows:

"Because VISTA is attempting to accomplish its legislative mandate through the support of citizen participation and advocacy organizations, priority preference must be given to projects in complicance with VISTA criteria which are sponsored by such organizations. The second priority should be given to service or public interest organizations that submit projects which support citizen participation organization building efforts. Public agencies should be considered sponsors of the last resort."

Reason for deletion: VISTA does not want to create the erroneous impression that public agencies are precluded from requesting resources of the VISTA program.

(5) Page 21, second paragraph add:

What Are Prohibited Activities For Volunteers And Sponsors?

(A) VISTA Volunteers are prohibited by law from participating in:

(1) partisan and non-partisan political activities, including voter registration activities;

(2) lobbying;

(3) labor and anti-labor related activities.

(B) VISTA sponsors are prohibited by law from:

(1) carrying out projects resulting in the identification of such projects with partisan and non-partisan political activities, including voter registration activities and providing voters with transportation to the polls.

(2) assigning Volunteers to activities which would result in the displacement of employed workers.

(6) Page 29, the paragraph titled *Resource Allocation* will be deleted. Presently the paragraph reads:

"The Resource Allocation plan to be implemented for FY 79 will be formulated at the point that the VISTA FY 79 budget is established."

Reason for deletion: the time has already passed for the formulation of the FY 79 budget.

(7) Page 34, second paragraph, the section titled *Implementation of New Criteria for Existing Sponsors* will be deleted. This text presently reads as follows:

(1) Notice.

(a) All existing sponsors will be notified of the new criteria as soon as they are published in the **Federal Register**. Sponsors will be told that their application for renewal will be reviewed in light of these new criteria, so that they may design their applications accordingly.

(b) All State Offices will review existing VISTA projects to determine whether they would be in compliance with new criteria if those criteria were applied to the project as currently constituted. Those that do not appear to comply will be notified of this fact with the reasons for non-complicance explained. Sponsors will be reminded that any new application for renewal must comply with the new criteria.

(2) Review of Continuation Applications.

(a) Sponsoring organizations whose Memoranda of Agreement are renewable after June 30, 1978, will be reviewed in light of new program criteria. If the application does not comply with the new criteria, the sponsor will be notified that ACTION intends to deny the application for renewal, and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with ACTION procedures. See 40 Fed. Reg. 23311, May 29, 1975.

(b) Sponsoring organizations whose Memoranda of Agreement are renewable between April 1, 1978, and June 30, 1978.

(1) may be extended by State Directors for a reasonable amount of time (e.g., 3 months) to allow revision of the renewal proposal to conform with the new criteria, or

(2) may be renewed non-competitively if the State Program Director so desires, if the Regional Director concurs and if their proposal conforms to the new criteria, or

(3) may be extended or renewed for one year under the old criteria to allow orderly transition if:

(a) the State Program Director is satisfied with the program performance in the past year, and s/he believes the proposal conforms to the old criteria and the Regional Director concurs, and

(b) the extension or renewal is necessary to insure that the organization has the opportunity for orderly transition to continuance without VISTA Volunteers or to completion of the project, and

(c) the sponsoring organization is clearly informed in writing that under no circumstances can the VISTA project continue after that period without submission of a new proposal conforming to the new criteria that is chosen under the competitive procedures that have been outlined. Those applications submitted by sponsors under the extension referred to in (a) above will be reviewed according to the new criteria. If the application does not comply with the new criteria, the sponsor will be notified that ACTION intends to deny the application for renewal, and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with ACTION procedures. See 40 FR 23311, May 29, 1975.

(c) Technical assistance will be given by National, Regional and ACTION State staffs to sponsors who are denied renewal but have been granted an extension to enable the sponsors to make an orderly transition to a system of providing services which is not dependent on the use of VISTA Volunteers.

(d) By July 1, 1979, all VISTA projects will be in compliance with these criteria.

Reason for deletion: the time frames have elapsed for implementation of specific action stated in the text.

VISTA Guidance Papers

1. VISTA Philosophy of Project Selection

2. Explanation of VISTA Philosophy of Project Selection

3. Criteria for Selecting VISTA Sponsors

4. Additional Project Selection Factors

5. VISTA Program Implementation Procedures

VISTA Philosophy of Project Selection

VISTA Volunteers can serve a unique role in the effort against poverty by working to assist groups of low-income citizens develop the confidence and skills necessary to influence the decisions that affect their lives.

Low-income people should participate in making the decisions that determine the kinds of services offered in their neighborhoods; for example, the education received by their children, the location and kinds of health care facilities, the location of highways and other public improvement, the amount and form of assistance offered, the kind and location of housing developed as well as many other decisions that are too often made for the poor by the rest of us.

Successful citizen-participation organization will result in the increased access of low-income people to decision making through cooperative efforts with established public and private institutions, or through the creation of new mechanisms for the participation of low-income people in the decision making processes which affect their lives. The net result will be improved conditions for the poor through the more effective deployment of public and private resources designed to relieve poverty.

Technique to be Utilized

The best way to accomplish the central purpose of the VISTA program is to assure that VISTA projects have as their method of attacking poverty the organization of low-income people to bring long term benefits to themselves and their communities through their own collective efforts.

People must be organized into effective groups so they may increase the strength of their voice as they advocate for their interests.

Basic Test of Project Selection

The test, then, for selecting a project for placement of VISTA Volunteers, is whether that placement will lead to an increased voice for low-income people in the decision-making processes which affect their lives.

How projects do this will differ from project to project and from community to community as will the exact nature of the Volunteers' activities; however, with rare exceptions, the following elements should be present.

(1) The sponsoring agency should be grassroots (i.e., controlled and operated by those to be served). If it is not, the project should lead to the building or strengthening of a grassroots organization or advocacy system.

(2) The Volunteers' roles should be ones of support. Under no circumstances should the Volunteers be providing a direct service unless it can be demonstrated that the service roles are an integral part of an overall organizing strategy which will lead to a more self-reliant low-income community.

Other Elements in Project

Some additional elements that will enhance the probability of success of the VISTA program should be borne in mind:

(1) Low-income people can increase their impact by combining their efforts with others who have a common interest in specific objectives toward which a resultant coalition can strive.

(2) Projects which would benefit the poor only insofar as they are members of the general population or whose objectives would benefit low-income people only through a trickle down effect should not be approved.

(3) VISTA Volunteers' work should be so arranged that they have some direct and personal contact with members of the low-income population their project is designed to serve.

Explanation of VISTA Philosophy of Project Selection

The new direction of VISTA has as its purpose assisting the poor to break the bonds of dependency. It reflects a firm belief in the democratic principles upon which our system of government is based and the willingness of people to help each other and themselves. Also, it is based on the belief that the problems of poverty will be ameliorated when, and only when, the poor develop the capacity to help themselves.

The new direction of VISTA is simply a reaffirmation of the VISTA mission and the principles which led to its creation. The Handbook for VISTA Sponsors states that, "It is central to VISTA's mission that projects of Sponsoring Organizations utilizing VISTA Volunteers contribute to the creation of more self-reliant communities by developing in and among the poor the capability for leadership, problem-solving and active participation in the decision-making processes which affect their lives."

How VISTA Resources Will be Used

In determining how VISTA resources should be used, the following was taken into consideration:

(1) VISTA will always be limited by the availability of funds. The program is not designed to eradicate poverty but to strenghten and supplement on-going community efforts to do so.

(2) Most communities have access to resources (both human and financial) which could be applied towards alleviating the conditions of poverty.

(3) One of the Major problems faced by the poor is their lack of access to and information about available benefits, their rights and the mechanisms available to them through the

democratic process to exercise their rights.

(4) Volunteers have the ability to develop and transfer information and skills to community leadership and residents in a manner which multiplies volunteer efforts through organization and, over time, obviates the need for a VISTA presence.

(5) In every community their exist people with leadership potential willing and able to work towards solutions to the problems which they and their neighbors are faced.

(6) Those in need of assistance must be involved in the decisions which determine the nature of the assistance which will be most effective.

Vista Will Support Citizen Participation Building Efforts and the Creation/ Expansion of Advocacy Systems.

It has been decided that VISTA can achieve maximum impact by concentrating its resources in support of citizen participation organization building efforts and the creation/ expansion of advocacy systems. In doing so, VISTA will be:

(1) supporting the efforts of those in need of assistance to involve themselves in the decision making processes which affect their lives by

(2) transferring information and skills to community residents in a manner which develops their leadership potential and

(3) multiplying their efforts to work through the democratic process to gain access to resources (both human and financial) available to their communities to meet their basic human needs and alleviate the conditions of poverty.

What is Citizen Participation Organization?

Citizen participation organization takes many forms. Included in our definition of the term is any group which has banded together in order to find and implement solutions to the problems with which its members are faced. Therefore, a group of farmers who have formed an agricultural cooperative is a citizen participation organization as is a community or neighborhood organization, an advocacy group of the consumers for whom advocacy is needed, a Parent Teachers Association, etc.

A citizen participation organization does not have to be comprised solely of the recipients of the benefits to accrue as a result of the organization having been formed. However, people who benefit directly must be prominently involved in the decision making processes which determine the organization's priorities and day to day activities.

What Does Support Citizen Participation Organization Building Efforts Mean?

Any project which directly contributes to the building or strengthening of a citizen participation organization supports that effort. Citizen participation organizations need many things in order to grow. They need members. They need money to support their operations. They need management skills. They need information about the resources available to accomplish their goals and objectives. They need legal assistance. Many need to be able to provide a direct service to their members. What an organization needs changes as the organization changes and as its leadership and membership grow and increase their skills.

The Role of the Volunteer

VISTA is and will become what Volunteers make it through their commitment and by their accomplishments. Under the new VISTA direction, it is expected that Volunteers will function as fundraisers, lawyers, neighborhood organizers, researchers, accountants * * * The list goes on forever.

It is the diversity of the VISTA resource—the Volunteer—that makes VISTA and other volunteer programs unique and valuable. Poor communities have always needed a myriad of skills to supplement their efforts. This has not changed nor is it likely to change. What has changed is that in deciding whether or not to approve a project, the ACTION staff must ask themselves whether or not it will lead to a greater voice for the poor in the decision making processes which affect their lives.

If, in the judgment of the appropriate ACTION personnel, activity does support such an effort and the project is among the best being considered, the project should be approved. If the project does not, it should be disapproved.

Sponsor Selection

May a Service or Public Interest Organization Sponsor a VISTA Project?

If a project sponsored by a service or public interest organization supports a citizen participation organization effort, it can and should be approved.

For example, the Legal Services Corporation is essentially a service organization; however, it is capable of providing a service to organizations as well as to individuals on a one-to-one basis. A legal services project requesting a VISTA lawyer to handle a caseload would not be in compliance with the new VISTA criteria. However, a legal services project requesting a VISTA lawyer to assist low-income groups to incorporate, to research a class action which would support the activities of a low-income organization, etc., would be in compliance.

May a Public Agency Sponsor a VISTA Project?

A public agency may sponsor a VISTA project assuming that the project is in compliance with VISTA criteria (i.e., leads to the increased voice of the poor in the decision making processes which affect their lives). However, under no circumstances can VISTA resources be used to perform a task which could be considered staff work. In other words, a VISTA Volunteer cannot be a librarian; however, a VISTA Volunteer could be used to mobilized resources to be used to create a library if the creation of that library would lead to greater community self-sufficiency.

Must Priority Preference be Given to Citizen Participation and Advocacy Organizations?

Because VISTA is attempting to accomplish its legislative mandate through the support of citizen participation and advocacy organizations, priority preference must be given to projects in compliance with VISTA criteria which are sponsored by such organization. The second priority should be given to service or public interest organizations that submit projects which support citizen participation organization building efforts.

Under no circumstances should a weak project with little chance of success be given preference because of the nature of the sponsoring organization. By the same token, no project should be rejected because it is risky if it has a reasonable chance of success. ACTION staff has the expertise necessary to assist grassroots sponsors develop quality projects. It can be said that priority preference has been given only when, to the extent possible, ACTION has attempted to assist grassroots organizations develop projects which we can reasonably expect to approve.

What are Prohibited Activities for Volunteers and Sponsors?

(A) VISTA Volunteers are prohibited by law from participating in:

(1) partisan and non-partisan political activities, including voter registration activities;

(2) lobbying;

(3) labor and anti-labor related activities.

(b) VISTA sponsors are prohibited by law from:

(1) carrying out projects resulting in the indentification of such projects with partisan and non-partisan political activities, including voter registration activities and providing voters with transportation to the polls.

May Volunteers Perform a Direct Service?

A VISTA Volunteer can perform a direct service if the provision of that service is part of an overall organizing strategy *and* if it is clearly demonstrated that the service, once established, can be supported without VISTA resources or will not need to continue. Under no circumstances, however, can a Volunteer perform a direct service for the sake of service (i.e., the end goal is to provide a service).

For example, VISTA Headquarters approved a project which stated that the sponsoring organization wanted to organize a group of low-income women so that they could find solutions to the problems with which they were faced. They went on to state that the women were frightened and that the only way to bring them together was by providing a service. The service they wanted to provide—helping the women earn their high school equivalency diploma. The organization wanted Volunteers to tutor the women.

The materials to be used in the equivalency program would provide the women with information which directly affected their lives. The discussions would be geared around the problems with which the women were faced and how those problems could be solved. At the end of the year, the women tutored will be ready to take the high school equivalency examination *and* will have formed an organization in order to deal with neighborhood issues.

VISTA Headquarters disapproved a second project which requested Volunteers to tutor in a high school equivalency program. The sponsor stated that it needed to provide a service to the low-income residents of their community. The Board of Education had refused their request for a teacher; therefore, they turned to VISTA. Although the Volunteer tasks were similar—almost identical—to those to be performed for the first sponsor, this sponsor's goal—the reason the Volunteers were to perform the tasks—was radically different.

In the first project, the goal was to create an organization. The project's success or failure will be determined by whether or not an organization has been formed and the women tutored were working to identify and find solutions to neighborhood problems. If the project is successful, VISTA has helped to impact on a problem—a group of women who were frightened are organized to deal with neighborhood problems. If the organization is successful, VISTA has helped the women's community, albeit indirectly—neighborhood problems will be identified and solved.

In the second project, the goal was to decrease the number of people who did not have high school diplomas (i.e., to provide a service). There was no information to indicate that the number of high school dropouts was static; therefore, it must be assumed that each year more students dropped out of high school. There was no plan articulated to impact on the problem—decrease the high school dropout rate—nor was there any plan articulated to institutionalize the service to be provided either through the Board of Education or the community center thereby making it possible to deal with the condition (i.e., poor people without high school diplomas) over time without VISTA resources.

The success or failure of the second project, therefore, would be determined by whether or not a number of high school dropouts were tutored by VISTA Volunteers. There is every reason to believe that there will be an equal number of people in need of the service the following and subsequent years. There is every reason to expect that VISTA Volunteers will be needed to perform the service again and again and again.

VISTA through its presence has not helped to impact on the problem (the high school dropout rate) nor has it helped the community develop a permanent method for dealing with the condition (the number of poor people without high school diplomas) resulting from the problem.

Direct Service Makes an Important Contribution

VISTA believes that the provision of direct one-on-one service is important and vital. Poor people need help NOW and will suffer if that help is not provided. However, the provision of a direct service rarely leads to change and, in many instances, increases feelings of dependency and powerlessness.

If VISTA resources are used to increase a citizen participation organization's capability to find solutions to the problems of its membership, service will be provided and the poor people involved will develop a sense of their worth and their ability to find their own solutions. Their dependency will decrease, our resources can be withdrawn eventually without noticeable effects and our limited work years can be used to help more and more communities reach self-sufficiency.

Criteria For Selecting VISTA Sponsors

The criteria listed below are to be used by ACTION staff in the selection of VISTA sponsors. All of the elements stated must be found in the applicant sponsor's proposed project.

A VISTA sponsor will manage a project which is poverty oriented in scope and mission. Such a project must:

(1) Have as a method of attacking poverty and poverty related problems:

(a) the organization of low-income community residents to bring long term benefits to the community through their own collective efforts or the establishment of a grassroots advocacy system; or

(b) supporting the efforts of a low-income citizen participation or grassroots advocacy organization(s).

(2) Have as a long term effect:

(a) increasing access of poor people to decision making through cooperative efforts with existing public or private institutions; or

(b) the creation of new mechanisms, where none currently exist, for participation of poor people in the decision making processes which affect their lives.

(3) Show that the goals, objectives and Volunteer tasks are attainable within the time-frame during which the Volunteers will be working on the project and will produce a measurable result.

(4) Make reasonable efforts to recruit and involve low-income community residents in the sponsoring organization and develop their leadership skills.

(5) Provided frequent and effective supervision of the Volunteers and have the management capability to carry out the project.

(6) Identify resources needed and make them available for Volunteers to perform their tasks.

(7) Comply with ACTION legislation, policies and procedures established for the management of the VISTA program.

Additional Factors To Consider in Selecting Sponsors

These additional factors may be used in choosing between applicant sponsors who equally meet all the required sponsor selection criteria.

(1) How important is the proposed project to the target community? Who will benefit from the project?

(2) Does the project show evidence of skillful and careful planning to attain project goals?

(3) Did the sponsor answer preliminary inquiry questions with specificity or somewhat vaguely?

(4) Has the sponsor's leadership been tested in the community?

(5) What are the *strengths* of the people who *want* the project and of those who *oppose* the project?

(6) What are the *weaknesses* of the people who *want* the project and of those who *oppose* the project?

(7) Does the sponsor have good administrative systems?

(8) Sponsor's staff:

(a) Do they have experience in building an organization?

(b) Are they enthusiastic about the proposed VISTA project?

(c) What are the procedures for on-the-job training of the staff?

(d) What kind of supervision do staff members get?

(e) What are the procedures for staff accountability?

(9) Does the sponsor have the *ability* and a *plan* to develop leadership among members of the target community?

(10) Are a large number of people willing to get *involved* in the project? Are they willing to give money to support the project?

(11) Is an organization being built with the proposed project?

(12) How successful has the sponsor been in the past in winning and/or securing major changes or benefits for the target community?

(13) What is the future of the organization? Where does it want to be, for example, two years from now?

(14) How many Volunteers are being requested? Is proposal for one VISTA of such great worth to make development worthwhile?

VISTA Program Implementation Procedures

Project Approval Process

In order to assure all potential sponsors equal consideration, the VISTA project approval process for new projects will be changed. The procedures listed below are to be followed regardless of where project approval rests.

Until such time as new VISTA application forms are designed and approved by OMB, the Preliminary Inquiry form referred to below is ACTION Form (A-563) and Judgment Document is the ACTION Project Narrative (A-566).

As of this date:

(1) When a potential sponsor contacts an ACTION State Office to apply for VISTA resources:

(a) The State Office will send the sponsor a preliminary inquiry form and instruction booklet (to be developed).

(b) Those projects which appear to the State Director to be in compliance with VISTA guidelines on the basis of the preliminary inquiry should be sent a Judgment Document.

(c) Those projects which appear to the State Director to be out of compliance should be notified in writing that their project does not appear to be in compliance with VISTA guidelines and the specific guidelines with which the project does not comply should be identified.

(2) Returned judgment documents should be reviewed by the State Director as they are received and should be perfected by the potential sponsoring organization with the advice/assistance of the State Program Staff.

(a) Potential projects which appear to the State Director to be out of compliance with VISTA criteria should be disapproved and the sponsoring agency/organization should be notified as per #1(c) above.

(b) Potential projects that have been found to meet minimum VISTA criteria requirements should be scheduled for a second review to be held quarterly on the same day (to the extent practical) for all projects to be considered for placement of VISTAs in the coming quarter. This second review must be completed by the first day of the last month of the calendar quarter (i.e., June 1, September 1, December 1, March 1).

(3) Quarterly Programming Review—Decision Day. The decision as to which projects will be developed for placement of VISTAs in the coming quarter will be made at the second review of the "judgment documents" to be held by each state/district quarterly.

(a) Participating on Decision Day will be:

(1) The State Director and whoever s/he deems necessary from his/her staff.

(2) The Regional Director or his/her designee.

(b) The State Director will rank the judgment documents under consideration. Rank will be determined on the basis of how projects compare to each other as they are judged against both the VISTA criteria and the State programming strategy (e.g., rural/urban, human need sector, etc.).

(c) The State Director will decide which projects will be developed according to their rank and the number of training entries which can be placed during the coming quarter.

(d) If the Regional Director disagrees with the State Director's decision that a project is in compliance with VISTA policy, the Regional Director will attempt to resolve the issue with the State Director.

(e) If the disagreement cannot be resolved, the Regional Director will send a copy of the judgment document and his/her reasons for disagreeing with the State Director's decision to VISTA headquarters. Based upon the document, the Regional Director's written comments and discussions with the Regional and State Directors, the Director of VISTA will decide if the project is in compliance with VISTA criteria.

(f) If the Regional Director fails to notify the Director of VISTA of the disagreement within 15 working days of judgment day, the decision of the State Director will stand.

(4) List of all Projects Reviewed During Quarter. A list must be compiled by the State Office of all judgment documents reviewed during the quarter indicating whether the project was approved or disapproved. Specific reasons are to be given for the decisions made. A copy of this list is to be sent to VISTA headquarters no later than three weeks after project approval decisions have been made. A form to facilitate this process will be developed.

(5) A copy of each approved judgment document and all necessary additional documents (e.g., Memorandum of Understanding) are to be forwarded to the Regional Director to be reviewed for technical compliance (i.e., all necessary documentation is present and in good order, legal sufficiency).

(6) The Regional Office will forward the documents to VISTA headquarters at the point that the project documentation is complete and correct in the opinion of the Regional Director.

Change in Quarterly Review Schedule

If, in the opinion of the State and Regional Directors, work load considerations in a State or Region necessitate a project approval schedule other than that cited above, they may change it by submitting, in writing, an alternative schedule.

Project Criteria Waiver

A State Director may request a waiver of specific VISTA guidelines from the Director of VISTA through the Regional Director when, in his-her judgment, the special needs of a particular community or group (e.g., Indians, migrants, isolated rural communities) necessitate such a waiver. The request must be submitted in writing prior to the approval of any project. The request must include a description of the community or group, the special circumstances which make the waiver necessary, the guidelines which will be used in judging

preliminaries submitted and the Regional Director's recommendation to the Director of VISTA. The Director of VISTA will respond to such requests to the State Director through the Regional Director within ten (10) working days of receipt. If the Director does not respond to such requests within ten (10) working days, the requests may be assumed to be approved.

Approval of Continuation Application

(1) When a project which was approved on the basis of the criteria is submitted for renewal for a second and third year, a State Director may approve the renewal application non-competitively (i.e., New Project Approval procedures 3(a) through 3(c) above need not be followed) if the State Program Director is satisfied with the project's performance during the past year and the Regional Director concurs.

(2) If the Regional Director disagrees with the State Director's decision to renew a project, the Regional Director will attempt to resolve the issue with the State Director.

(3) Repeat Project Approval Process 3(e).

(4) Repeat Project Approval Process 3(f).

(5) When a project is submitted for renewal for a fourth year, it must be judged competitively (i.e., see Project Approval Process for New Projects).

Dated: August 31, 1979.

Sam Brown,

Director.

[FR Doc. 79-28047 Filed 9-7-79; 8:45 am]

BILLING CODE 28047-M

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest System Advisory Committee; Meeting

The National Forest System Advisory Committee will meet at Charles Lathrop Pack Forest of the College of Forest Resources, University of Washington, Eatonville, Washington, at 8:00 a.m., October 9–11, 1979.

This Committee, comprised of 12 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and the Forest Service on the planning and management of the National Forests. The portion of the meeting scheduled for October 9 will be devoted to a field trip on the Gifford Pinchot National Forest. On October 10 and 11, the Committee will discuss and develop Committee positions on harvest scheduling, energy production potential, and environmental impacts of energy development. Dr. M. Rupert Cutler, Assistant Secretary for Natural Resources and Environment, will chair the meeting.

The meeting will be open to the public. Persons who wish to attend should notify Thomas C. Nelson, Deputy Chief, National Forest System, USDA-Forest Service, P.O. Box 2417, Room 3021-S, Washington, D.C. 20013, telephone (202) 447-6341. Written statements may be filed with the Committee before or after the meeting.

Jerome A. Miles,

Deputy Chief.

[FR Doc. 79-28042 Filed 9-7-79; 8:45 am]

BILLING CODE 3410-11-M

Southwest Region Land and Resource Management Plan; Intent To Prepare an Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Statement for the Southwestern Region Land and Resource Management Plan.

The Southwestern Region Land and Resource Management Plan will evaluate alternative allocations of output targets, funding levels, and management standards for the National Forests in Arizona, New Mexico, and some of the National Grasslands in Western Oklahoma, and Texas in accordance with Secretary's Regulations for Land and Resource Management Planning. Allocations will be based on the Southwestern Region's assigned portion of the selected National RPA Program, local issues and concerns, and the capability and efficiency of individual National Forests.

A series of scoping meetings and public meetings will be held to identify issues, management concerns, and development opportunities which will be addressed in the Plan and to discuss the criteria which will be used to choose an alternative plan.

Scoping meetings will be held with Federal, State, and local governmental agencies as follows:

Date, Place, and Purpose

September 18, 1979, Sweeney Conv. Center, Santa Fe, New Mexico, 1:30–3:30 p.m. Introduction to process and purpose.

September 19, 1979, State Offices, Santa Fe, N.M. (Federal Agencies) (State Agencies).

September 20, 1979, Desert Hills Motel, Phoenix, Arizona, 1:30–3:30 p.m. Introduction to process and purpose.

October 9, 1979, Sweeney Conv. Center, Santa Fe, New Mexico, 1:30–3:30 p.m. Identify issues, concerns, opportunities, critera.

October 11, 1979, Civic Plaza, Phoenix, Arizona, 1:30—3:30 p.m. Identify issues, concerns, opportunities, critera.

Public workshops will be held as follows:

Date, Place, and Purpose

October 16, 1979, Sheraton Old Town, Albuquerque, New Mexico, 7:00–9:00 p.m. Identify issues, concerns, opportunities, critera.

October 17, 1979, Howard Johnson Motel, Las Cruces, New Mexico, 7:00–9:00 p.m. Identify issues, concerns, opportunities, critera.

October 23, 1979, Desert Hills Motel, Phoenix, Arizona, 7:00–9:00 p.m. Identify issues, concerns, opportunities, critera.

October 24, 1979, Little America Mtr. Lodge, Flagstaff, Arizona, 7:00–9:00 p.m. Identify issues, concerns, opportunities, critera.

October 25, 1979, Marriott Hotel, Tucson, Arizona, 7:00–9:00 p.m. Identify issues, concerns, opportunities, critera.

The following time schedule will guide the planning process:

Time Period and Activity

Summer 1979: Identify preliminary issues, concerns, opportunities, and criteria.

Autumn 1979: Public input on issues, concerns, opportunities, and criteria. Analysis of present management situation.

Winter 1979–Spring 1980: Prepare Draft Environmental Statement—File June 1980.

Summer 1980: Public input on Draft Environmental Statement

Autumn 1980: Prepare Final Environmental Statement—File December 1980.

R. Max Peterson, Chief, Forest Service, is the responsible official for approval of the Plan. M. Jean Hassell, Regional Forester, Southwestern Region, is the responsible official for preparation of the Plan. James R. Crawford will be the team leader for the planning process and may be contacted for information and comments at 505-766-3630.

Written comments on issues, concerns, opportunities, and criteria must be received by December 14, 1979. The deadline for comments on the Draft Environmental Statement will be published when the Draft is filed. Comments should be sent to: M. Jean Hassell, Regional Forester, USDA—Forest Service, 517 Gold Avenue, SW., Albuquerque, New Mexico 87102.

Dated: September 4, 1979.

Philip L. Thornton,

Deputy Chief.

[FR Doc. 79-28029 Filed 9-7-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

August 31, 1979.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 33985, from U.S. Airways, Inc., P.O. Box 812, Willow Run Airport, Ypsilanti, Michigan 48197 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before October 1, 1979. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-28059 Filed 9-7-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 32485]
Baltimore/Washington-St. Louis Route Proceeding; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on September 26, 1979, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise the Secretary, in writing, *on or before September 19, 1979,* together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., September 5, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-28060 Filed 9-7-79; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice is hereby given that, during the week ended August 31, 1979 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Aug. 28, 1979	36470	Sea Airmotive, Inc., c/o Thomas R. Howell, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Application of Sea Airmotive, Inc. pursuant to Section 401 of the Act requesting certification over those routes which now serves as an taxi and intrastate carrier, that is, authority to engage in scheduled air transportation of persons, property, and mail on a permissive basis as follows: A. Between Deadhorse, Nuiqsut and Barrow; B. Between Akiachak, Akiak, Bethel, Kwethluk, Napakiak or Napaskiak; C. Between the terminal points of Bethel and kwethluk with Akiachak, Akiak, Kwethluk, Napakiak, Napaskiak and Tuiuksak authorized to be served as intermediate points; D. Between the terminal points of Bethel and Kasigulk, with Akolmiut, Kasigluk, Napakiak, Napaskiak and Nunapitchuk authorized to be served as intermediate points; E. Between the terminal points of Bethel and Tuntutuliak, with Eek, Napakiak, Napaskiak and Tuntutuliak authorized to be served as intermediate points; F. Between the terminal points of Bethel and Hooper Bay, with Akolmiut, Cape Ramanzof, Chevak, Hooper Bay, Kasigluk, Newtok, Nunapitchuk and Scammon Bay authorized to be served as intermediate points; G. Between the terminal points of Bethel and Toksook Bay, with Mekoryuk, Newtok, Toksook Bay and Tununak authorized to be served as intermediate points; H. Between the terminal points of Bethel and Kipnuk, with Chefornak, Kipnuk, Napakiak and Tuntutuliak authorized to be served as intermediate points; I. Between the terminal points of Bethel and Kipnuk, with Kipnuk, Kongiganak, Kwigillingok, Napakiak, Napaskiak and Tuntutuliak authorized to be served as intermediate points: J. Between the terminal points of Bethel and Quinhagak, with Cape Newenham, Eek, Goodnews Bay, Napaskiak, Platinum and Quinhagak authorized to be served as intermediate points; K. Between Anchorage and Bethel; L. Between Anchorage and Bethel via the intermediate point Aniak; M. Between Anchorage, St. Mary's and Aniak; and N. Between Bethel, Kalskag, Aniak, Anvik, Grayling, Holy Cross and Shageluk. Conforming applications and answers are due September 25, 1979.
August 29, 1979	36485	Air Pacific Limited, c/o Thomas J. Whalen, 1001 Connecticut Avenue NW., Washington, D.C. 20036. Application of Air Pacific Limited pursuant to section 402 of the Act requesting renewal and reissuance of its Foreign Air Carrier Permit which currently authorizes it to engage in the foreign air transportation of persons, property and mail as follows: Between a point or points in the Dominion of Fiji; the intermediate points Funafuti, the Ellice Islands, and Tarawa, the Gilbert Islands; and the terminal point Majuro, the Marshall Islands, United States Trust Territory; Between a point or points in the Dominion of Fiji and the terminal point Pago Pago, American Samoa. Applicant requests in addition that its permit be amended to authorize it to engage in the foreign air transportation of persons, property and mail as follows: 1. Between a point or points in Fiji; the intermediate points Funafuti, Tuvalu, and Tarawa, Kiribati; and the terminal point Majuro, the Marshall Islands, United States Trust Territory; 2. Between a point or points in Fiji; to Honolulu and beyond to Portland, Oregon; Seattle, Washington; Oakland, California; and Denver, Colorado and beyond to a point or points in Canada; 3. Between a point or points in Fiji; via intermediate points in South Pacific Commission to Guam and beyond to a point or points in Japan; 4. Between a point or points in Fiji, via intermediate points in South Pacific Commission and a point or points in Western Samoa, to Pago, Pago, American Samoa; and beyond via intermediate points in South Pacific Commission and a point or points in Western Samoa, to Tahiti. Points on any of the above routes may be omitted. Answers shall be filed September 26, 1979.
August 31, 1979	36507	Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001. Application of Allegheny Airlines, Inc. pursuant to section 401 of the Act and Part 201 of the Economic Regulations of the Board requesting amendment of its certificate of public convenience and necessity for Route 97-F so as to authorize it to engage in scheduled nonstop air transportation of persons, property and mail between Pittsburgh, Pennsylvania, and Toronto, Canada, by amending its certificate for Route 97-F to include a new segment as follows: "Between the terminal point Pittsburgh, Pennsylvania, and the terminal point Toronto, Canada." Answers may be filed by September 14, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-28061 Filed 9-7-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-8-184; Docket 31290]

Establishment of the Interim Standard Industry Fare Level; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of August, 1979.

By Order 79-6-96, the Board established its interim Standard Industry Fare Level (SIFL) reflecting the Airline Deregulation Act of 1978 (ADA), Public Law 95-504. In summary, the ADA set deadlines and policies for deregulation of the economic aspects of interstate air transportaion, culminating, among other things, with the dissolution of the Board's discretion to prescribe fares in domestic and overseas markets. The Board must compute a "standard industry fare level" based upon the fare level in effect on July 1, 1977, and periodically update the SIFL by increasing or decreasing it by the percentage change in operating costs per available seat mile (ASM) for interstate once overseas transportation combined. Once computed, the SIFL becomes the benchmark for measuring the statutory zone of reasonableness. Effective July 1, the Board established its SIFL about 6.6 percent above the then current fare level.

It became clear thereafter that the 51 cents per gallon fuel cost projected for August 15, 1979 was understated. However, we rebuffed several attempts to increase the SIFL for a number of reasons. First, we believe, and continue to do so, that the SIFL is a short run projection which should not be subject to rolling changes because one or more of the input estimates is off the market. That is the nature of estimates; they will sometimes be too high and sometimes too low but, over the long run, tend to balance out. Second, the SIFL is a price leader which facilitates intra-industry price coordination and frequent changes should be avoided. Finally, we have believed that misestimates in the SIFL (in any direction) could be accommodated by carriers through the ample fare flexibility provided by the Deregulation Act and PS-80. We have not, therefore, wished to diverge from our announced intention of revising the SIFL as of October 1, for a two month period, based on the latest 4 months of reported fuel data. (Order 79-7-190).

However, July fuel costs are now available and indicate the largest increase in average price of fuel per gallon so far this year—up 6.51 cents per gallon over June to 59 cents. We can no longer assume that carrier fare flexibility can accommodate the under projection of fuel costs in the current SIFL (51 cents as of August 15). To the contrary, any further increase in fuel prices—and data reported to us suggests that there will be some—will make this a practical impossibility. Consequently, we believe a revised SIFL to reflect the rapid escalation of fuel prices is warranted immediately.[1] We take some comfort from the fact that the unheralded nature of this change in position will tend to discourage industry price coordination, and should avoid the necessity of an even larger increase in the SIFL which would otherwise occur on October 1.

Applying our methodology to calendar year 1978 financial data and July fuel costs, with fuel projected to October 1, 1979 at the rate of 4.36 cents per gallon increase each month, raises the SIFL about 9.5 percent over the level effective July 1, 1979. (See Appendix [2])

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 1002;

We set the Standard Industry Fare Level effective on September 1, 1979 as follows:

Terminal charge: $2173: Plus 0.1189/mile (0-500 miles); plus .0906/mile (501-1,500 miles); plus .0871/mile (over 1,500 miles.)

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

All Members concurred except Member O'Melia who filed the attached concurring and dissenting statement.

[1] Trunk and local service carrier scheduled service fuel price.

	Price (cents)	Change from previous month (cents)
Month:		
April	46.19	4.65
May	49.70	3.51
June	52.49	2.77
July	59.00	6.51

Our latest methodology projects the average change in price over the last four months to the chosen future date, then adds the projected change to the current fuel price. In this case we projected an average increase of 4.36 cents per month for two and one-half months (to October 1), then added this 10.9 cent increase to the July price—projecting a 69.90 cent per gallon cost on October 1.

[2] Appendix filed as part of the original document.

O'Melia, Member, Concurring and Dissenting:

I agree with the Board's decision to adjust the standard industry fare level to reflect current industry fuel prices. However, as I have said before in my dissenting statements in Orders 79-8-20 and 79-7-190, I do not agree with the majority's recent reliance on the upward fare flexibility zone, provided by Congress in the Airline Deregulation Act, to cover industry cost increases that exceed the levels implicit in the current standard industry fare level. The recent amendments of the Act provide that the standard industry fare level shall be based on carrier costs, *without adjustment.* The Board's failure to take action in the face of experienced industry fuel costs far higher than the level forecast in the current standard industry fare level has clearly violated that provision of the new Act. As a result the carriers have been denied fare increases to which they are entitled under the specific terms of the Act

Richard J. O'Melia.

[FR Doc. 79—28050 Filed 9-7-79; 8:45 am]

BILLING CODE 6320-01-M

Frontier Arilines, et al.; Profit-Sharing Refunds

AGENCY: Civil Aeronautics Board

ACTION: Summary of Order 79-8-188 redetermining certain refunds for three carriers pursuant to the provisions of Class Rate III.

SUMMARY: The Board has adopted an order redetermining downward the profit-sharing refunds due from Frontier Airlines, Lake Central Airlines, and Mohawk Airlines for calendar years 1964 and 1965 pursuant to the provisions of Class Rate III, which was in effect at that time for the local service carriers. This redeterminination was necessitated by statutory provisions contained in the Airline Deregulation Act of 1978, which amended the Federal Aviation Act of 1958 in several significant areas, requiring the Board to ignore tax loss carrybacks from subsequent years in determining the profit-sharing refunds of carriers for 1964 and 1965. Since the profit-sharing refunds due from the three carriers were originally paid many years ago, the practical effect of this order is to return $1,154,149 to USAir (formerly Allegheny Airlines), as the successor to

both Lake Central and Mohawk, and $873,266 to Frontier.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson or James M. Craun, Jr., Bureau of Domestic Aviation, Civil Aeronatutics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5368.

The complete text of Order 79-8-188 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons out side the metropolitan area may send a postcard request for Order 79-8-188 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 31, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-28058 Filed 9-7-79; 8:45 am]

BILLING CODE 6320-01

COMMUNITY SERVICES ADMINISTRATION

Notice of Decision to Fund Seven Conduit Farmworker Community Food and Nutrition Programs (CFNP) Operating in Every State Except Hawaii and Alaska

AGENCY: Community Services Administration.

ACTION: Notice to all Board of Directors of CAA(s) and SEOO(s).

SUMMARY: The Community Services Administration is notifying all Boards of Directors of Community Action Agencies (CAAs) and State Economic Opportunity Offices (SEOOS), in accordance with section 222(a) of the Economic Opportunity Act of 1964, as amended, that a decision by the Director has been made to fund seven conduit farmworker Community Food and Nutrition Programs (CFNP) operating in every state except Hawaii and Alaska.

Grants are being awarded to the following organizations for operation in the following states: the Idaho Migrant Council (serving: Idaho, Oregon, Washington, Utah, Colorado, Montana and Wyoming); Minnesota Migrant Council (serving: Illinois, Indiana, Missouri, Michigan, Nebraska, Minnesota, Ohio, North Dakota, South Dakota, Wisconsin, Iowa and Kansas); Rural New York (serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Delaware and Pennsylvania); Campesinos Unidos (serving: California, Nevada and Arizona); Colonias Del Valle (serving: New Mexico, Oklahoma, Arkansas and Texas); Florida Farmworkers Council (serving: Florida); and, Migrant Seasonal Farmworkers Association, Inc. (serving: Alabama, Mississippi, Georgia, Louisiana, West Virginia, Tennessee, South Carolina, Maryland, Virginia and North Carolina). These organizations will engage in the following CFNP program categories: access, self-help projects, nutrition and consumer education, and crisis relief.

EFFECTIVE DATE: This notice becomes effective September 10, 1979.

FOR FURTHER INFORMATION CONTACT: Eduardo Gutierrez, 202-254-6310.

(Sec. 602, 78 Stat. 5301; 42 U.S.C. 2942).

Robert Smith,

Assistant Director, Office of Community Action.

[FR Doc. 79-27892 Filed 9-7-79; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Merchant Marine and Fisheries Capital Construction Funds; Applicable Rates of Interest on Nonqualified Withdrawals

Under the authority in section 607(h)(4) of the Merchant Marine Act, 1936, (46 U.S.C. 1101), as amended by section 21 of the Merchant Marine Act of 1970 (84 Stat. 1031), we hereby determine and announce that the applicable rate of interest on the amount of additional tax attributable to any non-qualified withdrawals from a capital construction fund established under section 607 of the Act shall be 9.03 percent, with respect to nonqualified withdrawals made in the taxable year beginning in 1979.

The determination of the applicable rate of interest with respect to non-qualified withdrawals was computed according to the joint regulations issued under the Act (46 CFR Part 391, § 391.7(e)(2)(ii)) by multiplying 8 percent by the ratio which (a) the average yield on 5-year Treasury securities for the calendar year immediately preceding the beginning of such taxable year, bears to (b) the average yield on 5-year Treasury securities for the calendar year 1970. The applicable rate so determined was computed to the nearest one-hundredth of 1 percent.

Dated: August 31, 1979.

Samuel B. Nemirow,

Assistant Secretary for Maritime Affairs.

Richard A. Frank,

Administrator, National Oceanic and Atmospheric Administration.

Daniel L. Halperin,

Acting Assistant Secretary of the Treasury.

[FR Doc. 79-28109 Filed 9-7-79; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and the Council has established a Surf Clam/Ocean Quahog Resources Subpanel which will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan and regulations.

DATES: The meetings will start at 10 a.m., and adjourn approximately at 4 p.m., on the following dates: September 28, 1979; October 26, 1979; November 30, 1979; January 25, 1980, and February 29, 1980. The meetings are open to the public.

ADDRESS: The meetings will take place at the Sheraton Inn, Route 13, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, telephone: (302) 674-2331.

Dated: September 4, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-28116 Filed 9-7-79; 8:45 am]

BILLING CODE 3510-22-M

Michigan Coastal Management Program; Approval of Amendment

Notice is hereby given that the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA) has approved an amendment to the Michigan Coastal Management Program to include:

1. A planning process for all energy facilities likely to be located in, or which may significantly affect, the coastal zone, including but not limited to, a

process for anticipating and managing the impacts from such facilities.

2. A definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value.

3. A planning process for (a) assessing the effects of shoreline erosion (however caused), and (b) studying and evaluating ways to control or lessen the impact of such erosion.

Notice of intent to approve these amendments was published in the **Federal Register** on April 12, 1979, and interested parties had until May 12, 1979, to comment. A full text of the proposed amendments was distributed to all Federal agencies. Interested parties wishing to obtain copies of the amendment may request copies from: Peter McAvoy, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Mirco P. Snidero,

Acting Assistant Administrator for Administration.

August 30, 1979.

[FR Doc. 79-28005 Filed 9-7-79; 8:45am]

BILLING CODE 3510-08-M

Wisconsin Coastal Management Program; Approval of Amendment

Notice is hereby given that the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA) has approved an amendment to the Wisconsin Coastal Management Program to include:

1. A planning process for all energy facilities likely to be located in, or which may significantly affect, the coastal zone, including but not limited to, a process for anticipating and managing the impacts from such facilities.

2. A definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value.

3. A planning process for (a) assessing the effects of shoreline erosion (however caused), and (b) studying and evaluating ways to control or lessen the impact of such erosion.

Notice of intent to approve amendments was published in the **Federal Register** on April 12, 1979, and interested parties had until May 12, 1979, to comment. A full text of the proposed amendments was distributed to all Federal agencies. Interested parties wishing to obtain copies of the amendment may request copies from: Peter McAvoy, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

M. P. Snidero,

Acting Assistant Administrator for Administration.

August 30, 1979.

[FR Doc. 79-28006 Filed 9-7-79; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing the Import Restraint Level for Certain Cotton Apparel Products from Malaysia

September 4, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the level of restraint for men's and boys' woven cotton shirts in Category 340, produced or manufactured in Malaysia and exported to the United States during the agreement year which began on January 1, 1979. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)).

SUMMARY: Paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, as amended, between the Governments of the United States and Malaysia provides for designated percentage increases for certain categories (swing) during the agreement year which began on January 1, 1979. Paragraph 8(A)(I) provides for the carryover of shortfalls in certain categories from the previous agreement year (carryover). At the request of the Government of Malaysia, the level for Category 340 is being increased for swing and carryover from 228,317 dozen to 269,414 dozen during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT: Norman Duckworth, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On January 3, 1979, a letter dated December 27, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (44 FR 930), which established the levels of restraint applicable to certain specific categories of cotton, wool and man-made fiber textile products, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of cotton textile products in Category 340 in excess of the amended twelve-month level of restraint.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 4, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On December 17, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Malaysia and exported to the United States during the agreement year which began on January 1, 1978, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to increase, effective on September 4, 1979, the level of restraint established for Category 340

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, as amended, between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and group limits, specific levels of restraint, including their sublimits, may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

in the directive of December 27, 1978 to 269,414 dozen.[2]

The action taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-28102 Filed 9-7-79; 8:45 am]

BILLING CODE 3510-25-M

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1978.

Announcing Additional Import Controls on Certain Cotton Textile Products From Thailand

September 4, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton dresses in Category 336 at 22,075 dozen and women's, girls' and infants' woven cotton blouses in Category 341 at 98,848 dozen, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1979. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand, the United States Government has decided to control imports of cotton textile products in Categories 336 and 341, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on January 1, 1979, in addition to those categories previously designated (See 44 FR 932). The level of restraint for Category 341 includes 4,325 dozen in carryover from the previous agreement year and 5,330 dozen in carryforward.

EFFECTIVE DATE: September 10, 1979.

FOR FURTHER INFORMATION CONTACT: Norman Duckworth, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On January 3, 1979, there was published in the **Federal Register** (44 FR 932) a letter dated December 27, 1978, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Thailand, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. In accordance with the terms of the bilateral agreement, as amended, the United States Government has decided also to control imports of cotton textile products in Categories 336 and 341 during that same period.

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 336 and 341 in excess of the designated levels of restraint.

The levels of restraint for Categories 336 and 341 have not been adjusted to account for any imports after December 31, 1978. Imports of 15,173 dozen in Category 336 and 57,582 dozen in Category 341 during the period which began on January 1, 1979 and extended through June 30, 1979 are being charged. As the data become available, further charges will be made for Categories 336 and 341 to account for imports during the period which began on July 1, 1979 and extends through the effective date of this directive.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 4, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 27, 1978 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand.

Under the terms of the Arrangement Regarding International Trade in Textile done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 10, 1979 and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 336 and 341, produced or manufactured in Thailand, in excess of the following levels of restraint:

Category	12-month level of restraint [1]
336	22,075 doz.
341	98,848 doz.

[1] The levels of restraint for Categories 336 and 341 have not been adjusted to reflect any imports after December 31, 1978. Imports during the period which began on January 1, 1979 and extended through June 30, 1979 were 15,173 dozen in Category 336 and 57,582 dozen in Category 341.

Cotton textile products in Categories 336 and 341 which have been exported to the United States prior to January 1, 1979 shall not be subject to this directive.

Cotton textile products in Categories 336 and 341 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484 (a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5

U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-28101 Filed 9-7-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 21-25 October 1979 at the Carolina Town House, Columbia, South Carolina, and Ft. Jackson, South Carolina.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the services. The committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

SUNDAY, 21 OCTOBER 1979, CAROLINA TOWN HOUSE
- 10:00 a.m.-4:00 p.m.—Registration
- To be determined—Executive Committee Meeting
- 6:00 p.m.—Cocktail/Buffet—"No Host"

MONDAY, 22 OCTOBER 1979, CAROLINA TOWN HOUSE
- 8:00 a.m.-12:00 noon—Registration
- 9:00 a.m.-10:00 a.m.—Official Opening
- 10:30 a.m.-11:30 a.m.—OSD Briefing
- 12:00 noon-1:30 p.m.—Luncheon (By invitation only)
- 1:30 p.m.-3:30 p.m.—OSD/Department of Justice Briefings
- 4:00 p.m.-5:30 p.m.—Subcommittee Meetings
- 7:00 p.m.-10:30 p.m.—Official Department of Defense Formal Reception and Dinner (By invitation only)

TUESDAY, 23 OCTOBER 1979, CAROLINA TOWN HOUSE
- 9:00 a.m.-12:00 noon—OSD/Service Briefings
- 12:00 noon-1:30 p.m.—Luncheon—"No Host"
- 1:30 p.m.-6:00 p.m.—Subcommittee Meetings

WEDNESDAY, 24 OCTOBER 1979, FORT JACKSON, SOUTH CAROLINA
- 5:15 a.m.-5:30 p.m.—One day field trip to the integrated training facilities at Ft. Jackson, hosted by the U.S. Army

THURSDAY, 25 OCTOBER 1979, CAROLINA TOWN HOUSE
- 8:00 a.m.-9:30 a.m.—Executive Committee and Military Representatives to DACOWITS Meeting.
- 10:00 a.m.-12:00 noon—Briefing/General Business Session. Presentations by members of the public.
- 12:00 noon—Adjourn.

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at this meeting:

(1) All business sessions, to include Executive committee sessions, will be open to the public.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the committee must notify Captain Mary J. Mayer, USAF, DACOWITS, Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, (202) 697-5655/5656 by 10 October 1979.

(4) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(5) Oral presentations by members of the public will be permitted only from 10:45 a.m. to 11:15 a.m. on Thursday, 25 October 1979 before the full committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by 10 October 1979.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conducted by the committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by members of the committee.

(9) Members of the public will be permitted to orally question the scheduled speakers if time allows after the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, the Executive committee sessions, or the final general session on Thursday, 25 October 1979.

Additional information regarding the committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), the Pentagon, Washington, D.C. 20301.

H. E. Lofdahl,

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

September 5, 1979.

[FR Doc. 79-28100 Filed 9-7-79; 8:45 am]

BILLING CODE 3810-76-M

Privacy Act of 1974; Amendment to System of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: System of records amendment.

SUMMARY: The Office of the Secretary of Defense, Department of Defense proposes to amend a system of records in its inventory of records subject to the Privacy Act of 1974. The Act requires that any changes to records systems must be published as a public notice for public comment.

DATES: This system shall be amended as proposed on October 10, 1979, without further notice unless comments are received on or before October 10, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Privacy Act Officer, Office of the Secretary of Defense, Room 5C-315, Pentagon, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Nash, telephone 202-695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) Systems of Records Notices as prescribed by the Privacy Act of 1974 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 77-28255 (42 FR 50731) September 28, 1977.
FR Doc. 78-25819 (43 FR 42374) September 20, 1978.
FR Doc. 78-34821 (43 FR 58405) December 14, 1978.
FR Doc. 78-35943 (43 FR 60331) December 27, 1978.
FR Doc. 79-8786 (44 FR 17780) March 23, 1979.
FR Doc. 79-11351 (44 FR 22143) April 13, 1979.
FR Doc. 79-15267 (44 FR 28706) May 16, 1979.
FR Doc. 79-17755 (44 FR 32724) June 7, 1979.
FR Doc. 79-20389 (44 FR 38967) July 3, 1979.
FR Doc. 79-22906 (44 FR 43505) July 25, 1979.

The proposed changes are not within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention

to establish or alter systems of personal records as required by the Privacy Act. This OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975. Following the identification code of the OSD record system and the specific changes made therein, the complete revised record system, as amended, is published in its entirety.

H. E. Lofdahl,

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

August 31, 1979.

DWHS BF01

System name:

Travel Files (43 FR 42417, September 20, 1978).

Changes:

System location:

In line one, delete the word "Branch", and insert: "Division".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Insert the following before the first sentence, which begins with the word "Determination . . .".

"Internal users, uses, and purposes:".

Insert the following heading and entry before the heading which reads: *"Policies and practices . . .".*

"External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices."

System manager(s) and address:

In line one, delete the word "Branch", and insert: "Division".

Notification procedure:

In line two, delete the word "Branch", and insert "Division".

Record access procedures:

IN paragraph one, line two, and in paragraph three, line one, delete the word "Branch", and insert: "Division".

DWHS BF01

SYSTEM NAME;

Travel Files.

SYSTEM LOCATION:

Directorate for Budget and Finance, Travel Division, Washington Headquarters Service (WHS), Department of Defense (DoD), Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff who perform travel, includes military, civilian and WOC/WAE consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copy of travel orders, paid travel claims, airline schedule and copy of Government Transportation Requests (GTRs) issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Internal users, uses, and purposes:

Determination of the costs of trips performed by OSD and OJCS personnel.

Find out if travelers have filed their vouchers after completion of trips.

Determine indebtedness to the Government if per diem payments do not liquidate travel advances.

Individuals assigned to OSD/OJCS components authorized to research files to collect appropriate data to fulfill missions of component.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine

Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records kept in unlocked file cabinets.

RETENTION AND DISPOSAL:

Records maiantained by fiscal year, current and previous fiscal year on hand, subsequently retired to Washington National Records Center.

Disposal in accordance with OSD Administrative Instruction No. 15.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Travel Division, Directorate for Budget and Finance, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Chief, Travel Division, Director for Budget and Finance, Washington Headquarters Services, Department of Defense, Room 3B279, Pentagon, Washington, D.C. 20301, Telephone: 202-697-1269.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Chief, Travel Division, Directorate for Budget and Finance, Washington Headquarters Services, Department of Defense, Room 3B279, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of individual with notarized signature; current address and telephone number, and include fiscal year of travel.

Visits are limited to Travel Division, Directorate for Budget and Finance, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

For personal visits the individuals should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that can be verified with his folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administration Instruction No. 81.

RECORDS SOURCE CATEGORIES:

Travel orders, travel vouchers, airline schedules, copy of GTRs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-28093 Filed 9-7-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

United States and Thailand; 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" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Thailand, and as authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangements to be carried out under the above mentioned

agreement involves approval of contractural arrangements under which DOE will consent to the assignment of portions of an uranium enrichment services contract held by Thailand involving approximately 165,000 separate work units, of which approximately 45,000 separative work units will be assigned to Kuosheng Unit 2 on Taiwan and approximately 120,000 separative work units will be assigned to a U.S. utility.

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: September 5, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-28146 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Cincinnati Gas & Electric Co.; Petitions for Temporary Public Interest Exemptions

Decision and Order Granting Exemptions Pursuant To Section 311 of the Powerplant And Industrial Fuel Use Act of 1978; ERA Docket Nos. 50556-2831-21-41, 50556-2831-22-41, 50556-2831-23-41, 50556-2831-24-41, 50556-2831-25-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Cincinnati Gas and Electric Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on March 27, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in the May 11, 1979, **Federal Register** (44 FR 27668) with a request for public comments relating to the petitions and the proposed order. No comments were received specifically addressing the Cincinnati Gas and Electric Company proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Dicks Creek (Monroe, Ohio)	CT 1	103,900	0.3
	CT 2	15,600	0.3
	CT 3	15,600	0.3
	CT 4	19,100	0.3
	CT 5	19,100	0.3

These powerplants will burn an estimated 944,050 MCF of natural gas annually which will result in an estimated displacement of 475 barrels of middle distillate fuel oil per day (173,300 barrels annually).

Statement of Reasons

Because petroleum products in general, and middle distillates in particular are in short supply, there is an ugent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR

21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6 these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C., on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion.

[FR Doc. 79-28016 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 50653-2500-03-41]

Consolidated Edison Co. of New York, Inc.; Petition for Temporary Public Interest Exemption

Decision and Order Granting An Exemption Pursuant To Section 311 of the Powerplant And Industrial Fuel Use Act of 1978.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public interest exemption from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Consolidated Edison Company of New York, Inc. (petitioner).

The petitioner filed for this temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on April 24, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the May 11, 1979 **Federal Register** (44 FR 27674) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemption.

Based on the information provided by the petitioner, the powerplant listed in the table below is either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or is prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. This temporary exemption will allow this unit to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Powerplant identification	Low sulfur residual fuel oil (barrels)	Percent sulfur content
Ravenswood (New York, N.Y.)	#3	1,832,000	0.3

This powerplant will burn an estimated 10,810,000 MCF of natural gas annually which will result in an estimated displacement of 5,019 barrels of low sulfur residual fuel oil per day (1,832,000 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in this powerplant will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that this powerplant, for which it is requesting a temporary exemption, is an existing unit that is either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplant for which this temporary exemption is issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting this temporary exemption.

Duration of Temporary Exemption

ERA grants this temporary public interest exemption for an initial period from the effective date of this Decision and Order until December 31, 1980. This exemption will be automatically extended for an additional three year period upon the written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. The

temporary exemption is subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by this exempted powerplant between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemption granted under this Decision and Order is conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the initial period covered by this temporary exemption, including the means by which the petitioner will measure progress in implementing this plan, or

(3) If the petitioner seeks to have the exemption automatically extended, the fuel conservation plan must cover both the initial period covered by this temporary exemption and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C., on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-28021 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Consumers Power Co.; Petitions for Temporary Public Interest Exemptions

Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978; ERA Docket Nos. 50658-1706-21-41; 50658-1706-22-41; 50658-1706-23-41; 50658-1706-24-41; 50658-1706-25-41; 50658-1719-05-41; 50658-1719-06-41; 50658-1719-07-41; 50658-1719-08-41; and 50658-1719-09-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Consumers Power Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 7, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petitions and the proposed order. No comments were received specifically addressing the Consumers Power Company proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Gaylord Peaking Station (Gaylord, Mich.)	Unit 1	1,260	0.4
	Unit 2	1,260	0.4
	Unit 3	1,260	0.4
	Unit 4	1,260	0.4
	Unit 5	1,260	0.4
Thetford Comb. turbine plant (Mt. Morris, Mich.)	Unit 5	45,600	0.4
	Unit 6	45,600	0.4
	Unit 7	45,600	0.4
	Unit 8	45,600	0.4
	Unit 9	45,600	0.4

These powerplants will burn an estimated 1,366,000 MCF of natural gas annually which will result in an estimated displacement of 642 barrels of middle distillate fuel oil per day (234,300 barrels annually).

Statement of Reasons

Because petroleum products, in general, and middle distillates, in particular, are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-tern oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited

from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-28020 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Dayton Power & Light Co.; Petitions for Temporary Public Interest Exemptions

Decision and Order Granting Exemptions Pursuant To Section 311 of the Powerplant And Industrial Fuel Use Act of 1978; ERA Docket Nos. 50752-2854-21-41; 50752-2854-22-41; 50752-2854-23-41; 50752-2854-24-41; 50752-2854-25-41; 50752-2854-26-41; and 50752-2854-27-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Dayton Power and Light Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on April 27, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petitions and the proposed order. ERA has considered all comments received pursuant to the **Federal Register** notice concerning the petitions. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Yankee Street (Dayton, Ohio)	CT 1	52,193	0.3
	CT 2	49,469	0.3
	CT 3	55,587	0.3
	CT 4	64,080	0.3
	CT 5	61,700	0.3
	CT 6	59,364	0.3
	CT 7	57,073	0.3

These powerplants will burn an estimated 2,237,020 MCF of natural gas annually which will result in an estimated displacement of 1,094 barrels of middle distillate fuel oil per day (399,466 barrels annually).

Statement of Reasons

Because petroleum products in general, and middle distillates in particular, are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is

preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions of a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions.

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-28018 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Duke Power Co.; Petitions for Temporary Public Interest Exemptions

Decision and Order Granting Exemptions Pursuant To Section 311 of the Powerplant And Industrial Fuel Use Act of 1978; ERA Docket Nos. 50816-3254-26-41; 50816-3254-27-41; 50816-3254-28-41; 50816-3254-29-41; 50816-3254-30-41; 50816-3254-31-41; 50816-3254-32-41; 50816-3254-33-41; 50816-3254-34-41; 50816-3254-35-41; 50816-2732-28-41; 50816-2732-29-41; 50816-2732-30-41; 50816-2732-31-41; 50816-2723-24-41; 50816-2723-25-41; 50816-2723-26-41; 50816-6278-23-41; 50816-2720-27-41; 50816-2720-28-41; 50816-2720-29-41; 50816-3264-24-41; 50816-3264-25-41; and 50816-3264-26-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508, to the Duke Power Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 4, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31683) with a request for public comments relating to the petitions and the proposed order. ERA has considered all comments received pursuant to the **Federal Register** notice concerning the petitions. All but one of the public comments were in support of the petitions. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of the FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel displaced/ volume (bbls.)	Sulfur percent
Buzzard Roost (Chappells, S.C.)	CT 6	48,900	0.3
	CT 7	48,900	0.3
	CT 8	48,900	0.3
	CT 9	48,900	0.3
	CT 10	48,900	0.3
	CT 11	48,900	0.3
	CT 12	48,900	0.3
	CT 13	48,900	0.3
	CT 14	48,900	0.3
	CT 15	48,900	0.3
Riverbend (Mt. Holy, N.C.)	CT 8	97,900	0.3
	CT 9	97,900	0.3
	CT 10	97,900	0.3
	CT 11	97,900	0.3
Dan River (Eden, N.C.)	CT 4	29,200	0.3
	CT 5	29,200	0.3
	CT 6	29,200	0.3
Urquhart (North Augusta, S.C.)	CT 3	1,700	0.3
Buck (Spencer, N.C.)	CT 7	110,300	0.3
	CT 8	110,300	0.3
	CT 9	110,300	0.3
Lee (Pelzer, S.C.)	CT 4	98,500	0.3
	CT 5	98,500	0.3
	CT 6	98,500	0.3

These powerplants will burn an estimated 9,284,900 MCF of natural gas annually which will result in an estimated displacement of 4,373 barrels of middle distillate fuel oil per day (1,596,300 barrels annually).

Statement of Reasons

Because petroleum products, in general, and middle distillates, in particular, are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion Economic Regulatory Administration.

[FR Doc. 79-28019 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Florida Power & Light Co.; Petitions for Temporary Public Interest Exemptions

Decision and order granting exemptions pursuant to section 311 of the Powerplant and Industrial Fuel Use Act of 1978; ERA Docket Nos. 51006-0613-21; 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44-41; 51006-0617-21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR

508 to the Florida Power and Light Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on April 24, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 27674) with a request for public comments relating to the petitions and the proposed order. ERA has considered all comments received pursuant to the **Federal Register** notice concerning the petitions. All but one of the public comments were in support of the petitions. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel displaced volume (barrels)	Percent sulfur content
Lauderdale (Fort Lauderdale, Fla.	CT 1	7,000	0.3
	CT 2	7,000	0.3
	CT 3	7,000	0.3
	CT 4	7,000	0.3
	CT 5	7,000	0.3
	CT 6	7,000	0.3
	CT 7	7,000	0.3
	CT 8	7,000	0.3
	CT 9	7,000	0.3
	CT 10	7,000	0.3
	CT 11	7,000	0.3
	CT 12	7,000	0.3
	CT 13	7,000	0.3
	CT 14	7,000	0.3
	CT 15	7,000	0.3
	CT 16	7,000	0.3
	CT 17	7,000	0.3
	CT 18	7,000	0.3
	CT 19	7,000	0.3
	CT 20	7,000	0.3
	CT 21	7,000	0.3
	CT 22	7,000	0.3
	CT 23	7,000	0.3
	CT 24	7,000	0.3
Port Everglades (Port Everglades, Fla.)	CT 1	8,000	0.3
	CT 2	8,000	0.3
	CT 3	8,000	0.3
	CT 4	8,000	0.3
	CT 5	8,000	0.3
	CT 6	8,000	0.3
	CT 7	8,000	0.3
	CT 8	8,000	0.3
	CT 9	8,000	0.3
	CT 10	8,000	0.3
	CT 11	8,000	0.3
	CT 12	8,000	0.3

These powerplants will burn an estimated 1,740,000 MCF of natural gas annually which will result in an estimated displacement of 723 barrels of middle distillate fuel oil per day (264,000 barrels annually).

Statement of Reasons

Because petroleum products in general, and middle distillates in particular, are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance

with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-28017 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Iowa Power & Light Co.; Petitions for Temporary Public Interest Exemptions

Decision and order granting exemptions pursuant to section 311 of the Powerplant and Industrial Fuel Use Act of 1978; ERA Docket Nos. 51407-8029-21-41, 51407-8029-22-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Iowa Power and Light Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 4, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petitions and the proposed order. No comments were received specifically addressing the Iowa Power and Light Company proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Sycamore (Johnston, Iowa)	CT 1	20,238	0.5
	CT 2	20,238	0.5

These powerplants will burn an estimated 230,000 MCF of natural gas annually which will result in an estimated displacement of 111 barrels of middle distillate fuel oil per day (40,476 barrels annually).

Statement of Reasons

Because petroleum products in general, and middle distillates in particular, are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA

determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conservation.

[FR Doc. 79-28014 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Kansas Power & Light Co.; Petitions for Temporary Public Interest Exemptions

Decision and order granting exemptions pursuant to section 311 of the Powerplant and Industrial Fuel Use Act of 1978; ERA Docket Nos. 51479-1252-21-41; 51479-1252-22-41; 51479-1248-21-41; 51479-1248-22-41; and 51479-1246-23-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 310(a) (2) and (3) of the Powerplant and Industrial Fuel Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq. This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to The Kansas Power and Light Company (petitoner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on April 25, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in the May 11, 1979, **Federal Register** (44 FR 27668) with a request for public comments relating to the petitions and the proposed order. No comments were received specifically addressing the Kansas Power and Light Company proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on an annual basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Tecumseh Energy Center (Tecumseh, Kans.)	CT 1	52,381	0.3
	CT 2	52,381	0.3
Hutchinson (Hutchinson, Kans.)	CT 1	28,571	0.3
	CT 2	28,571	0.3
	CT 3	23,571	0.3

These powerplants will burn an estimated 1,100,000 MCF of natural gas annually which will result in an estimated displacement of 522 barrels of middle distillate fuel oil per day (190,475 barrels annually).

Statement of Reasons

Because petroleum products in general, and middle distillates in particular, are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplant for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria

set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA, however, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-28015 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act; Issuance of an Order Granting a Temporary Public Interest Exemption

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on August 31, it issued an order granting a temporary public interest exemption, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq., and 10 CFR 501.68 and 10 CFR 508, from the prohibitions of section 301(a) (2) and (3) of the Act to the following powerplant:

Docket No.	Owner	Location	Powerplant ident.	Annual low sulfur residual (barrels)
50653-2500-03-41	Consolidated Edison Co. of New York, Inc.	Ravenswood (New York, N.Y.)	No. 3	1,832,000

A petition was received and filed with ERA, pursuant to 10 CFR 508 (Exemption for use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230), for a temporary public interest exemption for the use of natural gas as a primary energy source.

Notice of the petition and the proposed order granting this temporary exemption was published in the **Federal Register** on May 11, 1979 (44 FR 27668). Written comments were requested on the proposed order. All comments were considered by ERA.

A general comment from Allied Chemical Corporation expressed concern that the chemical industry has experienced production curtailments and plant shutdowns due to inadequate gas supplies for nonsubstitutable feedstock and process needs at the same time that DOE has concluded that excess supplies of natural gas are available. The Allied Chemical Corporation comment did not refer to any specific region nor did it specify impacts resulting from any particular petition or proposed order. All other comments received were in support of the petition. The State of New York Department of Environmental Conservation wrote, "We are in favor of the use of natural gas wherever possible, since the environmental benefits are obvious . . ."

This temporary exemption will allow the above-named unit to burn an estimated total of 10,810,000 MCF of natural gas annually, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, displacing an estimated 5,019 barrels of low sulfur residual fuel oil per day (1,832,000 barrels annually).

The order granting this temporary exemption shall become effective sixty days following publication in the **Federal Register** in accordance with Section 702(a) of FUA. The above named powerplant has received the Decision and Order granting this temporary exemption by certified mail. The order is set forth following this notice. This temporary exemption shall be in effect for an initial period ending December 31, 1980, and is subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest. The temporary exemption may be extended for an additional period of three years upon written acceptance by ERA of a system wide fuel conservation plan. Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, N.W., Washington, D.C. 20461.

Any questions regarding this temporary exemption should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-8250.

Issued in Washington, D.C. on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-28022 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act; Issuance of Orders Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on August 31, 1979, it issued orders granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq., and 10 CFR 501.68 and 10 CFR 508, from the prohibitions of Section 301(a)(2) and (3) of the Act to the following powerplants:

Docket No.	Owner	Generating station location	Powerplant ident.	Annual middle distillate displacement (barrels)
51407-8029-21-41	Iowa Power & Light Co.	Sycamore (Johnston, Ia.)	CT 1	20,238
51407-8029-22-41			CT 2	20,238
51479-1252-21-41	The Kansas Power & Light Co.	Tecumseh (Tecumseh, Ks.)	CT 1	52,381
51479-1252-22-41			CT 2	52,381
51479-1248-21-41		Hutchinson (Hutchinson, Ks.)	CT 1	28,571
51479-1248-22-41			CT 2	28,571
51479-1248-23-41			CT 3	28,571
50556-2831-21-41	Cincinnati Gas & Electric Co	Dick's Creek (Monroe, Ohio)	CT 1	103,900
50556-2831-22-41			CT 2	15,600
50556-2831-23-41			CT 3	15,600
50556-2831-24-41			CT 4	19,100
50556-2831-25-41			CT 5	19,100
51006-0613-21-41	Florida Power & Light Co	Lauderdale (Fort Lauderdale, Fla.)	CT 1	7,000
51006-0613-22-41			CT 2	7,000
51006-0613-23-41			CT 3	7,000
51006-0613-24-41			CT 4	7,000
51006-0613-25-41			CT 5	7,000
51006-0613-26-41			CT 6	7,000
51006-0613-27-41			CT 7	7,000
51006-0613-28-41			CT 8	7,000
51006-0613-29-41			CT 9	7,000
51006-0613-30-41			CT 10	7,000
51006-0613-31-41			CT 11	7,000
51006-0613-32-41			CT 12	7,000
51006-0613-33-41			CT 13	7,000
51006-0613-34-41			CT 14	7,000
51006-0613-35-41			CT 15	7,000
51006-0613-36-41			CT 16	7,000
51006-0613-37-41			CT 17	7,000
51006-0613-38-41			CT 18	7,000
51006-0613-39-41			CT 19	7,000
51006-0613-40-41			CT 20	7,000
51006-0613-41-41			CT 21	7,000
51006-0613-42-41			CT 22	7,000
51006-0613-43-41			CT 23	7,000
51006-0613-44-41			CT 24	7,000
51006-0617-21-41		Port Everglades (Port Everglades, Fla.)	CT 1	8,000
51006-0617-22-41			CT 2	8,000
51006-0617-23-41			CT 3	8,000
51006-0617-24-41			CT 4	8,000
51006-0617-25-41			CT 5	8,000
51006-0617-26-41			CT 6	8,000
51006-0617-27-41			CT 7	8,000
51006-0617-28-41			CT 8	8,000
51006-0617-29-41			CT 9	8,000
51006-0617-30-41			CT 10	8,000
51006-0617-31-41			CT 11	8,000
51006-0617-32-41			CT 12	8,000
50752-2854-21-41	Dayton Power & Light Co	Yankee Street (Dayton, Ohio)	CT 1	52,193
50752-2854-22-41			CT 2	49,469
50752-2854-23-41			CT 3	55,587
50752-2854-24-41			CT 4	64,060
50752-2854-25-41			CT 5	61,700
50752-2854-26-41			CT 6	59,364
50752-2854-27-41			CT 7	57,073
50816-3254-26-41	Duke Power Co	Buzzard Roost (Chappells, S.C.)	CT 6	48,900
50816-3254-27-41			CT 7	48,900
50816-3254-28-41			CT 8	48,900
50816-3254-29-41			CT 9	48,900
50816-3254-30-41			CT 10	48,900
50816-3254-31-41			CT 11	48,900
50816-3254-32-41			CT 12	48,900
50816-3254-33-41			CT 13	48,900
50816-3254-34-41			CT 14	48,900
50816-3254-35-41			CT 15	48,900
50816-2732-28-41		Riverbend (Mount Holy, N.C.)	CT 8	97,900
50816-2732-29-41			CT 9	97,900
50816-2732-30-41			CT 10	97,900

Docket No.	Owner	Generating station location	Powerplant ident.	Annual middle distillate displacement (barrels)
50816-2732-31-41			CT 11	97,900
50816-2723-24-41		Dan River (Eden, N.C.)	CT 4	29,200
50816-2723-25-41			CT 5	29,200
50816-2723-26-41			CT 6	29,200
50816-6278-23-41		Urquhart (N. Augusta, S.C.)	CT 3	1,700
50816-2720-27-41		Buck (Spencer, N.C.)	CT 7	110,300
50816-2720-28-41			CT 8	110,300
50816-2720-29-41			CT 9	110,300
50816-3264-24-41		Lee (Pelzer, S.C.)	CT 4	98,500
50816-3264-25-41			CT 5	98,500
50816-3264-26-41			CT 6	98,500
50658-1706-21-41	Consumers Power Co	Gaylord (Gaylord, Mich.)	No. 1	1,260
50658-1706-22-41			No. 2	1,260
50658-1706-23-41			No. 3	1,260
50658-1706-24-41			No. 4	1,260
50658-1706-25-41			No. 5	1,260
50658-1719-05-41		Thetford (Mount Morris, Mich.)	No. 5	45,600
50658-1719-06-41			No. 6	45,600
50658-1719-07-41			No. 7	45,600
50658-1719-08-41			No. 8	45,600
50658-1719-09-41			No. 9	45,600

Petitions were received and filed pursuant to 10 CFR 508 (Exemption for use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) with ERA for temporary public interest exemptions for the use of natural gas as a primary energy source. Notices of the petitions and the proposed orders granting these temporary exemptions were published in the **Federal Register** on May 11 and June 1, 1979, (44 FR 27668 and 44 FR 31677). Written comments were requested on the proposed orders. All comments were considered by ERA.

A general comment from Allied Chemical Corporation expressed concern that the chemical industry has experienced production curtailments and plant shutdowns due to inadequate gas supplies for nonsubstitutable feedstock and process needs at the same time that DOE has concluded that excess supplies of natural gas are available. The Allied Chemical Corporation comment did not refer to any specific region nor did it specify impacts resulting from any particular petition or proposed order.

It is the position of the Department of Environmental Regulation of the State of Florida that "the implementation of this order will conserve valuable oil supplies and maintain the excellent air quality in these areas."

All comments that referred to specific petitions was supportive of them. However, not all the petitions listed received specific comments. Comments which identified significant issues relating to individual petitions have been evaluated and are addressed in the individual orders granting those petitions.

These temporary exemptions will allow the above-named units to burn an estimated total of 16,265,970 MCF of natural gas annually, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, displacing an estimated 7,941 barrels per day (2,898,317 barrels annually) of middle distillate fuel oil.

The orders granting these temporary exemptions shall become effective sixty days following publication in the **Federal Register** in accordance with Section 702(a) of FUA. All of the above-named powerplants have received Decisions and Orders granting these temporary exemptions by certified mail. The individual orders are set forth following the notice. These temporary exemptions shall be in effect for a period of five years and are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, N.W., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7450.

Issued in WAshington, D.C., on August 31, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Adminstration.

[FR Doc. 79-28023 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP72-110]

Algonquin Gas Transmission Co.; Rate Change Pursuant To Purchased Gas Cost Adjustment Provision

August 30, 1979.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on August 27, 1979, tendered for filing Substitute 49th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. Such rates reflect a change in the cost of purchased gas from its supplier, Texas Eastern Transmission Corporation, proposed to be effective August 1, 1979, and an adjustment to amortize the June 30, 1979 balance in Algonquin Gas' Unrecovered Purchased Gas Cost Account (Account 191).

Algonquin Gas also states that the proposed effective date of the substitute revised tariff sheet as prescribed by Section 17 is September 1, 1979.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

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, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules

of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 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. 79-28063 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-416

ANR Storage Company; Notice of Application

August 20, 1979.

Take notice that on July 24, 1979, ANR Storage Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-416 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of gas storage service for Southern Natural Gas Company (Southern), the development and operation of certain gas storage fields and appurtenant facilities, the drilling and operation of certain wells, and the construction and operation of certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant and Southern have entered into gas storage agreement whereby Southern would deliver or cause to be delivered to Applicant during the 1981 and ensuing Summer Periods (April 1 through October 31) for storage up to 11,503,000 Mcf of natural gas. Applicant proposes during the 1981-82 and ensuing Winter periods (November 1 through March 31), to make equivalent volumes of gas available for redelivery to Southern. The terms of the gas storage agreements are 20 years commencing on April 1, 1981, it is stated. Applicant states that Southern would supply injection compressor fuel equal to 1.3 percent of the volumes delivered for storage and that Applicant would deduct from the volumes withdrawn from storage for redelivery to Southern withdrawal compressor fuel equal to 0.2 percent of such volumes. By the terms of the gas storage agreements, Southern may elect to defer redelivery from one contract year to the next of all or any part of the volumes stored.

In order to render the proposed gas storage service, Applicant proposes to develop and operate the Excelsior 6 Gas Storage Field in Excelsior Township, Kalkaska County, Michigan, and the Cold Springs 31 Gas Storage Field in Cold Spring Township, Kalkaska County, which storage fields are at present gas producing fields which are substantially depleted; and Applicant is acquiring all the necessary oil and gas leases, storage and mineral rights and the gas producing properties in these fields. In order to develop and operate the two storage fields, Applicant proposes, at the Cold Springs 31 Field, to rehabilitate one existing well, to drill and complete three new gas wells, and construct a gathering system and appurtenances. At the Excelsior 6 Field, Applicant proposes to rehabilitate one existing well, drill and complete six new gas wells, and to construct a gathering system and appurtenances. Applicant also proposes to install a 7500 horsepower compressor station and a field meter station which would serve both storage fields, and to construct and operate a storage field office and warehouse, field automation, a 1.0-mile, 12-inch storage field pipeline and a 2.3-mile, 20-inch pipeline connecting the proposed storage field pipeline with pipeline facilities of Applicant, to be completed prior to commencement of the storage service proposed herein, which would connect to the existing facilities of Great Lakes Gas Transmission Company (Great Lakes), at MP 753 in Frederic Township, Crawford County, Michigan. The estimated cost of development of the storage field and the construction of the proposed facilities is $26,638,570. It is indicated that initial financing would be by short-term borrowings, sale of common stock and internally generated funds.

Applicant states that when developed, the Excelsior 6 and Cold Springs 31 Gas Storage Fields would have a total working capacity of 12,840,000 Mcf, which working storage capacity is based on a heating value of injection gas of 975 Btu's per cubic foot, the anticipated heat content of the gas to be injected into the fields and stored.

Applicant indicates that it would charge Southern the following rates for the proposed storage service:

Type of service	Average rate
50 Day Service	63.99 cents per Mcf
100 Day Service	45.77 cents per Mcf

It is indicated that Southern has arranged with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), and Michigan Wisconsin has in turn arranged with Great Lakes, to transport Southern's gas to and from the interconnection of Applicant's proposed pipeline facilities with the facilities of Great Lakes at MP 753 in Frederic Township, Crawford County, Michigan. Applicant states that it would transport the gas from this point of interconnection.

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 Section 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. 79-28064 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-601]

Central Vermont Public Service Corporation; Proposed Tariff Change

August 31, 1979.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on August 20, 1979, tendered for filing a proposed change in its FPC Electric Service Rate No. 92. The proposed change would not change revenues from jurisdictional sales for the 12 month period ending October 31, 1979. No transactions have occurred under the Contract during the preceding 12 months, and none are contemplated during the succeeding 12 months.

The change is proposed in accordance with Article V of the Company's agreement with the Lyndonville Electric Department, which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the preceding 12 months ending April and the Company's capacity cost associated with company-owned generating facilities for the preceding calendar year.

Copies of the filing were served upon the Lyndonville Electric Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application shall 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 21, 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. 79-28065 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-602]

Central Vermont Public Service Corporation; Proposed Tariff Change

August 31, 1979.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on August 20, 1979, tendered for filing proposed changes in its FPC Electric Service Rate No. 93. The proposed changes would increase revenues from jurisdictional sales and service by $1,942 for the 12 month period ending October 31, 1979.

The change is proposed in accordance with the provisions of Article VIII, and amendments thereto, of the Company's transmission service agreement with the Lyndonville Electric Department, which provides that charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Copies of the filing were served upon the Lyndonville Electric Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application shall 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 21, 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. 79-28066 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-604]

Central Vermont Public Service Corporation; Proposed Tariff Change

August 31, 1979.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on August 20, 1979, tendered for filing proposed changes in its FPC Electric Service Rate No. 97. The proposed changes would increase revenues from jurisdictional sales and service by $4,683 for the 12-month period ending October 31, 1979.

The change is proposed in accordance with the provisions of Article III of the Company's transmission service agreement with the Village of Ludlow Electric Light Department, which provides that charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Copies of the filing were served upon the Village of Ludlow Electric Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application shall 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 21, 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. 79-28067 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-605]

Central Vermont Public Service Corporation; Proposed Tariff Change

August 31, 1979.

The filing Company submits the following

Take notice that Central Vermont Public Service Corporation (Company) on August 20, 1979, tendered for filing a proposed change in its FPC Electric Service Rate No. 96. The proposed change would decrease revenues from jurisdictional sales and service by $228 for the 12 month period ending October 31, 1979.

The change is proposed in accordance with Article V of the Company's agreement with the Village of Ludlow Electric Light Department, which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the preceding 12 months ending April and the Company's capacity cost associated with company-owned generating facilities of the proceeding calendar year.

Copies of the filing were served upon the Village of Ludlow Electric Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application shall 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 21, 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. 79-28068 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-606]

Central Vermont Public Service Corporation; Proposed Tariff Change

August 31, 1979.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on August 20, 1979, tendered for filing a proposed change in its FPC Electric Service Rate No. 88. The proposed change would decrease revenues from jurisdictional sales and service by $636 for the 12 month period ending October 31, 1979.

The change is proposed in accordance with Article V of the Company's agreement with the Vermont Electric Cooperative, Inc., which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the preceding 12 months ending April and the Company's capacity cost associated with company-owned generating facilities for the preceding calendar year.

Copies of the filing were served upon the Vermont Electric Cooperative, Inc., and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application shall file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 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 21, 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. 79-28069 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-607]

Central Vermont Public Service Corporation; Proposed Tariff Change

August 31, 1979.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on August 20, 1979, tendered for filing proposed changes in its FPC Electric Service Rate No. 89. The proposed changes would increase revenues from jurisdictional sales and service by $14,394 for the 12 month period ending October 31, 1979.

The change is proposed in accordance with the provisions of Article VIII, and amendments thereto, of the Company's transmission service agreement with the Vermont Electric Cooperative, Inc., which provides that charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Copies of the filing were served upon the Vermont Electric Cooperative, Inc., and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application shall 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 21, 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. 79-28070 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-17]

Columbia Gas Transmission Corp.; Petition To Amend

August 30, 1979.

Take notice that on August 15, 1979, Columbia Gas Transmission Corporation (Petitioner), P.O. Box 1273, Charleston, West Virginia 25323, filed in Docket No. CP79-17 a petition to amend the Commission's order of March 1, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder so as to authorize an increase in the total and single project cost limitations for gas-purchase facilities authorized to be constructed hereunder, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the Commission's order of March 1, 1979, in the instant docket, Petitioner was authorized to construct and operate budget-type gas-purchase facilities for a 12-month period commencing March 1, 1979. It is further indicated that the total authorized cost of facilities constructed under the budget-type authorization is limited $6,000,000 with no single project to exceed $1,500,000.

Petitioner indicates that at the present time it has 13 projects scheduled which could be constructed under its budget-type gas-purchase authorization, which project cost would result in a total cost in excess of $11,000,000. Petitioner further indicates that it has two single projects which it plans to construct under the instant budget-type authorization which costs would result in costs in excess of $1,500,000, and two additional single projects which would cost an estimated $1,400,000. Therefore, Petitioner is requesting waiver of Section 157.7(b)(1) (i) and (ii) of the Commission's Regulations so as to provide for an increase in its current total and single budget-type limitations to $12,000,000 and $2,500,000, respectively.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28071 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-436]

Columbia Gas Transmission Corp.; Notice of Application

August 30, 1979.

Take notice that on August 9, 1979, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP79-436 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct 305 interconnecting tap facilities to provide additional points of delivery to Columbia Gas of Kentucky, Inc. (53 taps), Columbia Gas of Maryland, Inc. (7 taps), Columbia Gas of Ohio, Inc. (97 taps), Columbia Gas of Pennsylvania, Inc. (19 taps), Columbia Gas of Virginia, Inc. (20 taps), and Columbia Gas of West Virginia, Inc. (109 taps), at specified points in Kentucky, Maryland, Ohio, Pennsylvania, Virginia and West Virginia, respectively. Applicant asserts that the additional points of delivery to the wholesale customers are required for the 1979-80 winter heating season.

The estimated total cost of the proposed points of interconnections is estimated to be $91,728, which cost would be financed with internally generated funds.

Applicant does not propose to increase its currently authorized level of sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herrein 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. 79-28072 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-603]

Connecticut Light & Power Co.; Notice of Transmission Agreement

August 31, 1979.

The filing Company submits the following: Take notice than on August 20, 1979, The Connecticut Light and Power Company ("CL&P") tendered for filing under Part 35 of the Commission's regulations a rate schedule entitled "Amendment to the Derby Junction Transmission Agreement between the Connecticut Light and Power Company and the United Illuminating Company" ("UI") dated as of June 1, 1978 (the "Amendment").

CL&P states that the Amendment provides for certain changes in the transmission services provided by CL&P to UI over two of CL&P's 115 kV lines between the Devon Generating Station in Milford, Connecticut and Frost Bridge Substation in Watertown, Connecticut at the Derby Junction tap and new services at an additional tap at the Trap Falls Substation.

CL&P states that although service to the Derby Junction tap point commenced under the Amendment on June 1, 1978, the parties did not reach final agreement on the details of the rate schedule filed until recently. CL&P further states that the new transmission service at the Trap Falls Substation has been provided since December 1, 1969. Delays in development of the detailed language of the rate schedule and the new transmission service to be included thereunder prevented the filing of the Amendment until this date. CL&P therefore has requested that the Commission, pursuant to Section 35.11 of its regulations, waive the customary notice period to permit the Amendment, pertaining to transmission service rendered to the Derby Junction tap, to take effect as of June 1, 1978, and to permit athe Amendment, pertaining to the new transmission service rendered to UI's Trap Falls Substation tap, to take effect as of December 1, 1969.

CL&P states that the charges provided for in the rate schedule were arrived at through negotiations. CL&P states that a copy of this rate schedule has been mailed or delivered to UI at its principal office in New Haven, Connecticut.

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 Sections 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 21, 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. 79-28073 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01

[Docket Nos. RP79-73 and RP72-157]

Consolidated Gas Supply Corp.; Notice of Proposed Changes in FERC Gas Tariff

August 30, 1979.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on August 27, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 to be effective September 1, 1979.

Consolidated states that the revised tariff sheet reflects rate changes to incorporate in its rates the increased cost of LNG as proposed in Docket No. RP79-73 and a decrease to the semiannual PGA filing made August 2, 1979, for effectiveness September 1, 1979, in Docket No. RP72-157.

Consolidated requests a waiver of any of the Commission's Rules and Regulations that may be deemed necessary in order to permit the rates

shown in Substitute Fifteenth Revised Sheet No. 16 to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any persons 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, DC, 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions of protests should be filed on or before September 14, 1979. Protests will be considered by the Commission in determining the appropriate actions 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 inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28074 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-609]

Edison Sault Electric Co.; Proposed Supplement to Electric Service Contract

August 31, 1979.

The filing Company submits the following: Take notice that Edison Sault Electric Company (Edison), on August 20, 1979, tendered for filing a Supplemental Agreement No. 6 between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated November 1, 1976, which agreement will supplement an existing Contract for Electric Service, dated January 2, 1952, between the same two parties. The contract between the parties, dated January 2, 1952, has been designated Rate Schedule FPC No. 2 (Docket No. E-7870). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated January 2, 1952, supplemented, under "Article V, Rates."

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest such agreement 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 21, 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 agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28075 Filed 9-7-79; 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 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 C.F.R. § 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 th 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 C.F.R. § 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 andy 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.

(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.

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[1] See Attachment A for designations.

[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.

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 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—28076 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-440]

Gas Transport, Inc.; Notice of Application

August 30, 1979.

Take notice that on August 14, 1979, Gas Transport, Inc. (Applicant), 109 North Broad Street, Lancaster, Ohio 43130, filed in Docket No. CP79-440 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing with the date of any Commission's order issued herein, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $150,000, which cost Applicant would finance through internally-generated funds or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Aplicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28077 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01

[Docket No. ER79-614]

Iowa Power & Light Co.; Notice of Rate Schedule Filing

August 31, 1979.

The filing Company submits the following:

Take notice that Iowa Power and Light Company ("Iowa Power"), on August 23, 1979, tendered for filing proposed changes in its FERC Rate Schedule No. 46, which sets forth rates for wholesale electric service to Harlan Municipal Utilities (City).

Proposed Supplement No. 11 to Rate Schedule No. 46 provides for an increased capacity charge for base load power. Proposed Supplement No. 12 provides for an increased capacity charge for equalization power. These changes are needed to conform to increased costs of added capacity and changes in the Mid-Continent Area Power Pool rates.

Iowa Power requests that the Commission waives its prior notice requirements and accept Proposed Supplement Nos. 11 and 12 for filing with a retroactive effective date of June 1, 1979. Iowa Power states that copies of the filing have been served upon the City and the Iowa State Commerce Commission.

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 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 20, 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. 79-28078 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-431]

Kentucky West Virginia Gas Co.; Application

August 30, 1979.

Take notice that on August 7, 1979, Kentucky West Virginia Gas Company (Applicant), P.O. Box 1388, Ashland, Kentucky, 41101, filed in Docket No. CP79-431 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the deliveries of natural gas to its corporate parent, Equitable Gas Company (Equitable), for resale to certain right-of-way grantors in Kentucky, and for the installation and operation of certain minor facilities necessary to make such deliveries, all as more fully set forth in the application on file with the Commission and open to public inspection.

As consideration or part consideration for certain rights-of-way and leases granted in its operating area in eastern Kentucky, Applicant proposes to provide natural gas service for the following landowners for high priority domestic uses in rural dwellings:

1. Albert Spence and Jeanette Spence, his wife, Tomahawk, Kentucky 41416
2. Charles Hamlin and Sandra Hamlin, his wife, Tomahawk, Kentucky 41462
3. Lana Mills and Hobert Ray Mills, her husband, Tomahawk, Kentucky 41462
4. Harold Dean Mills and Ellen Mills, his wife, Tomahawk, Kentucky 41462
5. Earl Mills and Alice Mills, Tomahawk, Kentucky 41462
6. Shirley Spence and Mary J. Spence, his wife, and Donald Spence, Tomahawk, Kentucky 41462
7. Charles Crum and Diana Crum, his wife, Tomahawk, Kentucky 41462
8. Enoch Combs and Dorothy C. Combs, his wife, Garrett, Kentucky 41462
9. Anna Wells, widow, Van Lear, Kentucky 41265
10. Robert Burke and Goldie Burke, his wife, Van Lear, Kentucky 41265
11. William Lafferty and Marlene Lafferty, his wife, Van Lear, Kentucky 41265
12. Enoch Combs and Dorothy Combs, his wife, Garrett, Kentucky 41630
13. Johnie Nolen and Janice Nolen, his wife, Garrett, Kentucky 41630
14. John Gibson and Topsie Gibson, his wife, Garrett, Kentucky 41630
15. Ray Nolen and Brenda Nolen, his wife, Garrett, Kentucky 41630
16. Michael Bolen and Minnie Bolen, his wife, Garrett, Kentucky 41630
17. Ray Bolen and Brenda S. Bolen, his wife, Garrett, Kentucky 41630
18. Allie Inman, Garrett, Kentucky 41630
19. Frank Chaffins and Lucille Chaffins, his wife, Garrett, Kentucky 41630
20. Manis Sheperd and Naomi Sheperd, his wife, Garrett, Kentucky 41630
21. Jannon Coburn and Patty Coburn, Garrett, Kentucky 41630
22. Bennie G. Conn and Glenna Conn, his wife, Garrett, Kentucky 41630
23. Choletta Adams and Harry B. Adams, her husband, Garrett, Kentucky 41630
24. Denver Conley, Garrett, Kentucky 41630
25. Bert Conley and Alene Conley, his wife, Garrett, Kentucky 41630
26. Dallas Cook and Phyllis Cook, his wife, Ashcamp, Kentucky 41512
27. Cecil Bentley and Pricey Bentley, his wife, Kona, Kentucky 41829
28. Dewey Thomas and Rosie Thomas, his wife, Kona, Kentucky 41829
29. Billy Eugene Reffett and Susan Reffett, his wife, Pyramid, Kentucky 41656
30. Carmel Conn and Betty Conn, his wife, David, Kentucky 41616
31. Allen and Flora Robinson, his wife, 561 Spring Drive, Virginia Beach, Virginia 23458
32. Lillian Coleman, South College, Pikeville, Kentucky 41501
33. Allen and Flora Robinson, his wife, 561 Spring Drive, Virginia Beach, Virginia 23458
34. Lucy Pearl Coleman, widow, Raccon, Kentucky 41557
35. Will and Erma D. Phillips, his wife, 100 Scott Avenue, Pikeville, Kentucky 41501
36. Jettie Thacker, a widow, Ashcamp, Kentucky 41512
37. Elbert Slone and Merkie Slone, his wife, Pippa Passes, Kentucky 41844
38. Cleveland Dobson and Opal Dobson, his wife, Talcum, Kentucky 41765
39. John Bud Ritchie and Betty Ritchie, his wife, Talcum, Kentucky 41765
40. Odis Ritchie and Retha Ritchie, his wife, Talcum, Kentucky 41765
41. Paul Combs and Ethel Combs, his wife, Talcum, Kentucky 41765
42. James Patrick and Olga Patrick, his wife, Fisty, Kentucky 41743

Applicant indicates that all of the grantors have relied upon such service as part of the agreement. Applicant also proposes to install and operate minor facilities necessary to provide such natural gas service. The estimated domestic usage by each of these right-of-way grantors would be approximately 250 Mcf of natural gas per year on the average, it is said.

The estimated cost of constructing minor tap and related facilities for each right-of-way grantor would be $171, which cost Applicant would finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission or 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. 79-28079 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-13]

Lo-Vaca Gathering Co.; Notice of Application

August 30, 1979.

Take notice that on July 31, 1979, Lo-Vaca Gathering Company (Applicant), 5 Greenway Plaza East, Houston, Texas 77046, filed in Docket No. SA79-13 an application pursuant to § 1.41(d)(1)(v) of the Commission's Rules of Practice and Procedure (18 CFR 1.41(d)(1)(v)) for an adjustment and for approval of the rates for the sales of natural gas by Applicant to interstate pipelines or local distribution companies pursuant to section 311(b) of the Natural Gas Policy Act of 1978 (NGPA), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests approval of (i) the method or basis for calculating its rates for sales of natural gas in interstate commerce pursuant to section 311(b) of the NGPA and Part 284 of the Regulations thereunder, (ii) the method of billing and estimating the rates and (iii) the rates for such sales as being in accordance with and not exceeding the provisions of section 311(b) of the NGPA.

Applicant asserts that it is an intrastate pipeline as defined in section 2(16) of the NGPA and is located wholly within the State of Texas. Applicant states that it has entered into four contracts to sell natural gas on an interruptible basis in interstate commerce to Transwestern Pipeline Company, Texas Eastern Transmission Corporation, El Paso Natural Gas Company, and Pacific Gas and Electric Company. It is indicated that each of the contracts specifically provides that the sale of natural gas is in accordance with the provisions of section 311(b) of the NGPA.

Applicant seeks relief from §§ 284.143, 284.144, and 284.145(d) of the Regulations under the NGPA and approval that its rates for sales pursuant to section 311(b) of the NGPA do not exceed the guidelines specified in section 311(b) and in § 284.144 of the regulations. Applicant states that it and the purchasers have agreed upon a rate which is based on the volumes of gas (expressed in Mcf with a minimum Btu requirement), plus an amount per Mcf

which is designed to allow Applicant to recover the costs of gathering, treating, processing, transporting, and delivering natural gas, including an opportunity to earn a reasonable profit thereon.

Because the regulations issued by the Commission under section 311(b) of the NGPA provide that the sales price is to be calculated on the basis of an average price per million Btu's rather than per Mcf, Applicant seeks relief from §§ 284.143 and 284.144 of the regulations to allow the price to be expressed in terms of dollars and cents per Mcf.

Applicant also seeks relief from §§ 284.143, 284.144, and 284.145 to permit the billing of the rate for its sales pursuant to section 311(b) on the basis of estimates of the weighted average acquisition cost of gas which are the same as those utilized in billing Applicant's intrastate customers. The purchasers would be notified of the estimated rate on or about the 20th day of the month in which deliveries occur and would be billed at such estimated rate in the month following the deliveries. There would be an adjustment in the second succeeding month to bring the rate to the actual weighted average acquisition cost of gas. As the regulations specify a different procedure for billing, Applicant requests that the Commission issue an order permitting the use of the agreed upon billing procedure.

Applicant further requests that the Commission issue an order approving the rates for the sales pursuant to section 311(b) of the NGPA as "fair and equitable" under section 311(b) and §284.144 of the regulations, or, in the alternative, that such rates are in accordance with and do not exceed that specified in section 311(b) of § 284.144.

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 25, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28080 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-434]

Montana Power Co.; Notice of Application

August 30, 1979.

Take notice that on August 8, 1979, The Montana Power Company (Applicant), 40 East Broadway, Butte, Montana 59701, filed in Docket No. CP79-434 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) for a certificate of public convenience and necessity authorizing the sale of natural gas to Montana-Dakota Utilities Company (MDU), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to sell up to 11,000 Mcf of natural gas per day to MDU for a period of two years pursuant to the terms of a gas purchase contract dated February 2, 1979, between the two companies. Applicant is able to sell the gas to MDU due to sufficient volumes of gas imported by Applicant from Canada. Applicant indicates that it would sell the gas to MDU at a price of $2.51441 per million Btu, which price would be subject to increase only to the extent that the border price of Canadian gas and cost of service based upon the border price increase to Applicant during the two-year period of the gas purchase contract.

MDU would use the gas on its system to help maintain levels of deliveries to its existing customers and to avoid deeper curtailments, it is stated.

Applicant asserts that since it is an intrastate gas company, and that inasmuch as its gas supply basically is obtained from Canada by import and from producers whose sales are not subject to the jurisdiction of the Commission, Applicant requests that the facilities, transportation, and sales by suppliers of gas to it, including but not limited to any producers, and all of the existing facilities of, transportation of gas, and sales by Applicant with the exception of the instant sale to MDU and the related interconnecting facilities would remain exempt from the Commission's jurisdiction and their non-jurisdictional status shall not be affected by any certificate which may be issued in this proceeding. Applicant also requests that the Commission waive its accounting and reporting requirements with respect to this application for the term of the requested certificated authorization, provided that Applicant would report the volumes of gas sold and the price paid for the gas.

Applicant requests that it be allowed to abandon the sale, transportation and facilities referred to herein at the end of the proposed two-year period without further Commission action in this proceeding.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28081 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL79-27]

Municipal Wholesale Power Group v. Wisconsin Power & Light Co.; Notice of Complaint

August 31, 1979.

Take notice that the Municipal Wholesale Power Group (MWPG) on August 13, 1979 tendered for filing a complaint against the Wisconsin Power & Light Company (WP&L) alleging that WP&L has violated section 205(d) of the Federal Power Act by including charges in its fuel adjustment clause which are prohibited by § 35.14 of the Commission's Rules and Regulations and by WP&L's fuel adjustment clause contained in its W-3 rate schedule currently on file with the Commission in Docket No. ER77-347.

MWPG indicates that it is an informal association of 27 municipal wholesale customers of WP&L.

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 Sections 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 28, 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. 79-28082 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-537]

Natural Gas Pipeline Company of America; Notice of Amendment to Application

August 20, 1979.

Take notice that on July 27, 1979, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-537 an amendment to its application filed in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for certain changes in the construction of certain proposed facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant now proposes to construct and operate approximately 27 miles of 8-inch pipeline, and appurtenant facilities, from Madill Processing Plant to Applicant's existing 10-inch pipeline in Love County, Oklahoma, and to construct and operate 400 horsepower of compression. The total estimated cost of these facilities is $2,705,000, which cost would be met from funds on hand.

Applicant indicates that the construction and operation of these facilities is necessary in order to receive into its system quantities of natural gas to be produced from reserves located in Bryan and Marshall Counties, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 10, 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. 79-28083 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-204]

Natural Gas Pipeline Co. of America; Notice of Amendment

August 30, 1979.

Take notice that on August 6, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP-79-204 and amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to provide for a gas-for-gas exchange arrangement on a monthly basis for gas delivered by Natural to Interstate Gas Company (CIG) and by CIG to Natual on the latter's Amarillo System, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Natural, in its application requested authority to transport gas for CIG pursuant to conditions established in a twenty year gas transportation and exchange agreement between the parties. Natural would transport up to an aggregate volume of 80,000 Mcf per day of gas received for the account of CIG at various points on Natural's pipeline system now existing or as may be added in the future. The agreement also provides that CIG would transport for Natural such volumes available to Natural in the vicinity of CIG's system. CIG has filed an application in Docket No CP-79-205 for authority to perform such service for Natural. Natural proposed to charge CIG its jurisdictional cost of service allocated to onshore transmission operations, a rate currently calculated to be 41.57 cents per Mcf. The volumes of gas redelivered would also be adjusted for fuel used and lost and unaccounted for gas.

Natural and CIG have amended the agreement to permit the exchange on a gas-for-gas basis, of gas delivered to Natural on its Amarillo System by CIG and gas delivered by Natural to CIG. Volumes of gas received in excess of such exchange volumes would be considered "Net Delivery Volumes" by the receiving party and would be subject to the appropriate transportation charge as previously established. Any gas delivered by CIG to Natural on Natural's Gulf Coast Line would not be considered exchange gas and would, therefore, be subject to the applicable average system transportation charges irrespective of any "Net Delivery Volumes" between Natural and CIG in Natural's Amarillo System-CIG System part of the arrangement.

Any person desiring to be heard or make any protest with reference to said amendment should on or before September 20, 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—28084 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-432]

Northern Natural Gas Co.; Notice of Application

August 22, 1979.

Take notice that on August 7, 1979, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-432 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon and remove two 1,080 horsepower compressor units from its Redfield, Iowa, Storage Field and further, for a certificate of public convenience and necessity authorizing the construction and operation of certain interconnecting and compression facilities located in

Calcasieu Parish, Louisiana, and Pecos County, Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Northern requests authorization to construct and operate a pipeline interconnection and compressor station between the facilities of Transcontinental Gas Pipe Line Corporation (Transco) and Texas Eastern Transmission Corporation (Texas Eastern) to be located near Starks, Calcasieu Parish, Louisiana, and to construct and operate a pipeline interconnection and compressor station between the facilities of Oasis Pipe Line Company (Oasis) and Northern near Fort Stockton, Pecos County, Texas.

Northern states that it has obtained a commitment of reserves from twelve producers having interest in 7 blocks in the High Island area, offshore Texas, and the West Cameron area, offshore Louisiana.

In July 1979, the application indicates, an estimated 85,000 Mcf per day would be available to Northern from certain of the blocks and it is anticipated that in November 1979 the deliverability from the gas reserves attributable to Northern's interest in the blocks would be 130,000 Mcf per day. Such gas would be transported from various points in the High Island and West Cameron areas to a point in West Cameron Block 167, offshore Louisiana, by High Island Offshore System (HIOS), pursuant to a transportation agreement dated February 15, 1978 as amended, between HIOS and Northern. At the northern terminus of the HIOS system in West Cameron Block 167, U-T Offshore System (U-TOS) would take delivery of Northern's gas and would transport such gas to a point of interconnection onshore with the existing facilities of Transco near Johnson's Bayou, Cameron Parish, Louisiana, pursuant to a transportation agreement dated May 1, 1978, as amended, between U-TOS and Northern.

Pursuant to a gas transportation agreement between Transco and Northern dated June 14, 1979, Transco would transport up to 150,000 Mcf per day of Northern's offshore gas received at the terminus of the U-TOS system north through its pipeline system to the point of interconnection, near Starks. The gas would then be compressed and delivered into an existing 30-inch pipeline owned by Texas Eastern. The transportation of gas by Transco for Northern's account would be on a best efforts basis until certain facilities are installed on Transco's Southwest Louisiana Gathering System and the facilities proposed are installed and operating. The agreement also provides for the transportation and delivery on a best efforts basis, of up to 150,000 Mcf per day for Northern's account to an existing interconnection between the pipeline facilities of Transco and Texas Eastern near Ragley, Louisiana.

By agreement dated June 7, 1979, between Texas Eastern and Northern, Texas Eastern would transport up to 100,000 Mcf per day on a firm basis and 50,000 Mcf per day on a best efforts basis of Northern's offshore gas received at the Starks Interconnection and deliver such to Houston Pipe Line Company (Houston) and the Mont Belvieu Interconnection between Texas Eastern and Houston located in Chambers County, Texas and/or at an interconnection located near Mauriceville, Orange County, Texas. Pending completion of Transco's facilities and the Starks Interconnection, Texas Eastern would take delivery of gas from Transco, for Northern's account at the Ragley Interconnection for further transportation and delivery to Houston.

Northern proposed to construct and operate the following facilities:

(1) An interconnection and compressor station between the pipeline facilities of Transco and Texas Eastern near Starks, Calcasieu Parish, Louisiana. The facilities would consist of three 3,100 horsepower turbine driven compressor units (Starks Compressor Station), approximately 0.8 mile of 16-inch pipeline extending from the discharge of the proposed compressor station to Texas Eastern's existing 30-inch pipeline and measurement facilities (Starks Interconnection). One of the units installed at the proposed Starks Compressor Station would serve as a standby unit. Texas Eastern would operate the proposed pipeline and measurement facilities, as agent for Northern.

(2) Minor facilities to reconnect an existing emergency interconnection between the facilities of Oasis and Northern located in Pecos County, Texas (Oasis Delivery Point).

(3) Two 1,080 horsepower turbine drive compressor units (Gomez No. 2 Compressor Station) at the Oasis Delivery Point located in Pecos County, Texas.

The compressor facilities which Northern requests authorization to construct and operate are necessary to effectuate the delivery of gas to Texas Eastern at the Starks Interconnection and the receipt of such gas volumes from Oasis in Pecos County, Texas, it is asserted.

The estimated cost of the proposed facilities is $10,633,500, and would be financed from cash on hand.

Northern presently has six compressor units with a total of 9,160 compressor horsepower installed at its Redfield, Iowa, Storage Field. It has been determined that as a result of operating changes at Redfield, two 1,080 horsepower turbine drive compressor units are no longer required at the Redfield Storage Field.

Northern can maintain the desired injection and withdrawal volumes with less horsepower than is presently installed. Under present and proposed operating conditions, Northern has 2,160 horsepower in excess of the 7,000 horsepower required to compress the volumes to be injected into and withdrawn from the Redfield Storage Field.

Northern plans to utilize the surplus Redfield Storage Field units at the proposed Gomez #2 Compressor Station. The estimated cost of removing the Redfield units is $60,000 which would be financed from cash on hand.

Therefore, Northern requests permission and approval to abandon and remove two 1,080 horsepower turbine driven compressor units from its Redfield, Iowa, Storage Field.

The proposed facilities would materially assist Northern in meeting its customer's requirements during the 1979-80 heating season by enabling it to deliver new gas supplies to Texas Eastern and to ultimately receive back such volumes on a reliable basis from Oasis.

Northern plans to commence construction of the proposed Starks Interconnection in September 1979 with a projected completion date of December 15, 1979, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application 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.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment and a grant of the certificate are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28085 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TC79-50]

Northern Natural Gas Co.; Order Granting Petition for Extraordinary Relief and Granting Petitions To Intervene

August 20, 1979.

On March 22, 1979, Northern Natural Gas Company (Petitioner) filed in Docket No. TC79-50 a petition for extraordinary relief pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) seeking authorization to provide natural gas service to its existing utility customers in accordance with its presently effective Agricultural Crop Drying Service Rate Schedule ACDS-1. Petitioner seeks authorization to make available, on a best efforts basis, volumes of gas for the drying of seed, grain, and other agricultural crops during a 12-month period commencing with the expiration of the current period of authorized service granted in Docket No. TC78-3. Petitioner's proposals are more fully set forth in said petition.

During a four-year period beginning in 1973, Petitioner was granted extraordinary relief to provide natural gas service to its existing utility customers for seed grain and crop drying under Rate Schedule ACDS-1 on a best efforts basis in volumes up to 750,000 Mcf. The last authorization was granted by order issued August 23, 1978, in Docket No. TC78-3 for a one-year period. For the period 1973-78, the volumes sold during the authorized periods ranged from a low of 78,300 Mcf to a high of 150,402 Mcf. The volumes of gas sold during the latest period is estimated to be approximately 136,573 Mcf.

Petitioner again estimates that it will have available for sale under Rate Schedule ACDS-1 a total of 750,000 Mcf of gas for a one-year period which would commence at the expiration of the authorization granted in TC78-3. Normally, such gas has only been required for the period September 15 through March 15, but should unusual operating conditions, abnormal weather or changes in gas supply occur, Petitioner would have a basis upon which to make such gas available during the other months of the 12-month period. Pursuant to Rate Schedule ACDS-1, the volumes will be made available daily, on a best-efforts basis, under advance operating arrangements. If the volumes nominated exceed the volumes available, seed grain drying will be accorded top priority. No new facilities or change in rates are proposed.

Rate Schedule ACDS-1 is designed to provide special relief for Petitioner's utility customers during the seed and crop drying season. Preservation of feed grain and especially seed grain is universally recognized as an important link in the food chain. In order to be properly preserved, the moisture content of grains must be reduced below 12 percent, otherwise the grain germ will be destroyed and irrecoverable loss will occur.

In view of the Natural Gas Policy Act of 1978 (NGPA), Petitioner is advised that prior to filing a request for such service in future years, it should evaluate the need for the subject service. It may well be that after a year of operation under Section 401 of the Natural Gas Policy Act of 1978, and particularly Part 281 of the Regulations implementing Section 401, Petitioner may not need to offer the subject service.

After due notice by publication in the **Federal Register** on April 26, 1979 (44 FR 24630), timely petitions to intervene were filed by DeKalb Agresearch, Inc., North Central Public Service Co., Division of Donovan Companies, Inc., and Iowa Electric Light and Power Company. Iowa Public Service Company (Iowa Public) and Iowa Southern Utilities Company (Iowa Southern) filed late petitions to intervene. Iowa Public and Iowa Southern are customers of Petitioner and render natural gas service in the agribusiness community. Permitting the filing of their late petitions to intervene will not delay the instant proceeding. A timely notice of intervention was filed by the Iowa State Commerce Commission. None of the petitioners to intervene nor the Iowa Commission requests a formal hearing in this proceeding. No further petition to intervene, further notice of intervention, or protest to the granting of the requested relief has been filed.

The Commission finds. (1) Irreparable injury to the preservation of feed and seed grains and crops would result if Petitioner is not permitted to provide natural gas service to its existing utility customers under its presently effective Agricultural Crop Drying Service Rate Schedule ACDS-1.

(2) Good cause has been shown to permit the filing of the late petitions to intervene and participation by all petitioners to intervene in this proceeding may be in the public interest.

The Commission orders. (A) Northern Natural Gas Company is granted extraordinary relief to provide natural gas service to its existing utility customers up to 750,000 Mcf of gas for a period of 12 months from the termination of the authorization granted in Docket No. TC78-3 (August 22, 1979) under its presently effective Agricultural Crop Drying Service Rate Schedule ACDS-1 of Petitioner's FERC Gas Tariff, Third Revised Volume No. 1.

(B) The petitioners to intervene are permitted to intervene 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 their respective 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 this proceeding.

(C) Petitioner shall file with the Commission, within 15 days after the termination of the extraiordinary relief service herin granted, a report detailing the volumes of gas sold on a monthly basis to each of its customers, including Peoples Division of Petitioner, under Rate Schedule ACDS-1.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-28086 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-616]

Northern States Power Co. (Minnesota), Northern States Power Co. (Wisconsin); Notice of Amendment to Coordinating Agreement Regarding Writeoff of Cancelled Project

August 31, 1979.

The filing Company submits the following:

Take notice that Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin), on August 24, 1979, tendered for filing a proposed amendment to the Coordinating Agreement of October 12, 1970 between the Companies. The Coordinating Agreement is designated FERC Rate Schedule No. 374 for Northern States Power Company (Minnesota) and FERC Rate Schedule No. 53 for Northern States Power Company (Wisconsin).

Northern States Power Company (Wisconsin) is a wholly owned subsidiary of Northern States Power Company (Minnesota). The Companies operate a single integrated power supply system, and share the cost of the system under the Coordinating Agreement. Northern States Power Company (Wisconsin) owns a 67.6% interest in the Tyrone Energy Park project in Dunn County, Wisconsin, which was cancelled following the denial by the Wisconsin Public Service Commission of authority to construct the plant. Northern States Power Company (Wisconsin)'s expenditures on the project to date of cancellation and its expenses in terminating contracts are estimated to total $80 million. In filing the proposed amendment to the Coordinating Agreement, the Companies seek authorization to write off the losses over five years and confirmation that the write-off amounts are to be shared between the Companies under the Coordinating Agreement. The companies seek to include the capital costs of unamortized balances of the write-off amounts in the payments made under the Coordinating Agreement in order to obtain ratable sharing of those costs between the Companies, but commit themselves not to pass through such capital costs to their customers in retail or wholesale ratemaking. Northern States Power Company (Wisconsin) also seeks approval of accounting procedures for the write-off.

Copies of the filing were served upon the wholesale customers of each of the Companies and upon the regulatory commissions of Minnesota, North Dakota, South Dakota and Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 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. 79-28087 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-615]

Ohio Edison Company; Notice of Filing

August 31, 1979.

The filing Company submitted the following:

Take notice that Ohio Edison Company on August 24, 1979, tendered for filing a proposed change in its FERC electric service tariff FERC No. 66, an Amendment No. 3 to the Interconnection Agreement between The Dayton Power and Light Company and Ohio Edison Company. The amendment provides for an increase in the demand charge for Short Term Power service from $0.60 to $0.70 per KW week and for paying the cost to the supplying party of Short Term Power obtained from a third party (plus 10% of the energy charge).

The Dayton Power and Light Company has concurred with the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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 and protests should be filed on or before September 21, 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 at the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-28088 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER79-478 and ER79-479]

Public Service Company of New Mexico; Order Accepting Rate Increases for Filing, Suspending Rate Increases, Establishing 205 and 206 Proceedings, Granting Motions, Granting Interventions, Granting Partial Summary Judgement, Establishing Price Squeeze Procedures, and Establishing Additional Procedures

Issued August 28, 1979.

On June 28, 1979, Public Service Company of New Mexico (PNM) tendered for filing four rate increase proposals. One filing, assigned Docket No. ER79-479, was tendered pursuant to Section 205 of the Federal Power Act and contained two separate rate proposals applicable to wholesale customers. [1] One rate proposal included all CWIP in rate base (full-CWIP), and the other proposal submitted as an alternate, included only pollution-control CWIP in rate base (limited CWIP). [2] PNM requests a September 1, 1979, effective date for this filing. A second filing, designated as Docket No. EP79-478, was tendered under Section 206 of the Act, and it contained a full-CWIP rate increase proposal and an alternate limited-CWIP rate increase proposal applicable to the City of Gallup, New Mexico (Gallup). [3]

Notices of the proposed changes in rates for Docket Nos. ER79-478 and ER79-479 were issued on July 3 and July 11, 1979, respectively, with all protests and petitions to intervene due on or before July 24, 1979.

PNM previously applied for the inclusion of all CWIP in rate base in its most recent rate increase proposals in Docket No. ER78-337 and ER78-338 for

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[1] The rates would apply to the four following customers: Community Public Service Company; Plains Electric Generation and Transmission Cooperative, Inc.; Department of Energy-Los Alamos; and the City of Farmington, New Mexico.

[2] The governing regulation is Order No. 555, Docket No. RM75-13, issued November 6, 1975, 18 CFR 2.16(b) (1978).

[3] The proposed change in rates for Gallup are filed pursuant to Section 206 in accord with two orders issued by the former FPC in Docket No. E-9454 on July 31 and September 26, 1975. Therein, the FPC found the existing PNM-Gallup contract did not permit unilateral rate increase filings under Section 205, but that the contract permitted a change in rate after the completion of a Section 206 proceeding.

all the wholesale customers. On June 30, 1978, the Commission ordered that the Company's request for CWIP under the financial hardship exception of Order No. 555 be considered on an expedited basis in Phase I of the two dockets. [4]

In the instant filing, PNM does not provide the financial information necessary to support a request for CWIP under the financial hardship criteria as set forth in Order 555. [5] In its transmittal letter of June 27, 1979, however, the Company asks that the Commission's decision in Phase I of Docket Nos. ER78–337 and ER78–338 control the disposition of the instant full-CWIP filings and that the latter become effective on the date of a final and favorable Commission order in the ER78–337 and ER78–338 dockets.

Petitions To Intervene

Petitions to intervene in Docket No. ER79–479 were filed by: The General Services Administration (CSA) [6]; Community Public Service Company (CPS) [7]; City of Farmington, New Mexico (Farmington) [8]; Plains Electric Generation and Transmission Cooperative, Inc. (Plains) [9]; and Gallup [10]. All petitioners claim that they have a substantial interest in the respective proceedings which cannot be adequately represented by other parties and that their participation would be in the public interest.

Farmington, Plains, Gallup, and CPS object to PNM's requests that the Commission's final order in Docket Nos. ER79–337 and ER79–338 control the present application for full-CWIP. They claim that PNM's present application for full-CWIP fails to make a showing of financial distress as required by Order No. 555. Farmington and Gallup move to summarily reject PNM's applications for full-CWIP. Additionally, petitioners argue that the Commission should not as a matter of policy permit the "pancaking" of requests for emergency CWIP relief. Plains, Farmington, CPS, and Gallup each move for summary judgment against PNM's proposal to include ADITC in the common equity portion of its capital structure, and they maintain that the Company should be required to file revised rates reflecting this adjustment. Farmington and Gallup allege that the proposed filings may create a price squeeze, and they request the ordering of a price squeeze investigation. CPS moves to consolidate Docket Nos. ER79–478 and ER79–479 on the ground the these proceedings involve common issues of law and fact. Gallup points out that its contract with PNM bars a unilateral rate increase under the *Mobile-Sierra* doctrine [11], and it contends that PNM must satisfy the *Mobile-Sierra* burden of proof [12] in Docket No. ER78–478.

Discussion

In its requests for full-CWIP rates, the Company has not complied with the requirements of our regulations implementing Order No. 555.[13] This request presents a novel question as to the kind of showing required when there is an ongoing CWIP proceeding in the prior docket. One type of showing would be a *de novo* showing of financial distress. The second type would build from the showing and Commission determination in a prior case. PNM has not attempted to make a *de novo* showing, nor is there a prior Commission opinion allowing CWIP on which it could build. We therefore reject PNM's CWIP filing, without prejudice to an appropriate submittal.

We have consistently held that the return on ADITC must be measured by the overall rate of return, rather than by the higher common equity return.[14] Therefore, we shall grant petitioners' motions to summarily dispose of this issue and direct PNM to refile its capital structure and rates to reflect treatment of ADITC consistent with our Opinion No. 19, *supra*.

In prior dockets involving the PNM-Gallup contract, the Commission determined that PNM is not required to meet the heavy burden of proof associated with the *Sierra-Mobile* decisions in order to effect a change in rates to Gallup.[15] Gallup's request for such a finding shall be denied.

Allegations of price squeeze have been raised. Pursuant to the policy set forth in Order No. 563 and in our implementing regulation,[16] we find that price squeeze procedures should be initiated in this case.

In a recent *Arkansas Power & Light Company* case,[17] we decided that newly docketed rate proceedings in which price squeeze issues are raised should be phased so that a decision first may be reached on cost of service, capitalization, and rate of return issues. If the price squeeze persists, in the view of the alleging party, a second phase of the proceeding generally is to follow. However, in *Arkansas*, we stated that there may be situations in which price squeeze issues should not be deferred and that we would leave it to the nonreviewable discretion of the presiding judge to accelerate the price squeeze proceeding in whole of in part (e.g., begin price squeeze discovery in the first phase but conduct the hearing on it in the second).

The Section 206 portion of this consolidated proceeding may be a situation in which the price squeeze issue should not be deferred since the Company's rate relief can be prospective only. Therefore, we shall not phase the price squeeze proceeding in Docket No. ER78–478. However, the presiding judge may exercise discretion to phase this issue if PNM, the party which could presumably be harmed by such phasing, does not object.

Because of the similarity of parties and issues in the price squeeze portions of both dockets, we shall also decline to phase the price squeeze issue in Docket No. ER78–479 at this time. The presiding judge shall have complete discretion to phase the issue in this Section 205 proceeding and to conduct the discovery and hearing on price squeeze in the two dockets either concurrently or separately.

The Commission finds that participation in this proceeding by Farmington, Gallup, Plains, CPS and GSA may be in the public interest.

Our review indicates that the proposed partial-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we shall

[4] Hearing and briefing in that proceeding has been completed before the Presiding Administrative Law Judge.

[5] 18 CFR Section 2.16.

[6] Filed July 18, 1979. GSA's petition was filed on behalf of the Department of Energy—Los Alamos, a wholesale customer of PNM. GSA is authorized to represent the consumer interests of the executive agencies of the United States pursuant to section 201(a) of the Federal Property and Administration Services Act of 1942, 40 U.S.C. 481(a).

[7] Filed July 20, 1979. CPS is a public utility operating in New Mexico and Texas and is a wholesale customer of PNM.

[8] Filed July 24, 1979. Farmington owns a municipal electric generation and distribution system and purchases part of its electric requirements from PNM.

[9] Filed July 24, 1979. Plains owns and operates electric generation and transmission facilities to supply power to its eleven member-cooperatives in New Mexico.

[10] Filed July 24, 1979. The City of Gallup owns a municipal distribution system and purchases part of its power from PNM.

[11] *See*, footnote 3, *supra*.

[12] *United Gas Pipeline Company* v. *Mobile Gas Service Corporation*, 35a0 U.S. 322 (1956); *Federal Power Commission* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[13] 18 CFR Section 2.16 (1978).

[14] *Carolina Power and Light Company*, Opinion No. 19, August 2, 1978 (mimeo, pp. 6–10). *See also*, *Virginia Electric Power Company*, Docket No. ER78–522, Order issued August 30, 1978; and *Public Service Company of Oklahoma*, Docket No. ER78–511, Order issued October 12, 1978.

[15] Order of June 30, 1978 in Docket Nos. ER78–337 and ER78–338; Orders of July 31 and September 26, 1975 in Docket No. E–9454.

[16] 18 CFR 2.17 (1978).

[17] Docket No. ER79–339, order issued August 6, 1979.

accept PNM's partial CWIP rates in Docket No. ER78–479 for filing and suspend the proposed rates for five months to become effective February 1, 1980, subject to refund. The partial-CWIP rates for Gallup in Docket No. ER78–478 shall be accepted for filing, to be made effective, if at all, pending completion of the Section 206 proceeding.

The Commission orders: (1) Pursuant to motions by Farmington and Gallup, PNM's tendered full-CWIP rates in Docket Nos. ER78–478 and ER78–479 hereby are rejected, without prejudice.

(2) The partial-CWIP rates proposed by PNM in Docket No. ER78–479 are hereby accepted for filing and suspended for five months, to become effective February 1, 1980, subject to refund.

(3) The partial-CWIP rates proposed by PNM in Docket No. ER78–478 are hereby accepted for filing to become effective, if at all, only after completion of section 206 proceedings.

(4) Pursuant to CPS's Motion to Consolidate, Docket Nos. ER79–478 and ER79–479 hereby are consolidated for purposes of hearing.

(5) CPS, Plains, Gallup, and Farmington are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this processing.

(6) Summary disposition with respect to the treatment of ADITC is hereby ordered in accordance with the discussion of this matter above. PNM shall file within 60 days a revised cost of service and rates to reflect the change in this item.

(7) Pursuant to § 2.17 of the Commission's regulations, we hereby order immediate initiation of consolidated price squeeze procedures in Docket Nos. ER79–478 and ER79–479. The Presiding Judge shall convene a price squeeze prehearing conference within 15 days of the date of this order. The Presiding Judge shall have discretion to alter this schedule subject to PNM's consent regarding the section 206 proceeding.

(8) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206(a), and pursuant to the Commission's 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 rates proposed by PNM.

(9) Staff serve top sheets in this proceeding on or before November 21, 1979.

(10) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge shall convene a conference in this proceeding to be held within ten (10) days of the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(11) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–28089 Filed 9–7–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–608]

Union Electric Co.; Notice of Filing of Interconnection and Facility Use Appendices

August 31, 1979.

The filing Company submits the following:

Take notice that on August 20, 1979, Union Electric Co. tendered for filing under Appendix C of the Interconnection Agreement between Central Illinois Public Service Company, Illinois Power Company, and Union Electric Company a new connection point, revision to an existing connection point and termination of an existing connecting point. Also included in the filing is a new Appendix "P" and cancellation of Appendix "L" and Appendix "N" to the Facility Use Agreement between Union Electric Company and Illinois Power 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, N.E., 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 should be filed on or before September 21, 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 available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–28090 Filed 9–7–79; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement Under Agreement for Cooperation Between United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the United States and Japan (Atomic Energy, Cooperation for Civil Uses).

The subsequent arrangement to be carried out under the above mentioned agreement involves the extension from September 12, 1979 to April 30, 1980, of an agreement executed between the United States and Japan for the reprocessing of up to 99 tonnes of U.S.-supplied fuel at the Tokai reprocessing facility. The original agreement which was signed on September 12, 1977, was to cover a two-year period and to terminate at approximately the same time as the completion of the International Nuclear Fuel Cycle Evaluation (INFCE). Since then, however, the completion of INFCE has been extended to February 1980. The proposed subsequent arrangement would extend the agreement to April 30, 1980, two months following the February 1980, date now set for completion of INFCE.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 30, 1979.

Robert N. Slawson,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-28024 Filed 9-7-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1315-1]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2) (C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of September 1, 1978 and September 30, 1978.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1978 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside mall SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: August 13, 1979.

William D. Dickerson,

Acting Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Sept. 1, 1978, and Sept. 30, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
D-COE-C32009-NJ	Newark Bay, Kill Van Kull Navigation Project, Newark, New Jersey	3	C
DS-COE-D67000-WV	Cabin Creek Basin Demonstration Reclamation Project, Kanawha County, West Virginia	ER-2	D
DS-COE-D90000-VA	Hampton Roads Energy Company's Portsmouth Refinery and Terminal, Portsmouth, Virginia	ER-2	A
D-COE-F07007-IN	Patriot Generating Station, Switzerland County, Indiana	EU-2	F
D-COE-F35026-MI	Austin Lake, Nollwood Development Corporation, Sand Dredge and Fill, Kalamazoo County, Michigan.	EU-2	F
D-COE-F39008-OH	Proposed Lakefront Steel Mill, Permit, Conneaut, Ohio	ER-3	F
DS-COE-G36048-TX	Lake Wichita, Holliday Creek, Flood Control Wichita Falls, Archer County, Texas	LO-1	G
DS-COE-J39005-00	Review Report, Missouri River, Proposed Report of Chief of Engineers, South Dakota, North Dakota, Nebraska and Montana.	ER-2	I
D-COE-K36027-HI	Wailupe Stream, Flood Control and Allied Purposes, Oahu, Honolulu County, Hawaii	LO-1	J
D-COE-K86004-AS	Permit Processing Guidelines To Control the Cumulative Effects of Shoreline Development in Pago Pago Harbor, Tutuila Island, American Samoa.	LO-1	J
D-COE-L39011-WA	Westhaven Cove, Westport Marina Small Boat Basin Expansion, Section 107 Permit, Grays Harbor County, Washington.	LO-2	K
	DEPARTMENT OF AGRICULTURE		
D-AFS-A61295-00	Roadless Area Review and Evaluation, Rare II (USDA-DES-78-04)	3	A
D-AFS-J00009-CO	Homestakes Mining Company's Pitch Project, Grand Mesa, Uncompahgre and Gunnison National Forest, Mining and Milling, Saguache County, Colorado.	3	I
D-AFS-J01013-MT	Proposed Mining and Reclamation Plan, Troy Project, Asarco, Inc., Lincoln County, Montana	ER-2	I
D-AFS-J61019-MT	Elkhorn Wilderness Study Area, Helena and Deerlodge National Forests, Montana	LO-1	I
D-AFS-K65027-CA	Medicine Lake Planning Unit, Modoc, Shasta, Trinity and Klamath National Forest, California	ER-2	J
D-AFS-L61117-WA	Kittitas Land Management Plan, Wenatchee National Forest, Kittitas and Chelan Counties, Washington (USDA-FS-R6-DES-(ADM)-78-15).	LO-2	K
D-REA-H08001-NB	Nebraska Public District, 345KV Transmission Facilities, Several Counties, Nebraska (USDA-REA-EIS-(ADM)-78-10-D).	LO-1	H
D-SCS-E36054-SC	White's Mill Flood Prevention, Drainage, RC&D Measure, Sumter County, South Carolina, (USDA-SC-EIS-RC&D-(ADM)-78-1-(D)-SC).	LO-1	E
D-SCS-E36055-SC	Hungry Hall Flood Prevention, Drainage, RC&D Measure, Clarendon and Sumter Counties, South Carolina (USDA-SCS-EIS-RC&D-(ADM)-78-2-(D)-SC).	LO-1	E

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Sept. 1, 1978, and Sept. 30, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF COMMERCE		
D-MAR-A52131-00	Programmatic Statement for Continued and Future Financing of Tank Vessels Involved In Domestic Trade (MA-EIS-7302-78051D).	ER-2	A
D-NOA-G32031-LA	Port Fourchon Development Plan, La Fourche Parish, Louisiana	LO-1	G
DS-NOA-L81004-WA	Proposed NOAA Western Regional Center Development, Washington	LO-2	K
	DEPARTMENT OF DEFENSE		
D-UAF-A10050-00	Air Force Missile MX: Milestone II	LO-2	A
	DEPARTMENT OF ENERGY		
D-DOE-K03007-CA	Petroleum Production at Maximum Efficient Rate, Naval Petroleum Reserve No. 1, Elk Hills, Kern County, California.	ER-2	J
	DEPARTMENT OF THE INTERIOR		
D-BLM-J99007-WY	Proposed Livestock Grazing Management, Seven Lakes Area, Freemont County, South-Central Wyoming.	LO-2	I
D-BLM-L65042-OR	Vegetation Management With Herbicides, 1978 Through 1987, Western Oregon	LO-1	K
D-IBR-J32002-UT	Uintah Unit, Central Utah Project, Ashley National Forest, Uintah County, Utah	ER-2	I
DS-IBR-J39008-UT	The Recreation Master Plan, Strawberry Reservoir Enlargement, Bonneville Unit, Central Utah Project, Wasatch County, Utah.	LO-2	I
D-IGS-J01014-WY	Pronghorn Mine, Proposed Mining and Reclamation Plan, Campbell County, Wyoming	ER-2	I
	DEPARTMENT OF TRANSPORTATION		
D-CGD-G40066-LA	US 90, Relocation and Upgrading, Morgan City, St. Mary's Assumption, and Terrebonne Parishes, Louisiana.	EU-2	G
D-CGD-L52001-WA	Puget Sound Vessel Traffic Service and Radar Surveillance Expansion, Seattle, Washington	LO-1	K
D-FHW-C40036-NY	Riverdale Avenue Arterial, City of Yonkers, Westchester County, New York	ER-2	C
D-FHW-E40146-NC	Independence Boulevard, US 74 Corridor, Brookshire Freeway to Outer Loop, Charlotte, Mecklenburg County, North Carolina.	LO-2	E
D-FHW-E40147-GA	North Camp Creek Parkway Extension, Fulton County, Georgia (FHWA-GA-68-02-D)	LO-2	E
D-FHW-E40148-NC	Fayetteville Airport Connector to I-95, Cumberland County, North Carolina (FHWA-NC-EIS-78-04-D).	LO-2	E
D-FHW-E40149-GA	I-85, Separation of Interstate Routes I-58 and I-285 Red Oak Easterly to the Clayton County Line, Fulton County, Georgia (FHWA-GA-EIS-77-06-D).	LO-2	E
D-FHW-F40116-IN	Reconstruction of US 24 to US 35, Cass and Miami Counties, Indiana	LO-2	F
D-FHW-H40064-IA	IA-13, Elkader Bypass, Clayton County, Iowa (FHWA-IOWA-EIS-78-02-D)	ER-2	H
D-FHW-J40041-UT	Proposed Highway Improvement From Minnies Gap to Colorado Line, Utah	LO-2	I
D-FHW-J40042-ND	US 2, Surrey East to Rugby, Ward and McHenry Counties, North Dakota	ER-2	I
D-FHW-K40060-NV	Forest Highway 23, NV-23, White Pine County, Nevada	ER-2	J
D-FHW-L40071-WA	NE 12th Street, 100th Avenue NE to Bellevue Way, Bellevue, Washington (FHWA-WEA-EIS-78-04-D).	LO-1	K
D-UMT-D54026-PA	Pittsburgh Light Rail Transit System, Reconstruction, Pittsburgh, Allegheny County, Pennsylvania.	ER-2	D
D-UMT-F40117-IL	Chicago and Franklin Line Rail Rapid Transit Project, Cook County, Illinois	3	F
	FEDERAL ENERGY REGULATORY COMMISSION		
D-FRC-C05006-NY	Prattsville Pumped Storage Project No. 2729, New York	EU-2	C
	GENERAL SERVICES ADMINISTRATION		
D-GSA-E81016-TN	Renovation of Union Station, Nashville, Davidson County, Tennessee	LO-2	E
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-B89010-MA	Lafayette Place, Urban Development, Boston, Suffolk County, Massachusetts (HUD(CDBD)-R01-EIS-78-1D).	ER-2	B
D-HUD-D85017-VA	4447 Duke Street Complex, Rehabilitation, Alexandria, Fairfax County, Virginia	LO-1	D
D-HUD-E28029-AL	Lovick and Trussville Water Extension System, Jefferson County, Alabama	LO-2	E
D-HUD-G85108-TX	Parkway West and Westgreen Subdivisions, Harris County, Texas	LO-2	G
D-HUD-G85109-TX	Westbranch Subdivision, Harris County, Texas	LO-1	G
D-HUD-G85112-TX	Keegans Glen Subdivision, Harris County, Texas	LO-1	G
D-HUD-G85113-TX	Paddock Subdivision, Harris County, Texas	LO-1	G
D-HUD-G85115-TX	Stone Creek Subdivision, Harris County, Texas	LO-1	G
D-HUD-G85141-TX	Westglen Subdivision, Harris County, Texas	LO-2	G
D-HUD-K85017-CA	Residential Development of a Portion of Dover Valley, Fairfield, Solano County, California	ER-2	J
	INTERSTATE COMMERCE COMMISSION		
D-ICC-K53002-CA	Southern Pacific Transportation Company, Discontinue the Operation of Passenger Trains Between San Francisco and San Jose and Intermediate Points, California (Docket 28611).	ER-2	J
	TENNESSEE VALLEY AUTHORITY		
D-TVA-G01003-NM	Crownpoint Uranium Mining Project, McKinley County, New Mexico	ER-1	G

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Sept. 1, 1978, and Sept. 30, 1978.*

Identifying No.	Title	General nature of comments	Sources for copies of comments
		CORPS OF ENGINEERS	
F-COE-J39005-00	Missouri River Erosion, Proposed Report of Chief of Engineers, South Dakota, North Dakota, Nebraska, and Montana.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommended that stream-bank control measures in these free-flowing reachs be designed with possible recreation designation in mind.	I
		DEPARTMENT OF COMMERCE	
F-NOA-C90002-PR	Puerto Rico Coastal Zone Management Program (CZM).	Generally, EPA's concerns were adequately addresses in the final EIS. However, EPA encourages the Department of Commerce to condition approval on the development of a realistic schedule for program implementation and on the reconsideration of actual environmental conditions in Puerto Rico's Coastal Zone.	C
F-NOA-C90003-NJ	State of New Jersey Coastal Management Program, (CZM) Bay and Ocean Shore Segment, New Jersey.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommends certain revisions to better protect the quality of the ambient air and water in New Jersey.	C
F-NOA-D86000-MD	Maryland Coastal Zone Management Program	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA recommends that an annual program evaluation process be integrated into the MCZMP so that Maryland's progress in implementing the MCZMP could be properly monitored.	D
F-NOA-K86003-HI	State of Hawaii Coastal Zone Management Program (CZM), Hawaii.	EPA's concerns were adequately addressed in the final EIS	J
		DEPARTMENT OF TRANSPORTATION	
F-CGD-G50002-LA	Greater New Orleans Mississippi River Bridge No. 2, Jefferson and Orleans Parishes, Louisiana.	EPA has found the final EIS inadequate because it fails to recognize the current air quality in Louisiana. In addition, EPA finds the document unresponsive to comments previously submitted to assure air quality impacts were adequately analyzed.	G
F-FHW-F40097-IN	In-18, Marion, Grant County, Indiana	EPA's concerns were adequately addressed in the final EIS	F
F-FRA-D53045-00	Northeast Corridor Improvement Project	EPA's concerns were adequately addressed in the final EIS	A
		DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
F-HUD-C85018-PR	Venus Gardens Development, Rio Piedras, Puerto Rico.	EPA's concerns were adequately addressed in the final EIS	C
F-HUD-C89004-NY	Rochester Circulation Plan for the Central Business District, Monroe County, New York.	EPA's concerns were adequately addressed in the final EIS	C
F-HUD-D89021-PA	Eastern North Philadelphia Plan, Philadelphia County, Pennsylvania.	EPA's concerns were adequately addressed in the final EIS. EPA has requested to review the truck study when completed.	D
F-HUD-D89022-VA	Church Street and Huntersville II Redevelopment Projects, Norfolk, Chesapeake County, Virginia.	EPA's concerns were adequately addressed in the final EIS	D
F-HUD-E85040-TN	Kirby Meadows Subdivision, Memphis, Shelby County, Tennessee (HUD-R04-EIS-77-15F).	EPA has environmental reservations on the project as proposed. EPA was not afforded the opportunity to review the draft statement and feel it is appropriate to raise issues for resolution prior to any approval action by HUD. The dangers of siltation and turbidity of Nonconnah Creek are likely as a result of the proposed clearing and subsequent development in the project area. Additionally, any project in a carbon monoxide non-attainment area which will increase ADT requires a microscale analysis to assure attainment/maintenance of the standard.	E
F-HUD-E85033-MI	Proposed Oakland Park Towers, Troy, Oakland County, Michigan.	EPA's concerns were adequately addressed in the final EIS	F
F-HUD-J85015-CO	Concept 80 West, Lake Borough Village Planning Development District, Jefferson County, Colorado.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommended that HUD withhold its mortgage guarantee until the entire Concept 80 West Development Plans are modified to reflect the noise attenuation measures.	I
F-HUD-J85017-CO	The Highlands, a Planned Unit Development, Colorado.	Generally, EPA's concerns were adequately addresses in the final EIS. However, EPA has serious environmental reservations concerning air quality impacts from the cumulative VMT increases fostered by the Highlands development and other similar housing developments in the Denver-Metro area.	I

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Sept. 1, 1978, and Sept. 30, 1978*

Identifying No.	Title	General nature of comments	Sources for copies of comments
	VETERANS ADMINISTRATION		
F-VAD-D81003-VA	Proposed VA Replacement Hospital, Richmond, Virginia.	EPA's concerns were adequately addressed in the final EIS. However, EPA did request that air quality information be used to design the facility in a manner to protect public health.	D
F-VAD-K69004-CA	Veterans Administration National Cemetery, Riverside, California.	EPA's concerns were adequately addressed in the final EIS.	J

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Sept. 1, 1978, and Sept. 30, 1978*

Identifying No.	Title	Source of Review
	CORPS OF ENGINEERS	
FS-COE-H36030-IA	Cedar River, Waterloo, Local Protection Project, Black Hawk County, Iowa	H
	DEPARTMENT OF AGRICULTURE	
F-AFS-G65019-TX	Sabine Unit Plan, Sabine National Forest, Tex	G
F-SCS-E36053-MS	Beartown RC and D Measure, Flood Control Project, Pike County, Miss	E
	DEPARTMENT OF COMMERCE	
FS-EDA-C69001-NY	1980 Olympic Winter Games, Village Lake Placid, Towns of North Elba and Wilmington and Vicinity, N.Y	C
F-NOA-E60004-NC	State of North Carolina Coastal Management Program (CZM)	E
	DEPARTMENT OF DEFENSE	
F-USA-J20008-UT	Disposal of Hydrogen Cyanide at Tooele Army Depot, Tooele County, Utah	I
	DEPARTMENT OF ENERGY	
F-DOE-B09000-RI	Wind Turbine Generator System, Block Island Washington County, R.I. (DOE/EIS-0006)	B
	DEPARTMENT OF TRANSPORTATION	
F-FAA-H51011-IA	Proposed Development Runway Construction, Cedar Rapids Municipal Airport, Cedar Rapids, Linn County, Iowa (See Also FAA-A51860)	H
F-FHW-H40060-NB	Improvement to US 30 and NB-15, Schuyler, Colfax County, Nebr	H
F-UMT-F54002-IL	Rail Rapid Transit Extension, Chicago O'Hare Airport, Cook County, Ill	F

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Sept. 1, 1978, and Sept. 30, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	COUNCIL ON ENVIRONMENTAL QUALITY		
R-CEQ-A86117-00	40 CFR Parts 1500, 1501, 1502, 1503, 1054, 1506, 1507, 1508, National Environmental Policy Act, regulations, proposed implementation.	EPA made several comments on the proposed regulations in respect to definition and interpretations of several sections.	A
	DEPARTMENT OF INTERIOR		
A-BLM-A02128-AK	Proposed 1981, Outer Continental Shelf (OCS) oil and gas lease sale, Offshore Lower Cook inlet Alaska, Sale No. 60, resouce report.	EPA made several comments on the proposed notice and also on the need of the proposed development.	A
R-BLM-A86120-00	43 CFR Part 6290, off-road vehicles, use of public lands (43 FR 29412).	EPA believes the proposed regulation raises the spectre of continued degradation of public lands by allowing off-road vehicle use to continue until the planning process is completed in 1987 and the possible degradation of lands with wilderness potential. Therefore, EPA recommended significant revision to the proposed rulemaking.	A
	FEDERAL ENERGY REGULATORY COMMISSION		
A-FRC-B05001-ME	Application for major license for constructed Howland project No. 2721, Piscataquis River, Howland, Maine.	EPA's review of the proposed action indicated the project would ultimately involve construction of several major dams and will in all probability cause significant environmental impact. Therefore, EPA recommends the FERC prepare an EIS.	B
A-FRC-B05002-ME	Application for preliminary permit for proposed Kennebec River Hydroelectric project No. 2830, Kennebec, Big Sanday, and Carrabessett Rivers, Maine.	EPA's review of the proposed action indicated the project would ultimately involve construction of several major dams and will in all probability cause significant environmental impact. Therefore, EPA recommends the FERC prepare an EIS.	B

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.
B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.
D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30308.
F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.
G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.
H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.
J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.
K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 79-28120 Filed 9-7-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1314-8]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 1, 1978 and August 31, 1978.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1978 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referencd herein are available from the originating Federal department or agency.

Dated: August 13, 1979.

William D. Dickerson,

Acting Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Aug. 1, 1978 and Aug. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
DS-COE-A30031-FL	Beach Erosion Control Project for Manatee County, Florida	LO-2	E
D-COE-B32001-MA	Removal and Disposal of Sources of Floatable Debris, Boston Harbor, Suffolk County, Massachusetts.	LO-2	B
D-COE-E30010-FL	Breakwater at Eastpoint, Apalachicola Bay, Franklin County, Florida	ER-2	E
D-COE-F35024-MI	Westran Corporation, Muskegon Lake, Dredge and Fill Permit, Muskegon County, Michigan	EU-2	F
D-COE-F35025-MI	Modifications to Monroe Harbor, Monroe County, Michigan	3	F
D-COE-G36063-LA	Flood Control, Mississippi River and Tributaries, Tensas Basin, Red River Backwater Area, Sicily Island, Catahoula County, Louisiana.	3	G
D-COE-G39005-00	Arkansas Red River Basin Chloride Control, Areas 1-4, Texas, Oklahoma, and Kansas	3	G
D-COE-K30005-HI	Kailua Beach Park Erosion Control, Kailua, Oahu, Honolulu County, Hawaii	LO-1	J
D-COE-K30007-HI	Sand Island Shore Protection, Oahu, Honolulu County, Hawaii	LO-1	J
D-COE-K34004-CA	Imperial Beach, Erosion Control Project, San Diego County, California	LO-2	J

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Aug. 1, 1978 and Aug. 31, 1978*—**Continued**

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF AGRICULTURE		
D-APS-A82100-00	Japanese Beetle Regulatory Program (USDA-APHIS-ADM 78-1-D)	EU-3	A
DS-AFS-K61011-CA	King Planning Unit, Klamath National Forest, Siskiyou County, California	LO-2	J
D-AFS-K61025-AZ	Arizona Snow Bowl Ski Area Proposal, Flagstaff, Coconino National Forest, Arizona	LO-2	J
D-AFS-K61026-CA	Snow Mountain Wilderness, Mendocino National Forest, Lake County, California	ER-2	J
D-AFS-L60000-WA	Alpine Lakes Area Acquisitions, Chelan, King, Kittitas, Pend, Oreille, Pierce, Skagit, Snohomish, Stevens and Yakima Counties, Washington (USDA-FS-DES(ADM)-78-06).	LO-1	K
D-AFS-L60002-AK	Chugach Natives, and Koniag, Inc., Land Adjustment Proposal, Chugach National Forest, Alaska (USDA-FS-RIO-DES(ADM)-78-01).	LO-2	K
D-AFS-L61111-ID	Warren Planning Unit, Payette National Forest, Idaho and Valley Counties Idaho and Valley Counties, Idaho (USDA-FS-R4-DES (ADM) R4-78-6).	LO-2	K
D-AFS-L61112-WA	Satsop Block Planning Unit, Land Management, Olympic National Forest, Mason and Grays Harbor Counties, Washington (USDA-FS-R6-DES (ADM)-78-12).	LO-1	K
D-AFS-L61113-AK	Tongass National Forest Land Management Plan, Alaska (USDA-FS-R-10-78-03-DES)	LO-2	K
D-AFS-L61114-ID	Priest Wild and Scenic River Proposal, Idaho Panhandle National Forest, Coeur D' Alene, Kaniksu, and St. Joe, Boundary County, Idaho (USDA-FS-R1(04)—DES-LEG-78-01).	LO-2	K
D-AFS-L61115-ID	Moyie Wild and Scenic River Proposal, Idaho Panhandle National Forests, Coeur D'Alene, Kaniksu, and St. Joe, Boundary County, Idaho (USDA-FS-R1-(04-DES-LEG-78-9).	LO-2	K
D-AFS-L61116-ID	Land Management Plan, Coeur D'Alene Planning Unit, Coeur D'Alene National Forest, Shoshone County, Idaho (USDA-FS-R1-04-DES-ADM-78-11).	LO-2	K
D-AFS-L65041-OR	Siuslaw National Forest, Ten Year Timber Resource Management Plan, Oregon (USDA-FS-R6-DES(ADM)-78-11).	LO-2	K
D-SCS-A36445-00	Rural Clean Program (RCWP) Section 208 (J) of the Clean Water Act of 1977	LO-2	A
D-REA-G07012-OK	Western Farmers Coal-Fired Plant and Associated Transmission, Choctaw County, Oklahoma	LO-2	G
D-REA-J07007-ND	Stanton Generation Station, Financing of a 60 MW Coal-Fired Supplemental Steam Generator, Mercer County, North Dakota.	LO-1	I
D-SCS-F36059-IL	Little Calumet River Watershed, Cook and Will Counties, Illinois	ER-2	F
D-SCS-J36015-WY	Dougals Watershed, Converse County, Wyoming	ER-2	I
D-SCS-L36057-WA	Marshland Watershed Project, Snohomish County, Washington (USDA-SCS-ES-WS-(ADM)	LO-1	K
	DEPARTMENT OF DEFENSE		
D-JCS-E10002-FL	Joint Readiness Exercise "Gallant Eagle 79", Proposed Exercise Scheduled at Eglin Air Force Base Test Range Complex and Adjacent Coastal Waters, Florida.	LO-1	E
D-USA-G11003-LA	Mission Change, Fort Polk Military Reservation, Fort Polk, Louisiana	ER-2	G
DS-USA-J20007-CO	Disposal of Chemical Identification Sets, Rocky Mountain Arsenal, Adams County, Colorado	LO-1	I
D-USA-J20008-UT	Disposal of Hydrogen Cyanide, Tooele Army Depot, Tooele County, Utah	LO-1	I
D-USA-K11010-CA	Fort Ord Mission Change, Fort Ord, California	LO-2	J
	DEPARTMENT OF THE INTERIOR		
D-BLM-K07003-NV	500 MW Coal Fired Generating Station, Valamy, North Humboldt County, Nevada	LO-2	J
D-BLM-K65028-00	Upper Gila and San Simon Livestock Grazing Management Program, Arizona and New Mexico	LO-2	J
D-BLM-K65029-00	Tuleda and Home Camp Planning Unite, Grazing, California and Nevada	LO-2	J
D-BLM-K65030-AZ	Livestock Grazing Program, Cerbat Black Mountain Planning Units, Mohave County, Arizona	LO-1	J
D-NPS-D61008-00	Youghiogheny State and National Wild and Scenic River, Maryland and Pennsylvania (DES 78-23).	LO-1	D
	DEPARTMENT OF TRANSPORTATION		
D-FAA-J51003-UT	15-Year Development Program, Orden Municipal Airport, Ogden, Utah	3	I
D-FAA-K51013-AZ	Scottsdale Municipal Airport, Land Acquisition and Runway Extension, Scottsdale, Maricopa County, Arizona.	ER-2	J
D-FHW-A42064-NH	I-393, Concord, Merrimack County, New Hampshire (Formerly US Routes 4, 202, and NH-9 (FHWA-NH-EIS-73-01-DS).	ER-1	B
D-FHW-B40036-VT	US 7, Manchester to Dorest, Bennington County Vermont (FHWA-VT-EIS-78-03-D)	ER-2	B
D-FHW-E40145-AL	Western Bypass, City of Talladega, Talladega County, Alabama (FHWA-AL-EIS-78-04-D)	LO-1	E
D-FHW-F40113-IN	US 50, White River, Washington City, Bypass, Knox and Daviess Counties, Indiana	LO-2	F
D-FHW-K40059-HI	Hanamulu to Ahukini Cutoff Road, FAP Route 51, HI-51, Kauai County, Hawaii	LO-2	J
D-FHW-L40069-ID	ID-3, St. Maries to Harrison Junction, Benewah and Kootenai Counties, Idaho (FHWA-IDA-EIS-78-01-D).	LO-2	K
D-FHW-L40070-WA	Bucklin Hill Area Transportation Study, Kitsap County, Washington, (FHWA-WA-EIS-78-93-D)	LO-1	K
	GENERAL SERVICES ADMINISTRATION		
D-GSA-D80008-DC	University of the District of Columbia, Mt. Vernon Square Campus, Washington, DC	LO-2	D
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
DS-HUD-A85008-NY	Riverton New Community, Monroe County, New York	2	C
D-HUD-C85022-PR	Monserrate Towers, Sabana Adajo Ward, Carolina, Puerto Rico	LO-2	C
D-HUD-E85039-FL	Carrollwood Meadows Subdivision, Tampa, Hillsborough County, Florida	ER-2	E
D-HUD-F85036-IN	Muirfield Subdivision, Indianapolis, Marion County, Indiana	LO-2	F
D-HUD-G85106-TX	Northwest Park Subdivision, Harris County, Texas	LO-1	G
D-HUD-G85110-TX	Pheasant Creek Subdivision, Fort Bend County, Texas	LO-2	G
D-HUD-L85007-WA	Silver Firs and Snohomish Cascade Master Plan, Everett, Snohomish County, Washington (HUD-RIO-EIS-78-5D).	LO-2	K
	NUCLEAR REGULATORY COMMISSION		
D-NRC-E06008-TN	Watts Bar Nuclear Plant, Units 1 and 2, West Shore of Chickamauga Reservior, Rhea County, Tennessee (NUREG—0352).	LO-2	E
D-NRC-J01008-WY	Highland Uranium Sloution Mining Project, Converse County, Wyoming	ER-2	I

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately set forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
		CIVIL AERONAUTICS BOARD	
F-CAB-F51015-IL	Chicago Midway Low-Fare Route Proceeding, Illinois (Docket 30277).	EPA's concerns were adequately addressed in the final EIS. However, EPA continues to be concerned about noise impacts and the lack of adequate noise control measures.	F
		CORPS OF ENGINEERS	
F-COE-K32014-AS	Auasi Harbor for Light-Draft Vessels, Auasi, Tutuila Island, American Samoa.	EPA's concerns were adequately addressed in the final EIS.	J
		DEPARTMENT OF AGRICULTURE	
F-AFS-K65020-CA	Timber Management Plan, Eldorado National Forest, California.	EPA's concerns were adequately addressed in the final EIS.	J
F-SCS-F36048-OH	Little Auglazie Watershed, Mercer, Putnam, Paulding and Van Wert Counties, Ohio.	EPA's concerns were adequately addressed in the final EIS. However, EPA continues to express concern regarding long-term water quality impacts.	F
		DEPARTMENT OF INTERIOR	
F-BLM-A02123-00	Proposed 1978 Outer Continental Shelf (OCS) Oil and Gas Lease Sale #65, Offshore Eastern Gulf of Mexico, Florida, Alabama, Mississippi.	EPA finds the final EIS unresponsive to concerns raised on the draft EIS regarding deepwater development technology and the environmental effects of drilling mud discharges. EPA urges that no deepwater tracts be offered in general lease sales until deepwater operating orders are promulgated.	A
F-BLM-A02125-00	Outer Continental Shelf (OCS) Oil and Gas Sale #51, Offshore Western and Central Gulf of Mexico, Texas, Louisiana and Mississippi.	EPA finds the final EIS unresponsive to concerns raised on the draft EIS regarding the environmental effects of drilling mud discharges, the description and regulation of subsea completion and production technology, and validation of the proposed protective stipulations for coral reef and hard bank tracts.	A
		DEPARTMENT OF TRANSPORTATION	
FS-FHW-A42425-KS	I-435 Extension, Johnson and Wyandotte Counties, Kansas (FHWA-KANS-EIS-72-04-FS-3).	EPA finds the final supplemental statement unresponsive to EPA's comments on the draft supplemental statement. Secondary impacts of the proposed interchange were not assessed nor were alternatives properly evaluated which would maintain existing access to and from Kansas State Highway 10 and a major local arterial. EPA is also concerned with topics not covered in the final supplemental statement. Specifically, a comment response section, which includes unresolved environmental issues and a discussion of issues raised at the most recent public hearing on the project were not included. EPA recommended the need to conduct additional analysis which should be publicly reviewed if the project continues to be proposed.	H
F-FHW-C40022-NY	Potsdam Relief Route, US 11 and NY-56, St. Lawrence County, New York.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommended that further consideration be given to the use of barriers to mitigate potential noise impacts.	C
F-FHW-F40028-WI	Lang Drive, WI-35, La Crosse County, Wisconsin	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-H40065-NB	US 275 and US 81, Norfolk, Madison County, Nebraska.	EPA continues to have significant environmental reservations with the high noise levels and the adverse effects on commercial and residential receptors located adjacent to the proposed highway improvement. The final statement combined with information obtained during an onsite inspection of the project, further defined the extent of the noise impacts and the inherent difficulties in attenuating the adverse levels on the public. The additional information, however, does not alleviate the environmental reservations with the anticipated adverse noise levels which will continue to exceed the noise standards of the Federal Highway Administration as defined in the document, "Federal-Aid Highway Program Manual 7-7-3".	H
F-FHW-K40012-CA	Proposed Freeway, CA-101, Santa Clara County, California.	EPA's concerns were adequately addressed in the final EIS.	J

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
		DEPARTMENT OF TRANSPORTATION—Continued	
F-FHW-K40025-HI	Hilo Bayfront Highway, HI-19, Hawaii	EPA's concerns were adequately addressed in the final EIS.	J
		GENERAL SERVICES ADMINISTRATION	
F-GSA-K81006-CA	Central Los Angeles Parking Facility, Los Angeles County, California.	EPA's concerns were adequately addressed in the final EIS.	J
		DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
F-HUD-C85019-PR	Residential Covadonga Development, Project No. 63-004-2, Toa Baja, Puerto Rico.	EPA's concerns were adequately addressed in the final EIS.	C
F-HUD-E85022-SC	Forestbrook Subdivision, Horry County, South Carolina.	EPA's review has found the initial comments on the facility still remains unanswered. Additional data provided on water quality, land use and wetlands within the Atlantic Coastal Plain were insufficient. EPA has recommended denial of the required COE permit regarding dredging in Socaster Creek, as planned in the initial development.	E
F-HUD-E85031-TN	Lakemeer Subdivision, Shelby County, Tennessee...	EPA's concerns were adequately addressed in the final EIS.	E
F-HUD-F85026-IL	Rohlwing Grove Apartments, Elk Grove Village, Cook County, Illinois.	EPA's concerns were adequately addressed in the final EIS. However, EPA noticed that the final EIS shows potential violations of the 8-hour carbon monoxide standards in the vicinity of the project.	F
F-HUD-K85013-AZ	Proposed Foothills Planned Unit Development, Tucson, Arizona.	EPA's concerns were adequately addressed in the final EIS.	J
		INTERSTATE COMMERCE COMMISSION	
F-ICC-F53008-WI	Rail Abandonment in Southwestern Wisconsin, Lafayette and Iowa Counties, Wisconsin.	EPA's concerns were adequately addressed in the final EIS. However, EPA is concerned about alternatives to the proposed abandonment. EPA feels that alternatives must be discussed fully, in order to make a sound decision.	F
		NUCLEAR REGULATORY COMMISSION	
FS-NRC-A00115-00	Floating Nuclear Power Plants, Part II (FS)	In general, EPA's concerns were adequately addressed in the final EIS. However, EPA does not believe that estuarine and barrier island sites can be reasonably assured.	A
F-NRC-G06003-TX	Blue Hills Station, Units 1 and 2, Newton County, Texas.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA continues to express environmental reservations with regard to construction of such facilities which could have potential adverse effects on the environment.	G

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Aug. 1 and Aug. 31, 1978*

Identifying No.	Title	Source of review
	CORPS OF ENGINEERS	
F-COE-A36376-IL	East St. Louis and Vicinity, Blue Waters Ditch Improvements, Illinois	F
F-COE-E34007-00	Operation and Maintenance of Hartwell Lake, Savannah River, Georgia and South Carolina	E
F-COE-E40134-NC	US 321, Blowing Rock to Boone, Watauga County, North Carolina	E
F-COE-F36029-MN	Bassett Creek Watershed, Hennepin County, Minnesota	F
F-COE-G35004-TX	Forest Grove Dam and Reservoir, Caney Creek, Henderson County, Texas	G
	DEPARTMENT OF AGRICULTURE	
F-AFS-J65063-MT	Placid-Blanchard Planning Unit, Land Management Plan, Lolo National Forest, Missoula County, Montana	I
F-AFS-L61102-ID	Island park Planning Unit, Targhee National Forest, Land Management Plan, Fremont County, Idaho (USDA-FS-FES(ADM)R4-78-3)	K
F-AFS-L65028-OR	Timber Management Plan, Umpqua National Forest, Douglas and Lane Counties, Oregon (USDA-FS-R6-FES(ADM)-77-08)	K
F-AFS-L65034-00	Rogue River National Forest and Timber Resource Plan, Oregon and California (USDA-FS-R6-FES(ADM)-77-14)	K
F-SCS-A67015-00	Rural Abandoned Mine Program (RAMP)	A
FS-SCS-G36057-LA	Lake Verret Watershed, Ascension, Assumption, and Iberville Parishes, Louisiana	G
F-SCS-G36061-TX	Upper San Marcus Watershed, Comal and Hays Counties, Texas	G
F-SCS-H36032-NB	South Branch Little Nemaha Watershed, Johnson, Lancaster and Otoe Counties, Nebraska	H
	DEPARTMENT OF COMMERCE	
F-NOA-A64045-00	Listing of Three Sea Turtles as Threatened Species	A
F-NOA-F39006-MI	Coastal Zone Management Program, Michigan (CZM)	F
	DEPARTMENT OF DEFENSE	
F-JCS-E10002-FL	Joint Readiness Exercise "Gallant Eagle 79," Florida	E
	DEPARTMENT OF INTERIOR	
F-NPS-E61026-00	Gulf Islands National Seashore, Mississippi and Florida (FES-78-18)	E

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Aug. 1 and Aug. 31, 1978*—Continued

Identifying No.	Title	Source of review
	DEPARTMENT OF TRANSPORTATION	
F-DOT-A41267-WA	WA-5 South 272nd Street Interchange, Widening Star lake Park and Ride Lot and South 272nd Street Flyer Stop, King County, Washington.	K
F-FAA-G51005-NM	West Mesa Airport, Albuquerque, Bernalillo County, New Mexico	G
F-FHW-E40126-AL	US 98, FAP Route 9, State Line to Wilmer, Mobile County, Alabama (FHWA-ALA-EIS-77-03F0)	E
F-FHW-F40086-OH	Akron Innerbelt, OH-59, I-76/77 and OH-8, Summit County, Ohio	F
F-FHW-G40058-AR	I-630, I-430 and I-30 Connector, Little Rock Pulaski County, Arkansas	G
F-FHW-G40063-TX	I-20, I-30 to I-820, Benbrook, Fort Worth, Parker, and Tarrant Counties, Texas	G
F-FHW-G50003-AR	White River Bridge, Eastern Arkansas County, Arkansas	G
FS-FHW-H40016-IA	I-380 Black Hawk, Linn, Benton, and Buchanan Counties, Iowa	H
F-FHW-H40076-IA	State Arterial 518, IA-518, Lee County, Iowa	H
F-FHW-L40041-ID	US 26, Granite Hill to Swan Valley, Bonneville County, Idaho	K
F-FHW-L40047-WA	WA-16, Cheney Stadium Vicinity to Narrows Bridge, Pierce County, Washington (FHWA-WA-EIS-76-03-F)	K
F-FHW-L40051-ID	US 95, Ferdinand to Craigmont, Idaho and Lewis Counties, Idaho (FHWA-IDA-EIS-77-02-F)	K
	GENERAL SERVICES ADMINISTRATION	
F-GSA-B81003-ME	Fort Kent Border Station, Aroostook County, Fort Kent, Maine (EME78001)	B
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
F-HUD-E85037-NC	Six Forks North, Mine Valley Subdivision, Raleigh, Wake County, North Carolina (HUD- RO4—EIS-78-0-05-F)	E
F-HUD-G85067-TX	Bear Creek Village Subdivision, Harris County, Texas	G
F-HUD-G85071-TX	Timerhills Subdivision, Harris County, Texas	G
F-HUD-G85082-TX	Chimney Hill Subdivision, Harris County, Texas	G
F-HUD-G85090-TX	Tallow Wood Subdivision, Harris County, Texas	G
F-HUD-G85093-TX	Park Meadows Subdivision, Harris County, Texas	G
F-HUD-J61018-SD	Beadle Greenway Area, Redevelopment Plan, Sioux Falls, Minnehaha County, South Dakota	I
F-HUD-L85005-WA	Proposed Master Plan, Regency Woods, King County, Washington (HUD-R10-EIS-78-F)	K
F-HUD-L85006-ID	Cherry Lane Village, Meridian, Ada County Idaho (HUD-RIO-EIS-78-3F)	K
	INTERSTATE COMMERCE COMMISSION	
F-ICC-G53003-TX	Railroad Abandonment, Bonita Junction and Seagoville, Texas	G
	VETERANS ADMINISTRATION	
F-VAD-E81015-FL	520 Bed Replacement Hospital, 120 Bed Nursing Home Care Unit, 200 Bed Domiciliary and Renovation of Existing Buildings, VA Hospital	E

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF TRANSPORTATION		
A-DOT-A86118-00	Floodplain Management and Protection, Proposed Policies and procedures, Implementation of Executive Order 11988 (43 FR 27148), Notices.	EPA commended the scope and content of the proposal. However, EPA urges a stronger procedure for transportation activity at the early planning stages.	A

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213) Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 79-28121 Filed 9-7-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1315-3]

Administrator's Toxic Substances Advisory Committee; Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of Open Meeting.

SUMMARY: There will be a meeting of the Administrator's Toxic Substances Advisory Committee from 9:30 a.m. to 5:00 p.m. on Tuesday, September 25, 1979. The meeting will be held in Room 3908, Waterside Mall, EPA, 401 M Street, S.W., Washington, D.C. and will be open to the public.

FOR FURTHER INFORMATION CONTACT: Ms. Marsha Ramsay, Executive Secretary, Administrator's Toxic Substances Advisory Committee, Office of Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone: (202) 755-4854.

SUPPLEMENTAL INFORMATION: The purpose of this meeting is to discuss matters related to EPA's implementation

of the Toxic Substances Control Act (Pub. L. 94–469). The agenda includes:

1. A status report on the EPA Asbestos program, including asbestos-containing material in schools and commercial and industrial use of asbestos fibers.

2. A full report on Premanufacturing Notification.

3. An update on other matters concerning the implementation of the Toxic Substances Control Act.

4. Reports from appropriate Administrator's Toxic Substances Advisory Committee subcommittee chairpersons.

The meeting will be open to the public and time will be set aside for public comments. Any member of the public wishing to present an oral or written statement should contact Ms. Marsha Ramsay at the address or phone number listed above.

Dated: September 8, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-28127 Filed 9-7-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1306-5]

Safe Drinking Water; Fresno County, Calif.; Determination

Notice is hereby given that pursuant to section 1424(e) of the Safe Drinking Water Act (Pub. L. 93–523) the Administrator of the Environmental Protection Agency (EPA) has determined that a portion of the aquifer serving Fresno County is the sole source of drinking water for people of Fresno County, California, and that if the aquifer were contaminated, it would create a significant hazard to public health.

Background

Section 1424(e) of the Safe Drinking Water Act, provides the following: If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register.** After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On August 9, 1976, Mr. Gerald Lysdahl of Fresno County, California, requested the Administrator of EPA to determine that Fresno County, California is an area which has an aquifer which is the sole or principal source of drinking water for the area and which, if contaminated, would create a significant hazard to public health. A notice of this petition with a request for comments was published in the **Federal Register** on December 6, 1976. A public workshop was held on May 24, 1977. A report on the ground water in Fresno County was prepared by the U.S. Geological Survey to provide needed information to make a determination. Such a report was submitted to EPA in July, 1977.

Written comments were received in response to the notice, the public workshop and the USGS report. EPA completed its evaluation of these and other materials and issued a draft evaluation report for comment on March 14, 1978. A public meeting on the report was held on April 25, 1978.

On the basis of the information provided in the U.S. Geological Survey Report, the Administrator has made the following findings, which are the basis for the determination above:

1. The Fresno County aquifer is the principal source of water for about 500,000 people, approximately twenty-two (22) cities and towns, with pumpage of approximately 140,000 acre feet for domestic use in 1976.

2. The aquifer is vulnerable to contamination through its recharge zone, particularly from septic tanks, impoundments, agricultural recharge and, to a lesser extent, from leaching of discharges to streams, rivers and canals in the recharge and streamflow source zones. Since groundwater contamination can be difficult or impossible to reverse, and because this aquifer is relied upon for drinking purposes by many people, contamination of the aquifer would pose a significant hazard to public health.

The portion of the aquifer serving Fresno County under discussion is that portion of the water-bearing formation which includes consolidated and unconsolidated formations bounded by the Fresno County boundary on the south, the middle of the San Joaquin River on the north, the Friant-Kern Canal on the east, and the Fresno Slough Bypass on the west. Because of the geology and hydrology of the area, the area designated as the aquifer is the recharge zone. Although the recharge zone extends to the Foothills of the Sierra Nevada Mountains, the applicant did not request the recharge zone east of the Friant-Kern Canal to be included in the designation of the aquifer.

The streamflow source zone boundaries include upstream and headwaters areas of the Kings and San Joaquin River basins and areas eastward to the crest of the Sierra Nevada Mountains.

EPA published proposed regulations for the review of Federally assisted projects in areas designated pursuant to Section 1424(e) (42 FR 51574, September 29, 1977). These projects are those which have received financial assistance directly as aid by a department, agency or instrumentality of the Federal government. EPA will use these proposed regulations as guidance for review of projects until final regulations are promulgated.

The data upon which these findings are based are available to the public and may be inspected during business hours at the Office of the Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105. The background information includes:

1. A detailed map outlining the designated portion of the aquifer serving Fresno County, the recharge zones and the streamflow source zones;

2. A copy of the public comments submitted on the sole source designation petition, the Fresno County ground water report prepared by U.S. Geological Survey and the EPA evaluation report;

3. A technical support document for designation of a portion of the aquifer serving the Fresno County under 1424(e) of the Safe Drinking Water Act.

A copy of the above documentation is also available at the U.S. Environmental Protection Agency WH–550, Office of Drinking Water, 401 M Street, SW, Washington, D.C. 20460.

Dated August 30, 1979.

Douglas Costle,

Administrator.

[FR Doc. 79-28122 Filed 9-7-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1315-4]

Water Quality Criteria: Corrections

AGENCY: United States Environmental Protection Agency.

ACTION: Correction notice.

In FR Doc. 79–22804, Wednesday, July 25, 1979, at 44 FR 43660, EPA published and invited comment on Water Quality Criteria. In that document a number of

errors appeared which need correction. The corrections are listed below.

1. 3,3'-Dichlorobenzidene. Page 43667, right hand column: line 16, change "toxaphene" to "dichlorobenzidine".

2. 3,3'-Dichlorobenzidine. Page 43667, right hand column: lines 24-25 should read: "with corresponding criteria of 1.69×10^{-2} μg/l, 1.69×10^{-3} μg/l, and 1.69×10^{-4} μg/l, respectively".

3. 3,3'-Dichlorobenzidine. Page 43667, right hand column: 5th line from bottom should read: "cancer risk below 10^{-5} is 1.69×10^{-2} μg/l.

4. 3,3'-Dichlorobenzidine. Page 43668, left and middle columns: in table under "Risk levels and corresponding criteria" numbers should read:

0	10^{-7}	10^{-6}	10^{-5}
0	1.69×10^{-4} ug/1	1.69×10^{-3} ug/1	1.69×10^{-2} ug/1
0	1.85×10^{-4} ug/1	1.85×10^{-3} ug/1	1.85×10^{-2} ug/1

5. 3,3'-Dichlorobenzidine. Page 43668, middle column: 23rd line from bottom should read R=1150.

6. 3,3'-Dichlorobenzidine. Page 43668, middle column: change 12th line from bottom to read lifetime cancer risk below 10^{-5}, is 1.69×10^{-2} micrograms per liter.

7. Nickel. Page 43684, middle column: line 28 should read: Human Health: For the protection of human health based on the toxic properties of nickel ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 133 μg/l day.

8. Nickel. Page 43684, middle column: line 7 from bottom should read: Final Chronic Value=e [1.01×1n (hardness)−1.02].

$$\frac{5(\text{mg/l}) \times 25 \text{ ml/day/rat}}{.3 \text{ (kg/av.rat)}} = \frac{125}{.3}$$

$$= 416.67 \text{ ug}$$

$$420$$

$$\text{dose/day/av.rat}$$

$$\frac{420}{100} = 4.2 \text{ ug (ADI)}$$

$$4.2 \times 70 = 294 \text{ ug (ADI for 70 kg/man)}$$

$$2(X) = (\text{Av. fish intake})(\text{BCF})(X) = \text{Daily Intake}$$

$$2(X) + (0.0187)\ (11)\ (X) = 294 \text{ ug}$$

$$2.205\ X = 294 \text{ ug}$$

$$X = 133 \text{ ug/1 (criterion)}$$

$$2 = \text{amount of water ingested, liters/day}$$

$$X = \text{Ni concentration, mg/1}$$

$$0.0187 = \text{amount of fish/shellfish products products consumed, kg/day}$$

$$F = 11\ (\text{BCF}),\ \frac{\text{mg Ni/kg fish}}{\text{mg Ni/1 of water}}$$

9. Nickel. Page 43684, right hand column: insert the following after line 9:

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=1,000 μg/l

Residue Limited Toxicant Concentration=not available

Final Chronic Value=1,000 μg/l

0.44×Final Acute Value=220 μg/l

10. Nickel. Page 43685, left hand column: delete 3rd paragraph and insert the following:

If the 5.0 mg/l level were used in the standard water quality criteria, the criterion can be determined to be 133 μg/l.

Drinking water contributes 91 percent of the assumed exposure while eating contaminated fish products accounts for 9 percent. The criterion level for nickel can alternatively be expressed as 1.4 μg/l, if exposure is assumed to be from the consumption of fish and shellfish products alone.

$$X\times0.0187\times11=294\ (\mu g/l)$$
$$X\times0.2057=294$$
$$X=1.429 \text{ mg}$$
$$X=1.4\ (\text{mg/l})$$

11. Phenol. Page 43688, right hand column: add the following at end of line 3: For the prevention of adverse effects due to the organoleptic properties of chlorinated phenols inadvertently formed during water purification processes, the phenol concentration in water should not exceed 1.0 μg/l.

12. Phenol. Page 43688, right hand column: line 8, change 2.4 to 24.

13. Phenols. Page 43689, middle column: add the following preceding Phthalate Esters:

In summary, based on the use of chronic toxicologic test data for rats and an uncertainty factor of 500, the criterion for phenol corresponding to the calculated acceptable daily intake of 0.1 mg/kg/day is 3.4 mg/l. Drinking water contributes 98 percent of the assumed exposure while eating contaminated fish products accounts for 2 percent. The criterion level could alternatively be expressed as 163 mg/l if exposure is assumed to be from the consumption of fish and shellfish products alone. Based on the potential chlorination of phenol in water, the criterion for phenol is 1.0 μg/l in those instances where such inadvertent chlorination may take place.

14. Phthalate esters. Page 43691, left hand column: add the following paragraph preceding Ploychlorinated Biphenyls:

In summary, based on the use of chronic toxicologic data and uncertainty factors of 100, the criteria levels for phthalate esters have been established. The percent contribution of drinking water and of ingesting contaminated fish is given in the following table. Also given are the criteria levels recommended if exposure is assumed to be from fish and shellfish products alone.

Esters	Criteria level mg/l	Percent contribution of drinking water	Percent contribution of fish products	Criteria if exposure is from fish alone
Dimethyl	160	45	55	286
Diethyl	60	29	71	87
Dibutyl	5	81	19	26
D-2-ethylhexyl	10	53	47	24

15. Polychlorinated biphenyls. Page 43691, middle column: in lines 4 and 8 change the word chloroform to PCB's.

16. Polychlorinated biphenyls. Page 43691, middle column: lines 16 and 17, change the criteria to 0.26 ng/l, 0.026 ng/l, and 0.0026 ng/l.

17. Polychlorinated biphenyls. Page 43692, left and middle columns: change figures in table as follows:

0.0026 ng/l	0.026 ng/l	0.26 ng/l
0.0026 ng/l	0.026 ng/l	0.26 ng/l

18. Polychlorinated biphenyls. Page 43692, middle column: line 27, change 0.24 to 0.26.

19. Toluene. Page 43692, middle column: line 11 from bottom, change 17.4 to 12.4.

20. Toluene. Page 43694, right column: change 1st equation to read:

$$\frac{590 \text{ mg/kg} \times 70 \text{ kg} \times 5/7 \text{ day}}{1{,}000} = 29.5 \text{ mg/day}$$

21. Toluene. Page 43694, right hand column: line 22 from bottom, change 17.4 to 12.4

22. Toluene. Page 43694, right hand column: change 2nd equation to read:

$$\frac{29.5 \text{ mg/day}}{2 \text{ liters} + (20 \times 0.0187) \times 1.0} = 12.4 \text{ mg/l}$$

23. Toxaphene. Page 43695, left hand column: lines 11 and 12, change criteria to 4.7×10^{-4} µg/l, 4.7×10^{-5} µg/l, 4.7×10^{-6} µg/l

24. Toxaphene. Page 43696, right hand column: make the following corrections in 1st paragraph of text under table: 2nd line, change B_a to B_H 5th line, change 4.f to 4.7.

Dated: September 4, 1979.

Swep T. Davis,

Assistant Administrator for Water and Waste Management.

[FR Doc. 79-28125 Filed 9-7-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-86]

Japan/Korea-Atlantic and Gulf Freight Conference Rules Pertaining to Chassis Availability and Demurrage Charges That Result When Chassis Are Not Made Available; Order To Show Cause

The Japan/Korea-Atlantic and Gulf Freight Conference (J/KAG), operating under Agreement No. 3103, as amended, is a conference of common carriers providing liner service from ports in Japan and Korea to United States Atlantic and Gulf ports.

Historically J/KAG member lines and other common carriers by water have tendered cargo containers mounted on chassis to facilitate the rapid removal of cargo from the pier to the ultimate consignee. This long established practice change in 1978 at the Port of Baltimore when certain J/KAG member lines were unable to supply chassis for removal of inbound containers within the five day free time period.

Although operational problems of this nature have occurred in previous years at Baltimore and elsewhere, the situation was aggravated in 1978 by the combined effects of the dock strike and harsh winter weather. The intensity of the chassis shortage was reduced as weather conditions improved, but shortages still occur on a regular basis. As a result, it was the practice of some conference member lines not to assess demurrage charges when they were unable to provide adequate equipment. According to the complainants, this policy was abruptly changed and the carriers invoiced demurrage after the expiration of five days without exception. Unforeseen circumstances, not the fault of the shipper, preventing the removal of cargo from the container yard were no longer valid reasons for foregoing these extra charges.

The Japan/Korea-Atlantic and Gulf Freight Conference in its Tariff FMC-7 currently has in effect tariff rules which have the following effects or results:

1. Consignee or his agent may be charged container demurrage when through no fault of their own a chassis is not made available during the five day free time period for removal of containers from the port area.

2. Shippers have no assurance at the time of booking that a chassis will be available upon discharge of the cargo or within the five day free time period following unloading of the vessel.

Consequently, the tariff is unclear as to who will receive chassis and under what conditions they will be provided during periods of equipment shortages.

These circumstances allow for the possibility of discrimination between those who desire the use of the conference services and denies tariff users the ability to determine the exact service afforded and the precise cost thereof prior to shipment. The current tariff rules appear permissive in nature and indefinite in their application contrary to section 18(b), Shipping Act, 1916 (46 U.S.C. 817(b)), and allows for the continuation of possible unjust practice in violation of section 17, Shipping Act, 1916, (46 U.S.C. 816).

It appears that a proceeding is necessary to permit J/KAG to show cause why its tariff rule relating to the availability of chassis equipment and the assessment of demurrage prescribed by its tariff rule herein at issue should not be amended as being in violation of the aforementioned statutes.

Therefore, it is ordered, That pursuant to sections 17, 18(b) and 22, Shipping Act, 1916 (46 U.S.C. 816, 817(b) and 821), the Japan/Korea-Atlantic and Gulf Conference and its member lines as listed in Appendix "A" be named respondents in this proceeding and that such respondents be ordered to show cause why the Commission should not find the provisions of its tariff rule relating to the availability of chassis equipment and the assessment of demurrage to result in the assessment of varying rates and charges which are unjustly discriminatory and constitute an unreasonable practice or regulation in violation of section 17; and to be permissive in nature and indefinite in application in violation of section 18(b); and, accordingly, why J/KAG Conference should not be ordered to modify its tariff rules so as to provide for the equal treatment of all shippers/consignees who require the employment of carrier owned or controlled chassis for the removal of their containerized cargo from destination port container yard.

It is further ordered, That this proceeding be limited to submission of affidavits of fact and memoranda of law and replies thereto. Should any party

feel that an evidentiary hearing is required, the party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove these facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before November 9, 1979. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business October 12, 1979. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business November 2, 1979.

It is further ordered, That a notice of this order be published in the Federal Register and that a copy thereof be served upon the respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to be parties and participate herein shall file a petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than close of business September 21, 1979.

It is further ordered, That all documents submitted by a party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C., 20573, in an original and fifteen (15) copies, as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix "A"

Robert D. Grey, Chairman, Japan/Korea-Atlantic and Gulf Freight Conference, Sumitomo Sejmei Yaesu Bldg., 2-1, Yaesu 2-chome, Chuo-ku, Tokyo 104, Japan.
Warren and Associates, P.C., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
Barber Blue Sea Line, c/o Barber Steamship Lines, 17 Battery Place, New York, New York 10004.
Japan Line (New York), Inc., One World Trade Center, Suite 2867, New York, New York 10048.
Kawasaki Kisen Kaisha, Ltd., One Market Plaza, Suite 2400, San Francisco, California 94105.
Korea Shipping Corporation, c/o Korea Shipping America, Inc., 71 Broadway, New York, New York 10006.
Lykes Bros. Steamship Company, Inc., Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130.
Mitsui O.S.K. Lines, Ltd., One World Trade Center, Suite 2211, New York, New York 10048.
A. P. Moller-Maersk Line, c/o Moller Steamship Company, Inc., One World Trade Center, Suite 3527, New York, New York 10048.
Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048.
Orient Overseas Container Line, Inc., c/o Eckert Overseas Agency, Inc., Wall Street Plaza, New York, New York 10005.
Sea-Land Service, Inc., P.O. Box 900, Edison, New Jersey 08817.
United States Lines, Inc., One Broadway, New York, New York 10004.
Yamashita-Shinnihon Steamship Co., Ltd., One California Street, San Francisco, California 94111.
Zim Container Service, One World Trade Center, Suite 2969, New York, New York 10048.

[FR Doc. 79-28099 Filed 9-7-79; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 79-50]

Notice of Inquiry Regarding the United Nations Convention on Code of Conduct for Liner Conferences

AGENCY: Federal Maritime Commission.

ACTION: Further enlargement of time to comment.

SUMMARY: Notice of Inquiry in subject proceeding was published in the Federal Register of May 16, 1979 (44 FR 28724). Responses are presently due on August 31, 1979. The Washington Representative of CENSA has requested an extension of time until September 17, 1979 within which to respond. The fact that a study group has been assigned to this matter and is nearing completion of a draft report which must be distributed to member associations scattered throughout the world is cited as the reason for the request. We are anxious to obtain the views of CENSA on this matter and therefore are in favor of granting the extension. This delay will not be critical because it is not contemplated that a rule will issue from this proceeding.

DATES: Comments on or before September 17, 1979.

ADDRESSES: Comments (original and fifteen copies) to: Secretary, Federal Maritime Commission, Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C. 20573.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-28097 Filed 9-7-79; 8:45 am]
BILLING CODE 6730-01-M

[Dockets Nos. 79-2 and 79-3; Agreements Nos. 10293 and 10295]

Notice of Intent To Prepare an Environmental Assessment

The above-referenced proceedings are investigations to determine whether Agreement No. 10293 and Agreement No. 10295 should be approved, disapproved or modified pursuant to section 15 of the Shipping Act, 1916.

The Commission believes that its final resolution of the issues in these proceedings may constitute a major Federal action significantly affecting the quality of the human environment.

Therefore, Notice is hereby given that the Federal Maritime Commission intends to prepare an environmental assessment to determine whether its final decision in these proceedings will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Written comments regarding possible environmental effects are invited. Such comments should be submitted within thirty days of the date of this Order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

Copies of discovery materials and all future correspondence, pleadings and exhibits exchanged or filed in these proceedings will be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Francis C. Hurney,

Secretary.

[FR Doc. 79-28098 Filed 9-7-79; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Rape Prevention and Control Advisory Committees; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of September, 1979.

Rape Prevention and Control Advisory Committee

September 24-25, 1979, 9:00 a.m. Open meeting. Conference Room I, Parklawn Building, Rockville, Maryland 20857.
Contact: Ms. Elizabeth S. Kutzke, Room 13A-44, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443-1910.
Purpose: The Rape Prevention and Control Advisory Committee advises the Secretary,

Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape, on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

Agenda: The entire meeting will be open to the public. The two-day meeting of the Advisory Committee will be devoted to providing input on the National Center's fiscal year 1980 program activities. Attendance by the public will be limited to space available. Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and a roster of Advisory Committee members is Mr. Paul Sirovatka, Chief, Public Information Branch, Division of Scientific and Public Information, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443-3600.

Dated: September 5, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-28062 Filed 9-7-79; 8:45 am]

BILLING CODE 4110-88-M

Health Resources Administration

Application Announcement for Financial Distress Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1980 Grants for Financial Distress are now being accepted under the authority of section 788(b) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 788(b) authorizes the award of grants to public or nonprofit private schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and public health to:

1. Meet the costs of operation of an eligible school which is in serious financial distress;

2. Meet accreditation requirements if the school has a special need for financial assistance in meeting such requirements; and

3. Carry out appropriate operational, managerial, and financial reforms on the basis of information obtained in a comprehensive cost analysis study or on the basis of other relevant information.

It is intended that approved applications in categories (1) and (2) be funded prior to approved applications in category (3).

Approximately $5 million is expected to be available in fiscal year 1980 for competitive awards.

Requests for application materials and questions regarding the administration of grants should be directed to: Grants Management Officer (D-14), Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, MD 20782.

To be considered for fiscal year 1980 funding, applications must be received by the Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, at the above address no later than October 9, 1979.

Dated: August 24, 1979.

Henry A. Foley,

Administrator, Health Resources Administration.

[FR Doc. 79-28111 Filed 9-7-79; 8:45 am]

BILLING CODE 4110-83-M

Application Announcement for Grants for Physician Assistant Training Programs

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1980 Grants for Physician Assistant Training Programs are now being accepted under the authority of section 783(a)(1) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (P.L. 94-484).

Section 783 authorizes the award of grants to schools of medicine or osteopathy or other public or nonprofit private entities to assist in meeting the cost of planning, developing, and operating or maintaining programs for the training of physician assistants. To receive support, programs must meet the requirements of section 701(7) and 783(a)(1) of the Public Health Service Act and the Final Regulations, implementing these sections published in the **Federal Register** on June 21, 1979, Vol. 44, No. 121.

Funding preference will be accorded approved applications with projects in which:

1. A program is conducted for training physician assistants to provide primary care patient services under the supervision of a doctor of medicine or osteopathy;

2. Substantial training experience is provided in a Health Manpower Shortage Area(s), as defined in Section 332 of the PHS Act, or in an Area Health Education Center funded, at least in part, under section 781 of the Act;

3. A program is established in a state which does not have such a program; and/or

4. A program is conducted in conjunction with primary care physician education in a manner which shares educational resources, and encourages the utilization of physician assistants by physicians.

Approximately $7.4 million is expected to be available in fiscal year 1980 for competitive awards for Grants for Physician Assistant Training Programs under section 783(a)(1) of the Public Health Service Act.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-21), Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782. Phone: (301) 436-6098.

To be considered for fiscal year 1980 funding, applications must be received by the Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, at the above address no later than November 5, 1979.

Should additional programmatic information be requested, please contact: Primary Care Education Branch, Division of Medicine, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4-50, 3700 East-West Highway, Hyattsville, Maryland 20782. Phone: (301) 436-7350.

Dated: August 24, 1979.

Henry A. Foley,

Administrator, Health Resources Administration.

[FR Doc. 79-28110 Filed 9-7-79; 8:45 am]

BILLING CODE 4110-83-M

Office of the Secretary

Social Security Administration; Statement of Organization, Functions, and Delegations of Authority

Part S of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions, and Delegations of Authority for the Social Security Administration (SSA). On March 21, 1979, an amendment to Part S was published in the **Federal Register** (44 FR 17218-233) to reflect a reorganization of SSA. Sections SD.00, SD.10, and SD.20 of the SSA Statement, as contained on pages 17221-222 of the amended material published on March 21, 1979, describe the mission,

organization and functions for SSA's Office of the Regional Commissioner (ORC). Section SD.00 is restated and sections SD.10 and SD.20 are modified to reflect the completed reorganization of ORC. The revised material for ORC reads as follows:

Sec. SD.00 *The Office of the Regional Commissioner*—(Mission): The Office of the Regional Commissioner (ORC) serves as the principal SSA component at the regional level and assures effective SSA interaction with HEW regional offices (HEWRO's); other Federal agencies in the regions; State Welfare Agencies; State Disability Determination Services; and other regional and local organizations. The Office provides regional program leadership and technical direction for the retirement, survivors, and disability insurance programs; the black lung benefits program; the supplemental security income program; the aid to families with dependent children (AFDC) program; the program for aid to the aged, blind, and disabled in Guam (Region IX), Puerto Rico, and the Virgin Islands (Region II); the refugee programs; and the U.S. repatriation program. It issues regional operating policy and procedures for these programs and evaluates program effectiveness. It implements national operational and management plans for providing SSA service to the public and directs a regionwide network of district offices, branch offices, and teleservice centers. The Office manages and coordinates SSA regional operations and provides administrative support to SSA regional components. It establishes regional priorities and issues policy directives consistent with national program objectives, operational requirements, and systems; and implements a regional SSA public affairs program. The Office maintains a broad overview of administrative operations of the regional offices of SSA's Office of Hearing and Appeals and Office of Assessment, program service centers, and data operations centers, to assure effective coordination of SSA activities at the regional level.

Sec. SD.10 *The Office of the Regional Commissioner*—(Organization):

The Office of the Regional Commissioner, under the leadership of the Regional Commissioner, includes:

A. The Regional Commissioner (SD1–SDX).

B. The Deputy Regional Commissioner (SD1–SDX).

C. The Immediate Office of the Regional Commissioner (SD1–SDX).

D. The Office of the Assistant Regional Commissioner for Programs (SD1B–SDXB).

E. The Office of the Assistant Regional Commissioner for Family Assistance (SD1A–SDXA).

F. The Office of the Assistant Regional Commissioner for Field Operations (SD14–SDX4).

G. The Office of the Assistant Regional Commissioner for Management and Budget (SD17–SDX7).

Sec. SD.20 *The Office of the Regional Commissioner*—(Functions):

A. *The Regional Commissioner* (SD1–SDX) is directly responsible to the Commissioner for carrying out ORC's mission and provides general supervision to major ORC components.

B. *The Deputy Regional Commissioner* (SD1–SDX) assists the Regional Commissioner in carrying out his/her responsibilities and performs other duties as the Regional Commissioner may prescribe.

C. *The Immediate Office of the Regional Commissioner* (SD1–SDX) provides the Regional Commissioner with high level staff assistance on the full range of his/her responsibilities. It also furnishes staff support for the civil rights, equal opportunity, and external affairs functions.

D. *The Office of the Assistant Regional Commissioner for Programs* (SD1B–SDXB):

1. Provides program leadership and technical direction for the Retirement, Survivors, and Disability Insurance (RSDI), Supplemental Security Income (SSI), and Black Lung Benefits programs in the region. Issues regional operating policies and procedures necessary to insure implementation of national policies for these programs. Establishes and maintains a field visit program covering district and branch offices, Disability Determination Services (DDS's), and teleservice centers to determine the effectiveness of RSDI, SSI, and Black Lung Benefits program policies and procedures, and to provide technical assistance in the resolution of operational problems relating to these programs. Evaluates RSDI, SSI, and the Black Lung Benefits program effectiveness in the region.

2. Assists State DDS agencies in developing their operating budgets, reviews these budgets with the Assistant Regional Commissioner for Management and Budget, and submits recommendations on the acceptability of DDS budgets to the Regional Commissioner. Manages a comprehensive review and analysis program covering State DDS agency operations.

3. Plans, directs, and coordinates regional activities concerning social security coverage agreements between SSA and State or interstate entities; carries out negotiations with State or interstate authorities on the content of these agreements; makes recommendations to final approving officials regarding the execution of new coverage agreements, modifications in existing agreements, or the termination of agreements; and processes requests for further extensions, or extensions for more than one year, of time limits for assessments, credits, or refunds of amounts due.

4. Negotiates and maintains agreements with States covering the administration of optional State SSI supplementation, mandatory minimum State SSI supplementation, and Medicaid eligibility determinations. Evaluates and monitors State budgets necessary to carry out these agreements and maintains ongoing dialogues with States on SSI program issues in such areas as adjustment levels, hold harmless provisions, operational aspects of the Food Stamp Program, social service referral practices, etc. Directs the preparation of field instructional material necessary to implement agreements negotiated with the States.

5. Overseas SSA regional automated data processing (ADP) systems and automated processing operations, assures their effectiveness, and carries out an ongoing regional systems planning program to assure effective integration of regional operating and management systems. Coordinates and monitors regional implementation of major changes to national systems and conducts various ADP systems validation and piloting operations on behalf of SSA's Central Office components dealing with systems activities.

6. Conducts operational analyses and provides support to regional office, field office, and DDS management in the resolution of operational, procedural, and systems problems. Consolidates, reviews, and arranges for the distribution of regional program instructions and systems instructional material developed at the regional level. Coordinates with HEW's Rehabilitation Services Administration and other agencies to attain disability insurance, black lung benefits, and SSI program goals. Maintains relationships with professional medical organizations, interacts with outside groups representing program interests or concerns, and consults with representatives of community and

private organizations on operational matters.

E. *The Office of the Assistant Regional Commissioner for Family Assistance* (SD1A–SDXA):

1. Provides program leadership and technical direction for family assistance program activities in the region. Issues regional operating policies and procedures necessary to insure implementation of national family assistance program policies.

2. Conducts visits to and ongoing liaison with State agencies to determine the effectiveness of family assistance policies and procedures and to provide technical assistance in the resolution of operational problems. Evaluates family assistance program effectiveness regionwide. Plans, directs, and coordinates regional activities with State and local entities. Negotiates with State and local authorities on State plans, plan amendments and recommendations, and recommends approval or disapproval to the appropriate SSA official.

3. Directs and coordinates a program of financial management, including the review and evalution of grant award requests from States. Recommends approval or disapproval of these requests. Reviews State expenditure estimates and reports, and recommends approval or disapproval. Provides overview and assistance to State agencies in implementing major initiatives required by family assistance policies on financial management.

F. *The Office of the Assistant Regional Commissioner for Field Operations* (SD14–SDX4):

1. Provides leadership, guidance, and direction to district and branch offices and teleservice centers, through Area Directors.

2. Insures the consistency of field operations in the region with national and regional policies and procedures, and is accountable to the Regional Commissioner for the effectiveness of these operations.

G. *The Office of the Assistant Regional Commissioner for Management and Budget* (SD17–SDX7):

1. Furnishes leadership and support to SSA regional and field components in the areas of financial, manpower, and organization management, and other areas of management concern.

2. Develops regional management policies, procedures, and guidelines consistent with prevailing Federal, HEW, and SSA requirements and objectives. Guides and controls regional administrative management operations and administrative practices.

Evaluates component performance and needs in these areas to assure effective and economical use of available resources, and takes appropriate action on behalf of the Regional Commissioner to remedy or correct any inefficiencies or undesirable practices uncovered in administrative management operations.

3. Furnishes financial management staff expertise and professional judgments required to compile and recommend effective regional/State operating budgets.

4. Coordinates regional SSA administrative management issues and concerns with the HEWRO, SSA headquarters, and other Federal-regional authorities.

5. Carries out the SSA regional security program.

Dated: August 29, 1979.

Wilford J. Forbush,

Acting, Assistant Secretary for Management and Budget.

[FR Doc. 79-28013 Filed 9-7-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Chinook Indian Tribe, Inc.; Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

August 31, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Chinook Indian Tribe, Inc. (Post Office Box 228, Chinook, Washington 98614) has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on July 23, 1979. The petition was forwarded and signed by Mr. Donald E. Mechals.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Forrest J. Gerard,

Assistant Secretary—Indian Affairs.

[FR Doc. 79-28112 Filed 9-7-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Craig District Grazing Advisory Board; Meeting

August 29, 1979.

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Craig District Grazing Advisory Board will be held on October 4, 1979.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management Office at 455 Emerson Street, Craig, Colorado.

The agenda for the meeting will include (1) expenditures of range betterment funds, (2) the expenditure of county range improvement funds, (3) current status of the White River Environmental Statement, (4) Advisory Board Re-election Procedures, (5) discussion of old business.

The meeting is open to the public. Interested persons may make oral statements or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Persons wishing further information may contact the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado at (303) 824–3417.

Minutes of the meeting will be available at the Craig District Office for public inspection thirty days after the meeting.

Marvin W. Pearson,

District Manager.

[FR Doc. 79-27923 Filed 9-7-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Temporary Water Service Contract With the Westlands Water District; Availability of the Proposed Contract for Public Review and Comment

The Department of the Interior, through the Bureau of Reclamation, has

submitted to Congress for its review and oversight, a proposed temporary water service contract with the Westlands Water District. The major purpose of the contract is to provide for an agricultural and municipal, industrial, and domestic (M&I) water supply from the San Luis and Coalinga Canals and the Mendota Pool, Central Valley Project (CVP), California.

The district is located west of the city of Fresno in Fresno and Kings Counties, California, and encompasses an area of approximately 600,000 acres.

The proposed contract would provide for 1,100,000 acre-feet of water from San Luis Unit facilities and 50,000 acre-feet of water from the Mendota Pool. The term of the proposed contract is for 1 year commencing January 1, 1980, and expiring December 31, 1980. The water rates in the proposed contract are: $8.00 per acre-foot for 900,000 acre-feet of agricultural water furnished from the San Luis Unit facilities; $8.10 per acre-foot for 50,000 acre-feet of agricultural water furnished from the Mendota Pool; $11.80 per acre-foot for 200,000 acre-feet of agricultural water furnished from the San Luis Unit facilities; $11.80 per acre-foot for any interim agricultural water furnished; and $21.80 per acre-foot for any water within the 1,150,000 acre-feet that is used for M&I purposes.

For further information and copies of the proposed contract, please contact Mr. John Budd, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone No. (916) 484–4380.

Comments on the proposed contract will be received up to 30 days from the date of this notice. Any comments received on the proposed temporary water service contract will be considered in future negotiations with the district for a long-term water service contract. All written correspondence concerning the proposed contract is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383) as amended.

Dated: September 4, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79–27950 Filed 9–7–79; 8:45 am]

BILLING CODE 4310–09–M

National Park Service

National Colonial Farm, Maryland; Development Concept Plan; Availability of Assessment of Alternatives and Notice of Public Hearing

Pursuant to Section 102(2)(C) of the National Envionmental Policy Act of 1969, the National Park Service has prepared an assessment of alternatives for a Development Concept Plan for National Colonial Farm, Piscataway Park, Maryland.

The document presents three alternative levels of development for the site.

A public hearing on this issue will be conducted Tuesday, October 2, 1979, at 7:30 p.m. in the Accokeek Elementary School, Livingston Road, Accokeek, Maryland.

Written comments on this assessment of alternatives are invited and will be accepted for a period of thirty days following the date of the hearing.

Copies of the document are available from and written comments should be directed to: Superintendent, National Capital Parks-East, 5210 Indian Head Highway, Oxon Hill, Maryland 20021, (301) 763–1770.

Dated: September 7, 1979.

Robert Stanton,

Deputy Regional Director, National Capital Region.

[FR Doc. 79–28124 Filed 9–7–79; 8:45 am]

BILLING CODE 4310–70–M

Office of the Secretary

[INT FES 79–38]

Grazing Management Program for the Missouri Breaks of Montana; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Missouri Breaks area of Montana. The proposal includes implementing an improved grazing management program on portions of the public lands within the Lewistown and Miles City Districts in central Montana. Implementation of 266 new grazing plans or Allotment Management Plans (AMPs), revision of 10 AMPs, and continued operation of 42 AMPs is proposed. The plans include provisions for construction of additional fences, livestock watering facilities, and vegetation treatments. Overall a reduction of 1 percent in livestock use is suggested; however, on an individual allotment basis, the changes range from +158 percent to a −58 percent. The proposal is scheduled to be implemented over a 4-year period.

A limited number of copies are available upon request to the State Director, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, telephone: (202) 343–5717.

Montana State Office, Bureau of Land Management, 222 North 32nd Street, Billings, Montana 59101.

Lewistown District Office, Bureau of Land Management, Drawer 1100, Airport Road, Lewistown, Montana 59457.

Miles City District Office, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Dated: September 5, 1979.

Larry E. Meierotto,

Assistant Secretary.

[FR Doc. 79–28009 Filed 9–7–79; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

National Institute of Law Enforcement and Criminal Justice; Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on September 27, 1979 from 9:00 A.M. to 4:30 P.M. and on September 28, 1979 from 9:00 A.M. to 12:00 P.M. at the Marriott Dulles Hotel, Dulles Airport, 331 West Service Road, Chantilly, Virginia.

The major topic of discussion will concern the Institute's long range research priorities.

The meeting will be open to the public.

For further information, please contact Harry Bratt, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20531 (301/492–9108).

Harry Bratt,

Acting Director, NILECJ

[FR Doc. 79–28113 Filed 9–7–79; 8:45 am]

BILLING CODE 4410–18–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-361A and 50-362A]

Southern California Edison Company, et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Southern California Edison Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, the City of Riverside and the City of Anaheim, for the San Onofre Nuclear Generating Station, Units 2 and 3. The current holders of the construction permits are Southern California Edison Conpany and San Diego Gas and Electric Company.

The information was filed in connection with the application by Southern California Edison Company and San Diego Gas and Electric Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on October 18, 1973 at the San Onofre site located in San Diego County, California.

The original application was dated May 28, 1970, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on February 20, 1971 (36 FR 3278). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for hearing was published in the **Federal Register** on April 7, 1977 (42 FR 18460). Subsequently, the Notice of Hearing was published in the **Federal Register** on October 26, 1977 (42 FR 57575).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

Any person who wishes to have his views on the antitrust matters with respect to the City of Riverside and the City of Anaheim presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before October 26, 1979.

Dated at Bethesda, Maryland, this 13th day of August, 1979.

For the Nuclear Regulatory Commission,

Robert L. Baer,

Chief, Light Water Reactors Branch No. 2 Division of Project management.

[FR Doc. 79-26185 Filed 8-24-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 5, 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 OME approval. OME 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

Revisions

Agricultural Stabilization and Conservation Service
Request for Cost-Sharing-Agricultural Conservation
RE-245
Annually
Farmers, 500,000 responses, 125,000 hours
Charles A. Ellett, 395-5080

Economics, Statistics, and Cooperatives Service
*Manufactured Dairy Products
Other (See SF-83)
Manufacturers of dairy products, 57,452 responses, 13, 054 hours
Charles A. Ellett, 395-5080

Food and Nutrition Service
*Report of Program Operations
FNS-187

Monthly
State agencies, 888 responses, 444 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—377-4217

New Forms

Bureau of the Census
Census of Horticultural Specialties 1979
79-A19.1
Single time
Producers of wholesale and retail horticultural products, 20,000 responses, 10,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

Economic Development Administration
Preliminary Plan for Data Collection Forms for RLF Assessment
ED-4509
Single time
100 RLF grantees and selected borrowers
Richard Sheppard, 395-3211

National Oceanic and Atmospheric Administration
Fishing Obstruction Chart Questionnaire
Single time
U.S. commercial fishermen, 5,000 responses, 2,500 hours
Richard Sheppard, 395-3211

Revisions

Bureau of the Census
*Methods Development Survey Questionnaires
MDS 2A, 2B and 2C
Monthly
Households in eight areas, 36,000 responses, 9,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
Broadwoven Fabrics Finished
MA-22S
Annually
Finishers of broadwoven fabrics, 300 responses, 300 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF DEFENSE

Agency Clearance of Officer—John V. Wenderote—697-1195

Reinstatements

Departmental and Other Government Industry Data Exchange Program (GIDEP) Alert Form
DD 1938
On occasion
Major defense contractor government laboratories, 180 responses, 540 hours
C. Louis Kincannon, 395-3772

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252-5214

Revisions

Synthetic Natural Gas Plant Report
EIA-19
Monthly
13 SNG plants, 156 responses, 624 hours
Jefferson B. Hill, 395-5867

Reinstatements

Domestic Crude Oil Entitlements Program Refiners
Monthly report
ERA-49
Monthly
Crude oil, 2,280 responses, 21,660 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Food and Drug Administration
Consumer Comprehension of OTC Drug Labeling
Single time
Consumers
Richard Eisinger, 395-3214

Health Care Financing Administration (Departmental)
Evaluation of Second Surgical Opinion Programs for Elective Surgery
HCFA-6, HCFA-6A, FCFA-I-6
Single time
5,616 Administration of second surgical opinion program and patients requirements SSOP, 5,616 responses, 1,275 hours
Richard Eisinger, 395-3214

National Institutes of Heath
Evaluation of Sickle Cell Education—Questionnaires
Single time
Health providers, sickle cell patients, population at risk, 2,300 responses, 1,334 hours
Richard Eisinger, 395-3214

Office of Human Development
Zoning Survey Questionnaire
Single time
100 zoning officials, 100 responses, 100 hours
Barbara F. Young, 395-6132

Public Health Service
Evaluation of Effectiveness of Current Methods of Disseminating Medical Findings to Practicing Physicians
Other (see SF-83)
1,050 general practitioners, cardiologists, internists, 1,050 responses, 630 hours
Richard Eisinger, 395-3214

Social Security Administration
Report to Social Security Administration About workmen's Compensation
SSA 4679-SM, SSA 4584-SM
Single time
15,600 Dis. Emp. under 62 and Miners Rec. Black Lung Benefit, 15,600 responses, 520 hours
Barbara F. Young, 395-6132

Revisions

Social Security Administration
State Agency Quarterly Statement of Financial Plan for AFDC
SSA-25
Quarterly
216 State welfare agencies, 216 responses, 432 hours
Barbara F. Young, 395-6132

National Institutes of Health
National Survey of Public Knowledge, Attitudes, and Practices Related to Breast Cancer
Single time
Sample of female adults and spouses in general pop., 2,800 responses, 1,400 hours
Office of Federal Statistical Policy and Standard, 673-7974

Public Health Service
*National Ambulatory Medical Care Survey (1980-81) PHS 6105 A, B, C, and D
Other (see SF-83)
90,000 physicians in office practice, 90,000 responses, 1,500 hours
Office of Federal Statistical Policy and Standard, 673-7974

Public Health Service
Evaluation of Telephone and Personal Interviews for Collection of Health Data
Single time
Adults in households with telephones, 5,000 responses, 2,500 hours
Office of Federal Statistical Policy and Standard, 673-7974

Extensions

Office of Human Development
Instructions for Applying for Grants From HDS Programs
On occasion
Nonprofit organizations, 15,000 responses, 15,000 hours
Budget Review Division, 395-4775

Social Security Administration
*Partnership Questionnaire
SSA-7104
Annually
13,000 individuals alleging partnership in a business, 13,000 responses, 3,250 hours
Barbara F. Young, 395-6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Office—Robert G. Masarsky—755-5184

New Forms

Policy Development and Research
Survey of Business Leaders in Cities

Single time
Executive of firms headquartered in cities of over 50,000 population, 600 responses, 500 hours
Arnold Strasser, 395-5080

DEPARTMENT OF THE INTERIOR

Agency clearance Officer—William I. Carpenter—343-6716

New Forms

Bureau of Mines
Reader Survey
6-PI-14A & B
Single time
4,000 readers of bureau of mines publications, 4,000 responses, 2,000 hours
Charles A. Ellett, 395-5080

Revisions

Bureau of Mines
Surveys on Mineral Commodities
6-1221-A, et, al.
Monthly
Producers and consumers of minerals and materials, 89,078 responses, 70,935 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633-3526

Revisions

Federal Bureau of Investigation
Age, Sex, Race, and Ethnic Origin of Persons Arrested
4-492 and 4-492A
Monthly
All law enforcement agencies nationwide, 336,000 responses, 168,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

New Forms

Employment and Training Administration
Unemployment Insurance Claimants Interview
ETA-22
Single time
Claimants of unemployment insurance benefits, 4,650 responses, 763 hours
Arnold Strasser, 395-5080

Revisions

Employment and Training Administration
Job Corps Data Sheet
ETA 652
On occasion
Disadvantaged youth job corps applicants, 100,000 responses, 50,000 hours
Arnold Strasser, 395-5080
Employment Standards Administration
*Notice of Controversion or Answer to Claim
LS-207
On occasion
Employers and insurance carriers, 21,000 responses, 10,500 hours
Arnold Strasser, 395-5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426-1887

New Forms

Coast Guard
*Facility Application for Certificate of Financial Responsibility Outer Continental Shelf Lands Act Amendments of 1978
CG-5210
On occasion
1,000 OCS oil industry, 1,000 responses, 250 hours
Susan B. Geiger, 395-5867

Extensions

Federal Aviation Administration
Civil Rights Data Report
FAA 5190-10
Annually
Airport sponsors subject to 49 CFR Part 21, 1,957 responses, 5,871 hours
Susan B. Geiger, 395-5867

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376-0436

Revisions

Bureau of Customs
Request for Information
Customs 28
On occasion
200,000 importers, 200,000 responses, 33,320 hours
Susan B. Geiger, 395-5867

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—634-4070

New Forms

Interview Guide-Problems of Small R. & D. Firms Study
Single time
Small R. & D. performing companies responding to earlier survey, 150 responses, 75 hours
Laverne V. Collins, 395-3214

Revisions

Survey of Graduate Science Students and Postdoctorals, Fall 1979
NSF 811 & 812
Annually
Survey coordinators in graduate S/E institutions, 9,664 responses, 27,060 hours
Laverne V. Collins, 395-3214

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—632-7737

New forms

White-Collar Professional Occupations Salary Survey
Single time
135 white-collar salary administrators, 135 responses, 33 hours
Laverne V. Collins, 395-3214

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Disability Annuitant's Report to the U.S. Railroad Retirement Board
G-176B
On occasion
Disability annuitants, 3,000 responses, 249 hours
Barbara F. Young, 395-6132

Extensions

*Application for Reimbursement for Hospital Insurance Services Furnished in Canada
AA-104
On occasion
Medicare claimants, 600 responses, 100 hours
Barbara F. Young, 395-6132

U.S. INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523-0267

New Forms

Producer's Questionnaire Investigation TA-201-40, Leather Wearing Apparel
Single time
Manufacturers of leather wearing apparel, 125 responses, 2,500 hours
Susan B. Geiger, 395-5867
Importer's Questionnaire Investigation TA-201-40, Leather Wearing apparel
Single time
Importers of leather wearing apparel, 30 responses, 240 hours
Susan B. Geiger, 395-5867
Questionnaire for Purchasers of Titanium Dioxide
Single time
Purchasers of titanium dioxide, 42 responses, 420 hours
Susan B. Geiger, 395-5867
Questionnaire for Importers of Titanium Dioxide
Single time
Importers of titanium dioxide, 15 responses, 900 hours

Susan B. Geiger, 395–5867

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 28212 Filed 9-7-79; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[70-6343; Release No. 21200]

Columbia Gas System, Inc.; Proposed Issuance and Sale of Debentures at Competitive Bidding and Redemption of Preferred Stock

August 27, 1979.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, 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), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $100,000,000 principal amount of ——— % Debentures, Series Due October 1999. The interest rate of the debentures (which shall be a multiple of ⅛th of 1%) and the price, exclusive of accrued interest, to be paid to Columbia (which shall be not less than 98½% nor more than 101½% of the principal amount therof), will be determined by the competitive bidding. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Company of New York, Trustee, dated as of June 1, 1961, as heretofore supplemented by various supplemental indentures and as to be further supplemented by a Twenty-seventh Supplemental Indenture to be dated as of October 1, 1979.

The supplemental indenture will prohibit redemption of any of the debentures prior to October 1, 1984, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia. The proposed debentures will be subject to a sinking fund providing for the retirement of $93,750,000 (94%) thereof prior to maturity through annual payments of $6,250,000 commencing in 1984. Columbia will also have the noncumulative option to redeem on any sinking fund day, at the then current sinking fund redemption price, up to an additional $9,375,000 principal amount of the debentures.

Columbia intends to use the net proceeds from the sale of the new debentures to refund the entire 1,000,000 shares of its 11¼% Cumulative Preferred Stock, Series A ($50 par value) as well as for general corporate purposes, including the 1979 capital expenditure program of Columbia's subsidiaries.

Columbia proposes to redeem such preferred stock on November 1, 1979, at the current redemption price of $54.21 per share plus accrued dividends from September 1, 1979. The purpose of redeeming the preferred stock is to obtain a reduction in capital costs. Columbia states that, at an assumed interest rate of 10% for the new debentures, savings in capital costs, net of income taxes, over the remaining life of the Series A Preferred Stock are estimated to be $15.1 million, before deduction of premium costs asnd redemption expenses of approximately $4.2 million. For each ⅛ of 1% change in the assumed interest rate, the savings in capital costs would change approximately $175,000.

It is stated that the 1979 capital expenditure program of Columbia's subsidiaries is presently estimated to involve expenditures of $360,000,000.

It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees, commissions, and expenses related to the proposed transactions is to be filed by amendment.

Notice is further given that any interested person may not later than September 24, 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 theron. 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 granted 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 therof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 27880 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[811-1614; Rel. No. 10847]

Financial Trends Mutual Fund, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

August 27, 1979.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Financial Trends Mutual Fund, Inc. ("Fund"), 3100 Wilshire Blvd., Suite 1702, Los Angeles, California 90010, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

The Fund was organized as a California corporation under the name World Trends Mutual Fund, Inc., on February 8, 1968, and filed both a Notice of Registration on Form N-8A and a Registration Statement on Form N-8B-1 on February 28, 1968.

The Commission's records indicate that the Fund was adjudicated a bankrupt by the United States District Court for the Central District of California in 1972 in proceedings bearing case number BK-72-7554 (RO). Pursuant to a plan of liquidation ordered by the District Court, all of the Fund's assets were sold and the net proceeds were distributed to its creditors, with the exception of $5,304.85 of final distribution checks returned to the Trustee and deposited with the Court by him pursuant to 11 U.S.C. Section 106(a). The District Court approved a final distribution to creditors and ordered the Fund's estate in bankruptcy closed and the trustee of said estate discharged on November 21, 1978.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered

investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 21, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-27881 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16145; File No. SR AMEX-79-11]

Self-Regulatory Organizations; Proposed Rule Changes by: American Stock Exchange, Inc.

In the matter of Responses to the Recommendations of the Special Study of the Options Markets as promulgated by the Securities and Exchange Commission in Release No. 34-15575.

Comments Requested by: October 1, 1979.

Pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b) (1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 27, 1979, the American Stock Exchange, Inc. ("AMEX") filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

The Commission has determined that it is necessary and appropriate to provide additional time for public comment on and Commission consideration of the proposed rule changes. Because the subject filing contains numerous rule proposals which, if approved, would affect significantly the operation of the standardized options markets, the Commission believes that additional time is necessary to enable commentators to address meaningfully the substance of the proposals and to enable the Commission to give the proposals the careful consideration they warrant before determining whether to approve the proposals or to initiate proceedings to determine whether they should be disapproved.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, hereby extends until 90 days from the date of publication of notice of filing of the proposed rule changes captioned above, the time period within which the Commission must either approve the proposed rule changes or institute proceedings to determine whether the proposed rule changes should be disapproved.

I. Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Changes

The following is a summary of the rule changes proposed by AMEX. The text of the proposed rule changes is attached as Exhibit A to this notice, with brackets used to indicate words to be deleted and italics used for words to be added.

Rule 921. A new Commentary. 01 has been added to the Rule which lists specific categories of minimum information that a member organization must seek to obtain before opening an options account for a customer. Paragraph (b) of the Rule is proposed to be amended to require that customer background and financial information be retained by the member organization as proved in Rule 922. Paragraph (c) of the Rule is proposed to be amended to require that such information be furnished to each new options customer (that is a natural person) for his verification. Also, it is proposed that this information must be sent again to a customer whenever the firm is aware of any material change in the customer's financial situation.

Rule 930. This Rule is proposed to be amended to require customer account statements to bear a legend asking customers to notify the firm of any changes in their financial situation.

Rule 922. A new paragraph (c) of this Rule is proposed to be added to require that customer background and financial information be maintained by members at the branch office servicing the customer's account and the principal supervisory office having jurisdiction over that branch office. Also, it is proposed that monthly account statements for the most recent months and other records necessary to the proper supervision of accounts be maintained at, or easily accessible to, both offices. A new paragraph (b) is proposed to be added which would require member firms that do a public business to specifically identify a Compliance Registered Options Principal ("CROP") having no sales functions to be responsible for the review of the firm's options compliance program and to propose any appropriate remedial action. Final responsibility for supervision of all of the firm's options activities would remain with the Senior Registered Options Principal ("SROP") although the CROP would be required to furnish reports on a regular basis directly to the firm's senior management. The requirement for a non-sales CROP will not apply to firms earning less than $1,000,000 in options commissions annually or having 10 or less options registered representatives.

Rule 923. The Rule is proposed to be amended to prohibit a broker-dealer from recommending any opening transaction to a customer unless he has a reasonable basis for believing that the customer is able to evaluate the risks of the transaction and is financially able to bear them.

Rule 932. This new Rule would require firms to maintain a central, firm-wide file containing specified information concerning all options-related complaints. Copies of such complaints would be required to be forwarded to the central location and maintained at the branch office that is the subject of the complaint.

Rule 342(d). The Rule is proposed to be amended to call for written notification to the AMEX of disciplinary action taken against persons associated with a member as well as against the member itself, including notification of significant action taken by the member against its associated persons.

Rule 341.08(11). The rule is proposed to be amended to extend the period of continued disciplinary jurisdiction over terminated registered employees provided an inquiry is commenced

within one year following notice of termination.

Rule 991. The Rule is proposed to be amended to require the approval by the CROP of all communications to customers and to further define the standards applicable to such communications. The proposed amendments would also exempt advertisements from certain of the approval requirements if such advertisements had been previously submitted to another self-regulatory organization having comparable standards regarding advertising. Commentary .01, .02 and .03 contain further detail concerning what should or should not be included in particular types of communications to customers. Relevant costs and other assumptions used in computing annualized rates of return would also be required to be disclosed by Commentary .03 under the Rule. This Commentary would also contain other standards and disclosure requirements pertaining to projected performance figures. Other provisions of Commentary .03 would impose requirements applicable to options work sheets utilized by member firms, including the requirement that such work sheets must be uniform within a given firm. Complete work sheets would be required to be retained by member firms the same as all other written communications to customers. Commentary .03 would also include performance reports within the definition of "sales literature", require that they be approved by the CROP and be retained by the firm, and establish standards for their content.

Rule 981. The Rule is proposed to be amended to require members who utilize random allocation of exercise notices to use either an automated method that has been approved by a self-regulatory organization, of the manual method that has been uniformly specified by all of the self-regulatory organizations. FIFO methods of allocation would also be required to be approved by a self-regulatory organization. Members would be required to notify their customers of the method of allocation utilized and explain how it works. Also, it is proposed that the Rule be amended to require that records relating to exercise allocation be preserved for three years.

Rule 957. The Rule is proposed to be amended to require that Specialists and Registered Traders in options inform the AMEX of all accounts in which they trade stock or options, and also notify the AMEX of all orders for and positions in underlying securities and related securities.

Rule 922. This Rule is proposed to be amended to require every branch manager to be qualified as a Registered Options Principal ("ROP"), unless the branch office has not more than three Registered Representatives, and is otherwise under the supervision of a ROP.

Rule 924. The Rule is proposed to be amended to require that customers over whose accounts members exercise investment discretion be furnished with a written explanation of the risks involved in the systematic use of one or more options strategies in these accounts. All such descriptive material would be required to meet the "sales literature" minimum standards of the proposed Rule 991. The proposed amendment would also require that the SROP review the acceptance of each discretionary account to determine whether the ROP accepting the account had a reasonable basis for believing that the customer was able to understand and bear the risks of the proposed strategies or transactions.

II. Self-Regulatory Organization's Statement of Purpose and Statutory Basis of Proposed Rule Change

In its filing with the Commission, AMEX included the following statements concerning the purpose and basis of the proposed rule changes and discussed comments it received on the proposed rule change. Such statements are reproduced in sections (A), (B) and (C) below.

(A) *Self-Regulatory Organization's Statement of Purpose of and Statutory Basis for Proposed Rule Changes.*—The rule changes filed herewith represent responses to the recommendations of the Special Study of the Options Markets as promulgated by the Commission in Release No. 34–15575.

A discussion of the purpose of each of the rule changes included in this filing is presented below under the caption of the respective recommendation of the Options Study to which the rule change is responsive. To facilitate the Commission's review, the captions of the various responses to recommendations of the Options Study are keyed to the numbering system used in Release No. 34–15575.

The statutory basis for these rule changes, as stated in Release No. 34–15575, is that the implementation of the recommendations of the Options Study is "[c]onsistent with the scheme of self-regulation embodied in the Securities Exchange Act of 1934."

I.A.1.a, b, and c. (Rule 921)

These related recommendations call for the collection and recording of background and financial information concerning customers in order to support the approval of their accounts for options transactions and subsequent suitability determinations, and they also call for the verification by the customer of this information. In response, we propose to add a new Commentary .01 to Rule 921, governing the opening of accounts, that lists specific categories of minimum information that a member organization must seek to obtain before opening an options account for a customer. We have not required that all member organizations adopt a uniform options customer information form, since we believe it appropriate to permit the firms to have some flexibility in this regard, so long as the minimum information required by Commentary .01 is included. However, we understand on the basis of discussions with representatives of the Securities Industry Association that the SIA expects to develop and make available contemporaneously with the effective date of this Commentary, a standard options customer information form that would satisfy the new requirements.

We also propose to add specific record keeping requirements applicable to options customer information by including in paragraph (b) of Rule 921 a cross-reference to the provisions of Rule 922 that state how options customer information should be maintained. (See I.A.1.d. below).

Paragraph (c) to Rule 921 will require that every new options customer that is a natural person be sent for his vertification the background and financial information reflected in his customer account information form within 15 days of the approval of his account for options transactions. In addition, this information must again be sent to the customer for verification whenever the firm is aware of any material change in the customer's financial situation. Customer account statements will contain a legend asking that customers notify the firm of any changes in their financial situation (see proposed change to Rule 930).

I.A.1.d. (Rule 922)

In response to this recommendation concerning the maintenance of records of customer background and financial information, we propose to add to Rule 922 a requirement that background and financial information of customers approved for options transactions must be maintained both at the branch office and at the principal supervisory office having jurisdiction over the branch office. In addition, Rule 922 will require that monthly account statements for the most recent 6 months be maintained at both offices and that other records necessary to the proper supervision of

accounts be easily accessible to both offices. With these new record keeping requirements, not only the registered representative servicing a customer's account, but also the persons responsible for supervising the registered representative, will have easy access to all relevant information concerning the customers and his account.

I.A.1.e. (Rule 923)

The purpose of the proposed amendment to Rule 923 is to make applicable to all recommended opening options transactions the more stringent suitability requirements (that the customer be able to evaluate the risks of the transaction and be financially able to bear them) that now apply only to recommendations for uncovered call writing or put writing. Under the amended suitability rule, a broker-dealer would be prohibited from recommending any opening options transaction to a customer unless these requirements are met.

I.A.1.f. (Rule 932)

In response to the recommendation that copies of customer compliants be maintained at a central office and at relevant branch offices, we propose to require member firms to maintain a central, firm-wide file of all options-related complaints containing specified information concerning each complaint. Copies of the complaints themselves would also be forwarded to and maintained at the same central location. In addition, a copy of every options-related complaint would be maintained at the branch office that is the subject of the complaint.

I.A.1.g. (Rule 922)

This proposed amendment to Rule 922 would require member firms that do a public business to specifically identify a Compliance Registered Options Principal having no sales functions to be responsible for the review of the firm's options compliance program and to propose any appropriate remedial action. Final responsibility for supervision over all of the firm's options activities would remain with the SROP, although the CROP would be required to furnish reports on a regular basis directly to the firm's senior management. The separation of responsibilities between the CROP and the SROP (except in those firms that choose to have a non-sales SROP) provides for audit of compliance by someone having no sales functions, and yet recognizes that the leadership of most securities firms appropriately has and will continue to have sales functions in combination with supervisory responsibilities. In order to avoid placing unacceptable economic burdens upon similar firms, the requirement for a non-sales CROP will not apply to firms earning less than $1 million in options commissions or having 10 or less options registered representatives.

I.A.1.h. (Rules 342(d) and 341.08(11))

The proposed amendment to Rule 342(d) provides for notification to the Exchange of disciplinary action taken against members. The Rule will call for written notification of disciplinary action taken against persons associated with a member as well as against the member itself, including notification of significant action taken by the member against its associated persons.

The proposed amendment to Rule 341.08(11) extends the period of continued disciplinary jursidiction over terminated registered employees so long as an inquiry is commenced within 1 year following notice of termination.

I.A.1.i, j, k, and l. and I.A.3.a, b, and c. (Rule 991)

We propose to expand existing Rule 991, which currently deals with advertisements, market letters and sales literature, so as to cover all communications to customers. The expanded rule, together with interpretations thereunder, will incorporate a number of different recommendations of the Options Study.

Proposed revisions to Rule 991 itself are designed to require the approval by the Compliance Registered Options Principal of all communications to customers and to further define the standards applicable to such communications. The Rule would also provide for better coordination among the self-regulatory organizations with respect to the approval of advertisements. Commentary .01, .02, and .03 contain further detail concerning what should or should not be included in particular types of communications to customers.

The recommendations that relevant costs and other assumptions used in computing annualized rates of return must be disclosed will be included in Commentary .03 under the Rule. This commentary also contains other standards and disclosure requirements pertaining to projected performance figures. Other provisions of Commentary .03 would impose requirements applicable to options work sheets utilized by member firms, including the requirement that such work sheets must be uniform within a given firm. Completed work sheets would be required to be retained by member firms the same as all other written communications to customers. Commentary .03 also includes performance reports within the definition of "sales literature," and requires that they be approved by the Compliance Registered Options Principal and retained by the firm, and it contains standards for performance reports to assure that each such report is confined to a specifically identifiable and relevant universe.

Finally, the Rule and its commentary contemplate the distribution to all member firms of a publication entitled "Guidelines for Options Communications" that would provide further information concerning the standards applicable to communications to customers. A copy of this publication is available for inspection and copying in the Commission's Public Reference Room, but is not filed as a proposed rule change.

I.A.1.m. (Rule 981)

We proposed to amend Rule 981 by requiring members who choose to utilize a random allocation of exercise notices to use either an automated method that has been approved by an SRO, or the manual method that has been uniformly specified by all of the SRO's. FIFO methods of allocation must also be approved by an SRO. Members will be required to notify their customers of the method of allocation utilized, explaining how it works.

I.A.1.n. (Rule 981)

We proposed adding to Rule 981 a requirement that records relating to exercise allocation be preserved for three years. This period of retention will facilitate auditing compliance with required methods of exercise allocation.

I.A.1.o and p. (Rule 957)

Rule 957 will be amended by adding a new requirement that Specialists and Registered Traders in options must inform the Exchange of all of the accounts in which they trade stock or options, and must also notify the Exchange of all orders for and positions in underlying securities and related securities. Both of these requirements will improve Exchange surveillance over the options-related trading activities of such persons.

I.A.2.b. (Rule 922)

The proposed amendment to this Rule will require every branch manager to be qualified as a ROP, unless the branch office has not more than three RRs, and is otherwise under the supervision of a ROP. This requirement is one of a

number of changes intended to improve internal supervision of firms' options activities.

I.A.2.c. and I.A.2.d. (Rule 924)

The proposed amendment to this Rule will require that customers over whose accounts members exercise investment discretion must be furnished with a written explanation of the risks involved in the systematic use of one or more options strategies in these accounts. All such descriptive material would be required to meet the "sales literature" minimum standards of the proposed "Communications to Customers" rule. The amendment would also require that the SROP review the acceptance of each discretionary account to determine whether the ROP accepting the account had a reasonable basis for believing that the customer was able to understand and bear the risks of the proposed strategies or transactions. Under existing Rule 923, a ROP must personally accept every discretionary account, and the added step of a SROP's review of the ROP's acceptance is intended to provide an additioinal level of supervisory audit over the acceptance of these kinds of accounts.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*—The Exchange recognizes that, as is pointed out in several of the comments received from members, certain of the proposed rule changes will increase the costs to members in handling customers' options transactions, which in turn may place smaller member organizations at a competitive disadvantage. The Commission will have to determine whether the possible competitive burden of these rule changes is necessary or appropriate in furtherance of the Act in deciding whether to approve these rule changes.

(C) *Self-Regulatory Organization's Statement on Comments Received From Members, Participants, or Others on Proposed Rule Changes.*—Comments on the proposed rule changes were solicited and received from members in several ways. First, representatives of the Securities Industry Association attended and actively participated in most of the meetings of the joint SRO task force that developed the rule changes. Second, a preliminary draft of the rule changes was mailed to every member of each of the SROs involved, with a request that comments be forwarded to any one of the seven signatory SROs. A large number of detailed comments were received in response to this mailing; these are available for inspection and copying in the Commission's Public Reference Room. Many of the comments received in response to the preliminary draft led to revisions in the rule changes that are reflected in the proposals presented in Item 1 hereof. Where the SROs determined not to make changes in response to member comments, often the SROs were sympathetic to the concerns raised by the commentators, but felt that these concerns were outweighed by the emphasis that the Commission had placed upon the particular rule change that was the subject of the comment. The following is a summary of those comments received from members that are relevant to the proposed rule changes in their present form.

Recommendations I.A.1.a.–c. (Opening of Accounts)

A number of members commented that many customers will consider it burdensome and an invasion of privacy to have to provide personal financial information to their brokers, and will refuse to do so. Others questioned the relevance of much of the information that must be sought. In response to these comments, the list of information that must be obtained has been reduced, as explained in Item 3 above. Verification of customer information was subject to much criticism as being very expensive (especially for smaller firms) and not likely to be meaningful. While much of this comment was directed at the requirement for periodic verification, which has since been significantly reduced, the requirement for *any* verification was criticized by many members. One member criticized the inclusion of specific time requirements governing when the record of a new customer's background information must be first sent to him for verification, claiming that such time limits are arbitrary and artificial.

Recommendation I.A.1.d. and f. (Record-Keeping)

Many members criticized as unnecessarily duplicative and expensive the requirement that customer account records be kept both at headquarters and at the branch office.

Recommendation I.A.1.e. (Suitability)

Several firms expressed the belief that expanded concepts of suitability exposed firms to inappropriate risks of liability. Other comments were that customers should be able to make their own investment decisions without having to satisfy a third party, and that strict options suitability rules would drive customers into other, riskier, less regulated products. Specific criticism was made of the requirement that a broker must assess the customer's ability to evaluate risks, claiming that this goes beyond traditional concepts of suitability.

Recommendation I.A.1.g. (Non-Sales Options Compliance Person)

This proposal drew many comments pointing out the cost it would present for small firms. The expanded exemptive provisions of the rule as filed are included in response to this concern. Other comments objected to the concept of separating the sales function from compliance and supervision functions, while others expressed the view that the non-sales compliance officer would amount to a token appointment, but at a high cost. Many comments noted that the costs of complying with this requirement would place smaller firms at a competitive disadvantage.

Recommendation I.A.1.h. (Disciplinary Reports and Jurisdiction)

Some firms observed that a reporting requirement might inhibit firms from taking disciplinary action. Others noted the absence of clear standards defining what constitutes disciplinary action. Several comments objected to the apparent need to file duplicate reports (which will be eliminated upon the implementation of proposed 17d–2 plans). One comment endorsed the extension of SRO disciplinary jurisdiction over former members, while another comment expressed the view that this was improper and inconsistent with the spirit of the Act.

Recommendation I.A.1.i, j, k, l., and Recommendation I.A.3.a.–c. (Communications to Customers)

Comments suggested that this rule imposed too many responsibilities on the CROP, that centralized approval of communications to customers is unworkable, especially in a large firm, and that advance SRO approval of advertising is contrary to the trend in such matters. Many comments were addressed to the requirements applicable to specific types of written communiations, generally critizing them for being inflexible, unworkable, expensive to administer, and enlarging the firms' exposure to liabilities.

Recommendation I.A.1.m. and n. (Allocation of Exercise Notices.)

Comments suggested that firms should be given more flexibility than this rule would permit, and that an explanation of exercise allocation would be confusing to customers. Others noted the expense involved in conforming data processing equipment to required methods of allocation.

Recommendation I.A.1.o. and p. (Market-Makers' Account and Stock Orders)

Many comments characterized these requirements as burdensome and costly. It was suggested that these requirements should apply to exchange floor members only, and not to upstairs traders.

Recommendation I.A.2.b. (ROP Qualification of Branch Managers)

This requirement was criticized as being costly and not likely to result in improved supervision. Some suggested that it should be sufficient if an assistant manager or other supervisor is ROP-qualified, without requiring that the branch manager be so qualified.

Recommendation I.A.2.c. and d. (Discretionary Accounts)

Several firms commented that these requirements would be so onerous as to inhibit firms from offering discretionary accounts. The requirement for providing an explanation of each strategy utilized in the account was the focus of special criticism. We have attempted to respond to this crticism by making the requirement apply to "programs" for trading options, but not to each separate strategy that might be used.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

On or before December 10, 1979, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. Section 522, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number SR-Amex-79-11 and should be submitted on or before October 1, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated Authority.

George A. Fitzsimmons,

Secretary.

August 29, 1979.

Exhibit A

Recommendations Rule 921

I.A.1. a., b. and c Opening of Accounts

(a) No member or member organization shall accept an order from a customer [for the] *to* purchase or [sale] *write* an option contract unless the customer's account has been approved for options trading in accordance with the provisions of this Rule.

[(b) through (d)]—Delete

(b) Diligence in Opening Account. In approving a customer's account for options transactions, a member or member oganization shall exercise due diligence to learn the essential facts as to the customer and his investment objectives and financial situation, and shall make a record of such information which shall be retained in accordance with Rule 922. Based upon such information, the branch office manager or other Registered Options Principal shall approve in writing the customer's account for options transactions; provided, that if the branch office manager is not a Registered Options Principal, his approval shall be confirmed within a reasonable time by a Registered Options Principal.

(c) Verification of Customer Background and Financial Information. The background and financial information upon which the account of every new customer that is a natural person has been approved for options trading, unless the information is included in the customer's account agreement, shall be sent to the customer for verification within fifteen (15) days after the customer's account has been approved for options transactions. A copy of the background and financial information on file with the member organization shall also be sent to the customer for verification within fifteen (15) days after the member organization becomes aware of any material change in the customer's financial situation.

(d) Agreements to Be Obtained. Within fifteen (15) days after a customer's account has been approved for options transactions, a member organization shall obtain from the customer a written agreement that the account shall be handled in accordance with the Rules of the Exchange and the Rules of the Options Clearing Corporation and that such customer, acting alone or in concert with others, will not violate the position or exercise limits set forth in Rules 904 and 905.

(e) Prospectus to Be Furnished. At or prior to the time a customer's account is approved for options transactions, a member organization shall furnish the customer with a current Prospectus as defined in Rule 926.

Commentary

[.01 through .04]—Delete

[.05 and .06]—See SR-Amex-79-12

.01 In fulfilling its obligations pursuant to paragraph (b) of this Rule with respect to options customers that are natural persons, a member organization shall seek to obtain the following information at a minimum (information shall be obtained for all participants in a joint account):

1. Investment objectives (e.g., safety or principal, income, growth, trading profits, speculation)

2. Employment status (name of employer, self-employed or retired)

3. Estimated annual income from all sources

4. Estimated net worth (exclusive of family residence)

5. Estimated liquid net worth (cash, securities, other)

6. Marital status; number of dependents

7. Age

8. Investment experience and knowledge (e.g., number of years, size, frequency and types of transactions) for options, stocks and bonds, commodities, other

In addition, the customer's account records shall contain the following information, if applicable:

a. Source or sources of background and financial information (including estimates) concerning the customer

b. Discretionary trading authorization: agreement on file; name, relationship to customer and experience of person holding trading authority

c. Date prospectus furnished to customer

d. Types of transactions for which account is approved (e.g., buying, covered writing, uncovered writing, spreading)

e. Name of registered representative

f. Name of ROP approving account; date of approval

g. Dates of verification of currency of account information

The member organization should consider utilizing a standard account approval form so as to ensure the receipt of all the required information.

.02 Refusal of a customer to provide any of the information called for in

Commentary .01 shall be so noted on the customer's records at the time the account is opened. Information provided shall be considered together with other information available in determining whether and to what extent to approve the account for options transactions.

.03 The requirement of paragraph (c) of this Rule for the initial and subsequent verification of customer background and financial information is to be satisfied by sending to the customer the information required in Items 1 through 6 of Commentary .01 above as contained in the member's records and providing the customer with an opportunity to correct or complete the information. In all cases, absent advice from the customer to the contrary, the information will be deemed to be verified.

Rule 930

I.A.1.c. Statement of Account

Statements of account required by Rule 419 shall be sent not less frequently than once every month to each customer in whose account there has been an entry during the preceding month with respect to an option contract. *The statement shall bear a legend requesting the customer to promptly advise the member of any material change in the customer's investment objectives or financial situation.*

Rule 923

I.A.1.e. Suitability

(a) No member, member organization or registered employee thereof shall recommend to any customer any transaction for the purchase or sale (writing) of an option contract unless such member, member organization or registered employee has reasonable grounds to believe that the entire recommended transaction is not unsuitable for such customer on the basis of information furnished by such customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such member, member organization or registered employee.

[(b)]—Delete

(b) No member, member organization or registered employee thereof, shall recommend to a customer an opening transaction in any option contract unless the person making the recommendation has a reasonable basis for believing, at the time of making the recommendation, that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction, and is financially able to bear the risks of the recommended position in the option contract.

Rule 932 (New)

I.A.1.f. Customer Complaints

Every member organization conducting customer business shall maintain and keep current a separate central log, index or other file for all options-related complaints, through which these complaints can easily be identified and retrieved. The central file shall be located at the principal place of business of the member organization or such other principal office as shall be designated by the member organization. At a minimum, the central file shall include: (i) identification of complainant, (ii) date complaint was received, (iii) identification of Registered Representative servicing the account, (iv) a general description of the matter complained of, and (v) a record of what action, if any, has been taken by the member organization with respect to the complaint. The term "options-related complaint" shall mean any written statement by a customer or person acting on behalf of a customer alleging a grievance arising out of or in connection with listed options. Each options-related complaint received by a branch office of a member organization shall be forwarded to the office in which the separate, central file is located not later than 30 days after receipt by the branch office. A copy of every options-related complaint shall be maintained at the branch office that is the subject of the complaint.

I.A.1.d.

I.A.1.g. Rule 922

I.A.2.b. Supervision of Accounts

(a). Senior Registered Options Principal. In addition to the requirements of Rule 411, every member organization shall provide for the diligent supervision of all its customer accounts, and all orders in such accounts, to the extent such accounts and orders relate to options contracts, by a general partner (in the case of a partnership) or officer (in the case of a corporation) of the member organization who is a Registered Options Principal and who has been specifically identified to the Exchange as the member organization's Senior Registered Options Principal.

(b) Compliance Registered Options Principal. Member organizations shall designate and specifically identify to the Exchange a Compliance Registered Options Principal, who may be the Senior Registered Options Principal and who shall have no sales functions and shall be responsible to review and to propose appropriate action to secure the member organization's compliance with securities laws and regulations and Exchange rules in respect of its options business. The Compliance Registered Options Principal shall regularly furnish reports directly to the compliance officer (if the Compliance Registered Options Principal is not himself the compliance officer) and to other senior management of the member organization. The requirement that the Compliance Registered Options Principal have no sales functions shall not apply to a member organization that has received less than $1,000,000 in gross commissions on options business as reflected in its FOCUS Report for either of the preceding two fiscal years or that currently has 10 or less Registered Representatives.

(c) Maintenance of Customer Records. Background and financial information of customers who have been approved for options transactions shall be maintained at both the branch office servicing the customer's account and the principal supervisory office having jurisdiction over that branch office. Copies of account statements of options customers shall be maintained at both the branch office supervising the accounts and the principal supervisory office having jurisdiction over that branch for the most recent six-month period. Other records necessary to the proper supervision of accounts shall be maintained at a place easily accessible both to the branch office servicing the customer's account and to the principal supervisory office having jurisdiction over that branch office.

(d) Branch Offices. No branch office of a member organization shall transport options business with the public unless the principal supervisor of such branch office accepting options transactions has been qualified as a Registered Options Principal; provided, that this requirement shall not apply to branch offices in which no more than three Registered Representatives are located, so long as the options activities of such branch offices are appropriately supervised by a Registered Options Principal.

Commentary

.01 No change

.02 No change

I.A.1.h. Rule 341

Approval of Registered Employees and Officers

No member or member organization shall permit any employee to perform regularly any of the duties normally performed by a registered employee unless that employee has been registered with and approved by the Exchange. No member corporation shall permit any person to assume the duties of an officer unless such corporation has filed an application with and received the approval of the Exchange.

Commentary

.01 through .08 subparagraph (10)—No change

Subparagraph (11) If the American Stock Exchange, Inc., during the period of [60 days] *one year* immediately following [(a) termination of my employment, or (b)] receipt by the Exchange of written notification of such termination [whichever occurs later,] gives me written notice that the Exchange is making inquiry into any specified matter or matters occurring prior to termination of such employment, I shall agree that I will thereafter comply with any request of the Exchange for me to appear and testify, submit records, respond to written requests, attend hearings, and accept disciplinary charges or penalties with respect to the matter or matters specified in such notice in every respect in conformance with the Constitution and Rules and practices of the Exchange, in the same manner and to the same extent as required to do if I had remained an employee. If I refuse to accept such written notice or, having been given such notice, refuse or fail to comply with any such request of the Exchange, I agree that such refusal or failure may, in the discretion of the Exchange, act as a bar to future Exchange approval of my employment until such time as the Exchange has completed investigation into the matter or matters specified in such notice; has determined a penalty, if any, to be imposed against me; and until the penalty, if any, has been carried out.

.09 and .10—No change

I.A.1.h. Rule 342

Association of Members, Member Organizations and Persons Associated with Member Organizations

(a) through (c)—No change

(f) Disciplinary Action. Every member shall promptly notify the Exchange in writing of any disciplinary action, including the basis therefor, taken by any national securities exchange or association, clearing corporation, commodity futures market or government regulatory body against the member or its associated persons, and shall similarly notify the Exchange of any disciplinary action taken by the member itself against any of its associated persons involving suspension, termination, the withholding of commissions or imposition of fines in excess of $2,500 or any other significant limitation on activities.

I.A.1.i., j., k, 1 Rule 991

I.A.3.a., b., c. Communications to Customers

[Advertisements, Market Letters and Sales Literature Relating to Options]

[(a) through (d)]—Delete

Commentary

[.01]—Delete

(a) General Rule. No member or member organization, and no partner or employee thereof, shall utilize any advertisement, sales literature or other communications to customers or the public concerning options which:

(i) contains any untrue statement or omission of a material fact or is otherwise false or misleading;

(ii) contains promises of specific results, exaggerated or unwarranted claims, opinions for which there is no reasonable basis or forecasts of future events which are unwarranted or which are not clearly labeled as forecasts;

(iii) contains hedge clauses or disclaimers which are not legible, which attempt to disclaim responsibility for the content of such literature or for opinions expressed therein, or which are otherwise inconsistent with such advertisement or sales literature;

(iv) fails to meet general standards of good taste and truthfulness; or

(v) would constitute a prospectus as that term is defined in the Securities Act of 1933, unless it meets the requirements of Section 10 of said Act.

(b) Approval by Compliance Registered Options Principal. All advertisements and sales literature (except completed worksheets) issued by a member or member organization pertaining to options shall be approved in advance by the Compliance Registered Options Principal or his designee. Copies thereof, together with the names of the persons who prepared the material, the names of the persons who approved the material and, in the case of sales literature, the source of any recommendations contained therein, shall be retained by the member or member organization and be kept at an easily accessible place for examination by the Exchange for a period of three years.

(c) Exchange Approval Required for Options Advertisements. In addition to the approval required by paragraph (b) of this Rule, every advertisement of a member or member organization pertaining to options shall be submitted to the Exchange at least ten days prior to use (or such shorter period as the Exchange may allow in particular instances) for approval and, if changed or expressly disapproved by the Exchange, shall be withheld from circulation until any changes specified by the Exchange have been made or, in the event of disapproval, until the advertisement has been resubmitted for, and has received, Exchange approval. The requirements of this paragraph shall not be applicable to:

(i) advertisements submitted to another self-regulatory organization having comparable standards pertaining to advertisements; and

(ii) advertisements in which the only reference to options is contained in a listing of the services of a member organization.

(d) Except as otherwise provided in the Commentary hereunder, no written materials respecting options may be disseminated to any person who has not previously or contemporaneously received a current prospectus of The Options Clearing Corporation.

(e) Definitions. For purposes of this Rule, the following definitions shall apply:

(i) The term "advertisement" shall include any sales material that reaches a mass audience through public media such as newspapers, periodicals, magazines, radio, television, telephone recording, motion picture, audio or video device, billboards, signs, or through written communications to customers or the public not required to be accompanied or preceded by a current prospectus of The Options Clearing Corporation.

(ii) The term "sales literature" shall include any written communication (not defined as an "advertisement") distributed or made available to customers or the public that contains any analysis, performance report, projection or recommendation with respect to options, underlying securities or market conditions, any standard forms of worksheets, or any seminar text which pertains to options and which is communicated to customers of the public at seminars, lectures or similar such events, or any Exchange-produced materials pertaining to options.

Commentary

.01 The special risks attendant to options transactions and the

complexities of certain options investment strategies shall be reflected in any communication which discusses the uses or advantages of options. In the preparation of communications respecting options, the following guidelines shall be observed:

A. Any statement referring to the potential opportunities or advantages presented by options should be balanced by a statement of the corresponding risks. The risk statement should reflect the same degree of specificity as the statement of opportunities, and broad generalities should be avoided. Thus, a statement such as "with options, an investor has an opportunity to earn profits while limiting his risk of loss", should be balanced by a statement such as "of course, an options investor may lose the entire amount committed to options in a relatively short period of time."

B. It should not be suggested that options are suitable for all investors. All communications discussing the use of options should include a warning to the effect that options are not for everyone.

C. Statements suggesting the certain availability of a secondary market for options should not be made.

.02 Advertisements pertaining to options shall conform to the following standards:

A. Advertisements may only be used (and copies of the advertisements may be sent to persons who have not received a prospectus of The Options Clearing Corporation) if the material meets the requirements of Rule 134 under the Securities Act of 1933, as that Rule has been interpreted as applying to options. Under Rule 134, advertisements must be limited to general descriptions of the security being offered and of its issuer. Advertisements under this Rule shall state the name and address of the person from whom a current prospectus of The Options Clearing Corporation may be obtained. Such advertisements may have the following characteristics:

(i) The Text of the advertisement may contain a brief description of such options, including a statement that the issuer of every such option is The Options Clearing Corporation. The text may also contain a brief description of the general attributes and method of operation of the exchange or exchanges on which such options are traded and of The Options Clearing Corporation, including a discussion of how the price of an option is determined on the trading floor(s) of such exchange(s);

(ii) The advertisement may include any statement required by any state law or administrative authority;

(iii) Advertising designs and devices, including borders, scrolls, arrows, pointers, multiple and combined logos and unusual type faces and lettering as well as attention-getting headlines and photographs and other graphics may be used, provided such material is not misleading.

B. The use of recommendations or of past or projected performance figures, including annualized rates of return, is not permitted in any advertisement pertaining to options.

.03 Written communications (other than advertisements) pertaining to options shall conform to the following standards:

A. Such communications shall state that supporting documentation for any claims (including any claims made on behalf of options programs or the options expertise of sales persons), comparisons, recommendations, statistics or other technical data, will be supplied upon request.

B. Such communications may contain projected performance figures (including projected annualized rates of return), provided that:

(i) no suggestion of certainty of future performance is made;

(ii) parameters relating to such performance figures are clearly established (e.g., to indicate exercise price of option, purchase price of the underlying stock and its market price, option premium, anticipated dividends, etc.);

(iii) all relevant costs, including commissions and interest charges (if applicable with regard to margin transactions) are disclosed;

(iv) such projections are plausible and are intended as a source of reference or a comparative device to be used in the development of a recommendation;

(v) all material assumptions made in such calculations are clearly identified (e.g., "assume option exercised," etc.);

(vi) the risks involved in the proposed transactions are also discussed;

(vii) in communications relating to annualized rates of return, that such returns are not based upon any less than a sixty-day experience; any formulas used in making calculations are clearly displayed; and a statement is included to the effect that the annualized returns cited might be achieved only if the parameters described can be duplicated and that there is no certainty of doing so.

C. Such communications may feature records and statistics which portray the performance of past recommendations or of actual transactions, provided that:

(i) any records or statistics must be confined to a specific "universe" that can be fully isolated and circumscribed and that covers at least the most recent 12-month period;

(ii) such communications include or offer to provide the date of each initial recommendation or transaction, the price of each such recommendation or transaction as of such date, and the date and price of each recommendation or transaction at the end of the period or when liquidation was suggested or effected, whichever was earlier;

(iii) such communications disclose all relevant costs, including commissions and interest charges (if applicable with regard to margin transactions) and, whenever annualized rates of return are used, all material assumptions used in the process of annualization;

(iv) in the event such records or statistics are summarized or averaged, such communications include the number of items recommended or transacted, the number that advanced and the number that declined;

(v) an indication is provided of the general market conditions during the period(s) covered, and any comparison made between such records and statistics and the overall market (e.g., comparison to an index) is valid;

(vi) such communications state that the results presented should not and cannot be viewed as an indicator of future performance; and

(vii) a Registered Options Principal determines that the records or statistics fairly present the status of the recommendations or transactions reported upon and so initials the report.

D. In the case of an options program (i.e., an investment plan employing the systematic use of one or more options strategies), the cumulative history or unproven nature of the program and its underlying assumptions shall be disclosed.

E. Standard forms of options worksheets utilized by member organizations, in addition to complying with the requirements applicable to sales literature, must be uniform within a member organization.

F. Communications that portray performance of past recommendations or actual transactions and completed worksheets shall be kept at a place easily accessible to the sales office for the accounts or customers involved.

I.A.1.m. Rule 981

I.A.1.n. Allocation of Exercise Notices

(a) Each member organization shall establish fixed procedures for the allocation of exercise notices assigned in respect of a short position in option contracts in such member organization's customers account. Such allocation shall be made on a "first-in, first-out" *or automated random selection basis that has been approved by the Exchange or*

on a manual random selection basis that has been specified by the Exchange. Each member organization shall inform its customers in writing of the method it uses to allocate exercise notices to its customers' accounts, explaining its manner of operation and the consequences of that system. [basis, on a basis of random selection or another allocation method that is fair and equitable to the customers of such member organization, provided, however, that such method of allocation may provide that an exercise notice of block size will to the extent possible be allocated to a customer or customers having an open short position of block size and that an exercise notice of less than block size will to the extent possible be allocated to a customer having a short postition of less than block size; and provided further that such method of allocation may provide that a member organization shall allocate an exercise notice to a customer based upon the form of margin depositied by such customer if directed to do so by The Options Clearing Corporation. For the purposes of this Rule, an exercise notice or a short position with respect to 25 or more units of trading of the same class of options shall be deemed to be of "block size"].

(b) Each member organization shall report its proposed method of allocation to the Exchange and obtain the Exchange's prior approval thereof, and no member organization shall change its method of allocation unless the change has been reported to and approved by the Exchange. The requirements of this paragraph shall not be applicable to allocation procedures submitted to and approved by another Exchange having comparable standards pertaining to methods of allocation.

[Each member organization shall, upon the request of a customer, furnish to such customer a description of the method used by it in assigning exercise notices to the accounts of customers.]

(c) Each member organization shall preserve for a three-year period sufficient work papers and other documentary materials relating to the allocation of exercise assignment notices to establish the manner in which allocation of such exercise notices is in fact being accomplished.

Commentary

[.01]—Delete

I.A.1.o. Rule 957 (New)

I.A.1.p. Securities Accounts and Orders of Registered Traders and Specialists

(a) Identification of Accounts. In a manner prescribed by the Exchange, each Specialist and Registered Trader engaging in options trading shall file with the Exchange and keep current a list identifying all accounts for stock, option and related securities trading in which the Specialist or Registered Trader may, directly or indirectly, engage in trading activities or over which he exercises investment discretion. No Specialist or Registered Trader shall engage in stock, options, or related securities trading in an account which has not been reported pursuant to this Rule.

(b) Reports of Orders. In a manner prescribed by the Exchange, each Specialist or Registered Trader engaging in options trading shall, on the business day following order entry date, report to the Exchange every order entered by the Specialist or Registered Trader for the Purchase or sale of a security convertible into or exchangeable for such underlying security as well as opening and closing positions in all such securities held in each account reported pursuant to this Rule. The report pertaining to orders must include the terms of each order, identification of the brokerage firms through which the orders were entered, the times of entry or cancellation, the times reports of executions were received and, if all or part of the order was executed, the quantity and execution price.

Commentary

Reports of accounts and orders required to be filed with the Exchange pursuant to this rule relate only to accounts in which a Specialist or Registered Trader, as an individual directly or indirectly, controls trading activities. Reports are required for accounts over which a Specialists or Registered Trader exercises investment discretion as well as his proprietary accounts. Reports are not required simply because of a Specialist or Registered Trader's passive interest in his firm's proprietary accounts. For purposes of this rule, related securities include securities convertible into or exchangeable for underlying securities.

I.A.2.c. Rule 924

I.A.2.d. Discretionary Accounts

[a]—Delete

(a) Authorization and Approval required. No member and no partner or employee of a member organization shall exercise any discretionary power with respect to trading in options contracts in a customer's account unless such customer has given prior written authorization and the account has been accepted in writing by a Registered Options Principal. The Senior Registered Options Principal shall review the acceptance of each discretionary account to determine the the Registered Options Principal accepting the account had a reasonable basis for believing that the customer was able to understand and bear the risks of the strategies or transactions proposed, and he shall maintian a record of the basis for his determination. Each discretionary order shall be approved and initialled on the day entered by the branch office manager or other Registered Options Principal, provided that if the branch office manager is not a Registered Options Principal, his approval shall be confirmed within a reasonable time by a Registered Options Principal. Every discretionary order shall be identified as discretionary on the order at the time of entry. Discretionary accounts shall receive frequent appropriate supervisory review by the Compliance Registered Options Principal. The provisions of this paragraph shall not apply to discretion as to the price at which or the time when an order given by a customer for the purchase or sale of a definite number of option contracts in a specified security shall be executed.

(b) Options Programs. Where the discretionary account utilizes options programs involving the systematic use of one or more options strategies, the customer shall be furnished with a written explanation meeting the requirements of Rule 991 of the nature and risks of such programs.

[(b)] *(c)*—No change

[(c)] *(d)*—No change

Commentary

[.01]—See SR-AMEX 79-12

Effectiveness timetable

Amex rule and number of days following commission approval

921(b)—30 days
921 (c)—30 days for initial verification; 60 days for subsequent verification
930—60 days
923—30 days
932—60 days
922 (a)—30 days
922 (b)—90 days
922 (c)—90 days
342 (d)—30 days
341.08 (11)—Immediately
991 (a)—Immediately
991 (b)—90 days; until then approval under present 9.21 (a)
991 (c), (d) and (e)—Immediately
981 (a)—60 days
981 (b)—Immediately
981 (c)—60 days
957 (a) and (b)—60 days
922 (d)—90 days
924(a)—60 days

924 (b)—90 days

[FR Doc. 79-27872 Filed 9-7-79; 8:45 am]

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[Rel. No. 16144; File No. SR-NASD-79-2]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

August 28, 1979.

On June 1, 1979, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), 1735 K Street, N.W., Washington, D.C. 20006, 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 (the "Proposal") to amend the schedule of charges for users of the NASDAQ System. The new structure will place greater emphasis on usage-based charges and will constitute a reduction in charges paid by all users of the NASDAQ System. Although the percentage of reduction will vary among individual System users, the proposal is designed to produce an overall reduction of approximately 32 percent in user charges.

Notice of the Proposal, together with the terms of substance thereof, was given by publication of a Commission Release (Securities Exchange Act Release No. 15905, June 8, 1979) and by publication in the **Federal Register** (44 FR 34674 June 15, 1979).

All written statements with respect to the proposed rule change which were filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room, 1100 L. Street, N.W., Washington, D.C.

The Commission finds that the Proposal is consistent with the requirements of the Act and the applicable rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A of the Act. The Commission believes that the revised fee structure provides for the equitable allocation of reasonable charges among NASD members and other persons using the NASDAQ System and is not designed to permit unfair discrimination between brokers or dealers. In addition, the Commission has relied upon the Association's representation that, notwithstanding implementation of the proposal, the NASD and NASDAQ, Inc. expect to generate sufficient future revenues to support operation of the NASDAQ System, to implement proposed System enhancements (including those associated with the establishment of a national market system) and otherwise to carry out the Association's self-regulatory responsibilities.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the Proposal be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-27873 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16142; File No. SR-MSRB-79-9]

Self-Regulatory Organizations; Proposed Rule Change by Municipal Securities Rulemaking Board

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 22, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board (the "Board") is filing proposed rule A-17 (hereinafter referred to as the "proposed rule change") as described below. The rule is intended to establish procedures to ensure confidential treatment of any report of an examination of a municipal securities broker or municipal securities dealer, or information extracted from such a report, which is furnished to the Board by the Securities and Exchange Commission (the "Commission").

Proposed rule A-17 sets forth the terms and conditions under which members of the members of the Board and its staff will have access to such information. It provides, among other matters, that access to any examination report will be limited to members of the Board's staff who are authorized to review the material by the Board's Executive Director and General Counsel, jointly. The proposed rule change requires each authorized staff member to execute a written undertaking pledging compliance with the confidentiality provisions of rule A-17. Additionally, it requires that examination reports be maintained in locked cabinets with access permitted only to authorized staff members.

The text of the proposed rule change is as follows:

Rule A-17. Confidentiality of Examination Reports

Any report of an examination or of information extracted from a report of an examination ("examination report") of a municipal securities broker or municipal securities dealer furnished to the Board by the Commission pursuant to Section 15B(c)(7)(B) of the Act [1] shall be maintained and utilized in accordance with the following terms and conditions, in order to ensure the confidentiality of any information contained in such reports:

(1) Any such examination report shall be reviewed only by authorized members of the Board's staff; no member of the Board shall have access, directly or indirectly, to an examination report. Anything herein to the contrary notwithstanding, the staff of the Board may furnish to the Board or any appropriate committee thereof summaries or other communications relating to the examination reports, provided that such summaries or other communications shall not contain information which might make it possible to identify the municipal securities brokers or municipal securities dealers or associated persons which are the subject of the examination reports to which any such summary or other communication relates.

(2) The Executive Director and General Counsel shall designate jointly the members of the staff of the Board who shall have access to the examination reports.

(3) Each member of the staff of the Board who is authorized pursuant to section (2) of this rule to have access to the examination reports shall execute a written undertaking that he or she will not copy or use for personal purposes any part of such reports, nor reveal the contents thereof to any unauthorized person.

(4) The examination reports shall be maintained on the premises of the Board in locked cabinets with access thereto limited to authorized members of the staff of the Board.

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[1] On May 30, 1979, the Commission published for comment proposed Rule 15Bc7-1, which would govern the furnishing of examination reports to the Board. Upon adoption of the Commission's Rule, the Board will amend its proposed rule to include a textural reference to Rule 15Bc7-1.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

Purpose of Proposed Rule Change

Section 15B(c)(7)(B) of the Securities Exchange Act of 1934, as amended (the "Act"), provides that the Securities and Exchange Commission (the "Commission") will make available to the Board, upon request, copies of any report of an examination of a municipal securities broker or municipal securities dealer made by or furnished to the Commission, subject to such limitations as the Commission, by rule, deems necessary or appropriate in the public interest.[2] On February 16, 1979, the Board submitted a written request to the Commission pursuant to Section 15B(c)(7) for copies of all such examination reports. The Commission thereafter published for comment Proposed Rule 15Bc7-1 [3] which provides that the Commission will furnish to the Board copies of examination reports, so long as the Board establishes by rule and maintains "adequate procedures for ensuring the confidentiality of any information made available to it by the Commission pursuant to Section 15B(c)(7)(B) of the Act."

The proposed rule change is intended to establish procedures to ensure confidential treatment of such information. The proposed rule change provides, among other matters, that access to any examination report will be limited to members of the board's staff who are authorized to review the material by the board's Executive Director and General Counsel, jointly. In addition, each authorized staff member must execute a written undertaking pledging compliance with the confidentiality provisions of rule A-17. The rule requires the examination reports to be maintained in locked cabinets with access to them permitted only to authorized staff members.

Basis Under the Act for Proposed Rule Change

As noted above, Section 15B(c)(7)(B) of the Act provides that the Commission will make available to the board, upon request, copies of any report of an examination of a municipal securities broker or municipal securities dealer made by or furnished to the Commission, subject to any limitations as the Commission deems necessary or appropriate. The proposed rule change, which is designed to ensure the confidential treatment of such reports, was adopted pursuant to the general authority conferred on the Board by Section 15B(b)(2)(I) of the Act to provide for the operation and administration of the Board.

Comments Received From Members, Participants or Others on Proposed Rule Change

The Board has neither solicited nor received comments on the proposed rule change.

Burden on Competition

The proposed rule change does not affect the conduct of business by any broker, dealer, or municipal securities dealer. The board therefore believes that the proposed rule change does not impose any burden on competition.

On or before October 15, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 25, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 27, 1979.

[FR Doc. 79-27874 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[2] Compliance examinations of municipal securities brokers and municipal securities dealers are conducted periodically by the Commission, the National Association of Securities Dealers, Inc., and the appropriate bank regulatory agencies, which are the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

[3] As of the date of this filing, Proposed Rule 15Bc7-1 has not yet been adopted by the Commission.

[Release No. 34-16143; File No. SR-NASD-79-7]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 13, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The NASD's Statement of Text of Proposed Rule Change

The following is the full text of the proposed amendment to Schedule A, under Article III, Section 1 of the By-Laws of the National Association of Securities Dealers, Inc. (Material to be deleted is bracketed, material to be added is italicized).

Schedule A

Assessments and fees, pursuant to the provisions of Article III of the By-Laws of the Corporation, shall be determined on the following basis after [October 1, 1978] *October 1, 1979.*

Section 1—Assessments

Each member shall pay an annual assessment composed of the following:

(a) A basic membership fee of [$250.00] *$300.00.*

(b) An amount equal to:

(i) [0.19%] *0.21%* of annual gross income from state and municipal securities transactions, and

(ii) [0.23%] *0.25%* of annual gross income from over-the-counter securities transactions.

[A member must report annual gross income, as defined in Section 5 of this Schedule, for the preceding calendar year unless the member made a binding, one-time election in 1977 to report annual gross income on the basis of its fiscal year ending during the preceding calendar year. New members may make this election during the first year of membership.]

Each member is to report annual gross income as defined in Section 5 of

this Schedule, for either the preceding calendar year or the member's fiscal year ending in the preceding calendar year. The 12-month reporting period must be in accordance with the member's previous written election. New members will be given an opportunity to make this election after they become members.

Members wishing to change their reporting year must advise the Association, in writing, of the change in dates and provide a reason for the change (i.e., merger or other organizational change and/or change in tax or fiscal year). If the change is from a fiscal year to the calendar year or to a new fiscal year ending at a later date, the member is to provide two reports of gross income covering the 12 consecutive months of both the new and old years. In such case, the assessment in the year of change will be the greater amount determined from the two reports. If the change is from a calendar year or a fiscal year to a new fiscal year ending at an earlier date, the member is to report gross income for the 12 consecutive months to the end of its new fiscal year.

(c) (unchanged)

Section 2—Fees

(a) (unchanged)

(b) Each member shall be assessed a fee of [$35.00] *$50.00* for each application filed with the Association for registration of a registered representative or registered principal.

(c) There shall be an examination fee of [$30.00] *$40.00* assessed as to each individual who is required to take an examination for registration as a registered representative pursuant to the provisions of Schedule "C" of the By-Laws. This fee is in addition to the registration fee described in Item (b). In a case where a broker/dealer applicant for membership in the Corporation who was previously, and at the time of his application for membership is currently, qualified pursuant to the provisions of Section 15(b)(8) of the Securities Exchange Act of 1934, and Rule 15b8–1 thereunder, to act as a broker/dealer, is requird to register contemporaneously 100 or more registered representatives who were previously and are currently qualified pursuant to the aforementioned Section 15(b)(8) and Rule 15b8–1 the examination fee to be assessed pursuant to this subparagraph (c) shall be determined by the President of the Corporation, or his delegate. The fee shall be based upon a stated amount per applicant, a flat fee to the member or some other equitable basis which recognizes the reduced cost per examination of administering examinations to a large number of applicants within a relatively short period of time. In no case shall the amount agreed upon be less than the equivalent of [$12.50] *$20.00* per applicant and such reduced fee shall not apply to any individual not falling within the scope of the provisions of subparagraph (2) of paragraph II of Schedule C of the By-Laws.

(d) There shall be an examination fee of [$30.00] *$40.00* assessed as to each individual who is required to take an examination for principals pursuant to the provisions of Schedule "C" of the By-Laws.

(Remaining portion of Section 2 is unchanged.)

* * * * *

Section 7—Service Charges for Processing Extension of Time Request

(a) (unchanged)

(b) The service charge for processing each initial extension of time request shall be [$1] *$2*. A service charge of $2 shall be imposed on all subsequent extension of time requests (1) involving the same transaction under Regulation T and/or (2) involving an extension of time previously granted pursuant to Rule 15c3–3(n).

The NASD's Statement on Purpose of Proposed Rule Change

The proposed amendments to Schedule A will increase the Association's income to insure that the Association will receive adequate funding to continue to fulfill its regulatory function. The Association anticipates that the proposed changes will generate sufficient income to provide a balanced budget in fiscal 1980. The lower rate for gross income from states and municipal securities transactions is being continued because of the additional financial burden imposed upon municipal securities broker/dealers in supporting the Municipal Securities Rulemaking Board. The provision permitting a change in reporting year has been adopted as a service to members who wish to change their reporting year.

The NASD's Statement on Basis Under the Act for Proposed Rule Change

It is the responsibility of the Association under Section 15A of the Securities Exchange Act, as amended, to regulate its members and persons associated with its members who deal in securities. Section 15A(b) provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that the rules of the association provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the association operates or controls. The proposed changes in Schedule A provide for an equitable allocation of the reasonable dues and fees among the members of the Association and is in furtherance of the purposes of the Act.

The NASD's Statement on Comments Received From Members, Participants or Others on Proposed Rule Change

Under Article III, Section 1 of the By-Laws of the Association, membership approval of a change in a fee schedule is not necessary. Therefore, comments of the membership on the proposed amendments to Schedule A were not solicited or received.

The NASD's Statement on Burden on Competition

Section 15A of the Securities Exchange Act places on the Association the responsibility to regulate the activities of its members, and provides the statutory basis for the assessment of equitable fees. Thus, it is felt that there is no general burden on competition imposed by the proposed rule change, and that any incidental financial burdens on the membership is in furtherance of the purposes of the Act.

The NASD's Statement on Basis for Taking, or Being Put Into Effect Pursuant to Section 19(b)(3)

The proposed amendments are to take effect upon filing pursuant to paragraph (A) of Section 19(b)(3) of the Act because they establish or change a due, fee, or other charge. The Association will declare the proposed amendments effective as of October 1, 1979.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspections and copying in the public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 1, 1979. For the Commission by

the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 28, 1979.

[FR Doc. 79-27875 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16152; File No. SR-MSRB-77-12]

Self-Regulatory Organizations; Proposed Rule Change by Municipal Securities Rulemaking Board

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 28, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board (the "Board") is filing herewith an amendment to proposed rule G-23 on activities of financial advisors (hereafter referred to as the "proposed rule change"). The text of the proposed rule change is as follows:[1]

Rule G-23. Activities of Financial Advisors

(a) through (c) No change.

(d) Underwriting Activities. No broker, dealer, or municipal securities dealer that has a financial advisory relationship with respect to a new issue of municipal securities shall acquire as principal either alone or as a participant in a syndicate or other similar account formed for the purpose of purchasing, directly or indirectly, from the issuer all or any portion of such issue, or arrange for such acquisition or participation by a person controlling, controlled by, or under common control with such broker, dealer, or municipal securities dealer unless

(i) No change.

(ii) if such issue is to be sold by the issuer at competitive bid, [A] the issuer has expressly consented in writing prior to the bid to such acquisition or participation.[, and]

[(B) all material information concerning the issue or the issuer thereof obtained as a result of the financial advisory relationship and utilized or expected to be utilized by such broker, dealer, or municipal securities dealer in the course of purchasing or selling the securities constituting such issue has been made available on a timely basis upon request to other brokers, dealers, and municipal securities dealers interested in bidding for the issue.]

The limitations and requirements set forth in this section (d) shall also apply to any broker, dealer, or municipal securities dealer controlling, controlled by, or under common control with the broker, dealer, or municipal securities dealer having a financial advisory relationship. The use of the term "indirectly" in this section (d) shall not preclude a broker, dealer, or municipal securities dealer who has a financial advisory relationship with respect to a new issue of municipal securities from purchasing such securities from an underwriter, either for its own trading account or for the account of customers, except to the extent that such purchase is made to contravene the purpose and intent of this rule. Each broker, dealer, and municipal securities dealer subject to the provisions of this section (d) shall maintain a copy of the written disclosures, acknowledgements and consents required by this section in a separate file and in accordance eith the provisions of rule G-9.

(e) through (g) No change.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

Purpose of Proposed Rule Change

On September 20, 1977, the Board filed with the Securities and Exchange Commission (the "Commission") a series of proposed rules and rule amendments, the general purpose of which was to codify basic standards of fair and ethical business conduct for municipal securities professionals (the "fair practice rules"). One of the fair practice rules was proposed rule G-23 relating to the financial advisory activities of municipal securities professionals. On October 19, 1978, the Commission approved the fair practice rules, except for proposed rule G-23 and a proposed amendment to rule D-8. The proposed rule change would modify proposed rule G-23.

Proposed rule G-23(d)(ii)(B) would permit a municipal securities professional to act as both financial advisor and underwriter in a competitive sale if two conditions are met: (1) the issuer expressly consents in writing to a municipal securities professional acting in such dual capacity, and (2) the municipal securities professional provides, upon request, to other municipal securities dealers interested in bidding for the issue all material information "concerning the issue or issuer thereof obtained . . . and utilized or expected to be utilized" by the municipal securities professional in the course of purchasing or selling the securities.

The Board adopted these requirements principally for the purpose of providing protection to issuers in the situation where a municipal securities professional acts both as financial advisor and underwriter with respect to the same issue of securities. More specifically, the requirement to obtain the written consent of issuers was adopted to assure that issuers are made aware of the intention of their financial advisors to act in such dual capacity and to provide issuers with an opportunity to prohibit their financial advisors from doing so if the issuers determine that such an arrangement is not in their own best interests. The requirement to disclose information to other prospective underwriters was adopted to provide additional protection to issuers by promoting competition through the timely dissemination of material information.

The proposed rule change eliminates the disclosure requirement. On reconsideration, the Board decided to delete this provision primarily because of its concern that compliance with the provision could pose significant practical problems for municipal securities professionals. For example, the provision might place a municipal securities dealer in a potentially difficult position if the dealer is aware of speculative information of a favorable nature concerning the issuer. Disclosure of such information would be required under the provision in question; however, the dealer might be exposed to lawsuits if the anticipated events did not materialize. The Board notes that a similar point was made by the Commission Staff in a comment letter to the Board, dated June 23, 1977, on the exposure draft of rule G-23.

The provision could also present significant practical problems for a municipal securities professional in the situation were an issuer retains separate counsel to provide advice on disclosure matters. In this situation, a financial advisor may have relatively little control over what information is included in, or omitted from, the official statement. A municipal securities professional wishing to act in both capacities could therefore be put in the difficult position of having to decide whether to disclose information which the issuer and its counsel have decided not to include in the official statement because the

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[1] *Italics* indicate new language; [brackets] indicate deletions.

information is considered either too speculative or immaterial.

Such practical problems might deter municipal securities professionals from bidding on issues for which they act as financial advisors, a result which would be contrary to the purpose of the Board in adopting the rule and not in the best interests of issuers.

The Board does not believe that the deletion of this provision will materially weaken the rule. The other provisions of the rule provide direct protection to issuers in a competitive sale situation. In addition, the Board wishes to stress that the deletion of the disclosure requirement would not affect any obligation which a municipal securities professional may have by reason of the antifraud provisions of the Securities Exchange Act of 1934, as amended (the "Act"), and the rules promulgated thereunder, with respect to the disclosure of material information in connection with the purchase or sale of securities.

Basis Under the Act for Proposed Rule Change

The Board has adopted the proposed rule change pursuant to section 15B(b)(2) of the Act, which authorizes the Board to adopt rules governing transactions in municipal securities effected by brokers, dealers and municipal securities dealers, and in accordance with the standards set forth in section 15B(b)(2)(C) of the Act, which provides in part that the Board's rules shall

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, * * * to remove impediments to and perfect the mechanism of a free and open market in numicipal securities, and, in general, to protect investors and the public interest; and [shall] not be designed to permit unfair descrimination between customers, issuers, municipal securities brokers, or municipal securities dealers * * *.

Comments Received From Members, Participants or Others on Proposed Rule Change

No written comments were solicited or received in regard to the proposed rule change. The Board undertook to reconsider proposed rule G–23(d)(ii)(B), however, in response to oral comments made with respect to the provision by industry members and the Commission staff. Several industry commentators expressed concern with the anticipated practical difficulties of complying with the provision. For example, one commentator at a seminar stated that, in view of such problems, his firm would probably either refrain from bidding on issues for which it acts as financial advisor or retain its own counsel solely for the purpose of assuring compliance with the requirements of this provision. The Commission staff also expressed concern regarding the practical consequences of the application of the provision, as well as concern that the provision might conflict with section 15B(d)(2) of the Act.

The Commission staff also raised a question with respect to subparagraph (d)(i)(A) of proposed rule G–23. In the case of negotiated sales of new issues of municipal securities, proposed rule G–23 provides that a municipal securities dealer which has acted as a financial advisor may purchase a new issue of municipal securities if certain specified conditions are met. Subparagraph (d)(i)(A) sets forth one of these conditions, namely, that the municipal securities professional terminate in writing the financial advisory relationship with respect to the issue to be underwritten and obtain the express written consent of the issuer, at or after such termination, to the change in capacity. The Commission staff questioned the need for the termination requirement, and in particular whether such a requirement would have any practical consequences in the situation where there is a continuing financial advisory relationship.

The Board is of the firm belief that the termination requirement is an integral and important part of proposed rule G–23, and should therefore not be deleted from the rule. As indicated in previous filings, the proposed rule is intended to address the inherent conflict of interest involved in a municipal securities professional acting in the dual capacity of financial advisor and underwriter, an arrangement which the Board believes is contrary to the fiduciary obligations of a financial advisor and not consistent with the public interest. The termination requirement would directly address this problem by prohibiting municipal securities professionals from acting simultaneously in both capacities with respect to the same issue.[2] Further, the termination requirement would cause issuers to focus on the intention of their financial advisors to act also as underwriters, and therefore afford issuers the opportunity at a critical point to consider the advisability of permitting them to do so. At a minimum, the requirement would heighten the sensitivity of issuers to the significance of a financial advisor changing capacity and might lead them to scrutinize more closely the consequences of such a development.

In the situation where there is continuing financial advisory relationship, the termination provision would have additional practical importance. Notice of termination of a financial advisory relationship with respect to a particular issue might very well prompt an issuer to renegotiate the fee arrangement under its financial advisory agreement, in order to reflect the diminished services being provided to the issuer pursuant to the agreement. The Board is aware that in many continuing financial advisory relationships the compensation to the dealer is not broken-down by services, but is stated in an aggregate amount or otherwise calculated. The Board believes, however, that municipal securities professionals as a general matter are able to determine with relative precision the cost of providing various services, including the cost of rendering financial advisory services with respect to a particular issue.

Burden on Competition

In the initial filing of the fair practice rules, including proposed rule G–23, the Board stated that in its opinion the fair practice rules "will not impose any burden on competition among brokers, dealers or municipal securities dealers not necessary or appropriate in furtherance of the purposes of the Act." The Board would like to take this opportunity to explain its reasons for this conclusion with respect to proposed rule G–23.

In view of the important purpose of the rule, the Board believes that, to the extent the rule imposes any burden on competition, such a result is justifiable as appropriate and in the public interest. As noted above and in previous filings, the Board believes that there is an inherent conflict of interest in a municipal securities professional acting both as a financial advisor and underwriter with respect to the same issue of municipal securities, and that the existence of this conflict may have serious adverse consequences for issuers and the general public which they represent. Proposed rule G–23 was adopted for the express purpose of

[2] The Board believes that the conflict involved in acting in both capacities is mitigated in competitive bid situations, where the existance of competition among underwriters for award of the securities tends to introduce an arm's-length element into the establishment of the terms of the issue and the underwriting. In these situations, the Board therefore believes that it is sufficient to require disclosure of a financial advisor's intent to bid on an issue in a competitive sale, and to require the prospective underwriter to obtain the consent of the issuer to the dual role. In contrast, in a negotiated sale situation, the element of competition among prospective purchasers is absent, and the Board therefore believes that it is appropriate to require a municipal securities professional to terminate its financial advisory relationship before acting as an underwriter.

providing protection to issuers in such situations.

Further, any burden resulting from the implementation of proposed rule G–23 will necessarily be relatively insignificant. It should be emphasized that there is *no* proscripton in the rule against a municipal securities professional acting both as financial advisor and underwriter with respect to the same issue. A municipal securities professional may act in both capacities in competitive and negotiated sales, provided that certain conditions are met. Moreover, these conditions can be easily satisfied by municipal securities professionals through the disclosure of certain basic information and the taking of other simple actions. Accordingly, proposed rule G–23 would not place municipal securities professionals who act both as financial advisors and underwriters at a material competitive disadvantage to other municipal securities professionals who act only as underwriters.

In this regard, certain persons suggested in their comments on the exposure draft of rule G–23 that, in the absence of federal legislation regulating the activities of independent financial advisors, the rule would place securities professionals at a competitive disadvantage to such advisors. The Board believes that this assertion is without merit. It is precisely the fact that securities professionals may function in a dual capacity as financial advisors and underwriters that forms the basis for the Board's proposal.[3]

The proposed rule change which is the subject of this particular filing would not impose any burden on competition since it eliminates a requirement to which all brokers, dealers, and municipal securities dealers would otherwise be subject.

On or before October 15, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 1, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

August 30, 1979.

[FR Doc. 79-27876 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[3] The proposed rule would also apply in the situation where a municipal securities dealer acts as a financial advisor and purchases all or part of a new issue for investment, and not for resale. The Board recognizes that an independent financial advisor would not be subject to the rule if it does the same. The Board believes, nonetheless, that the important public purposes served by the rule justify the competitive disadvantage, if any, which municipal securities professionals may be subject to in such circumstances.

[Rel. No. 10848; 812-4465]

Capital Corp. of Wyoming, Inc.; Filing of Application

August 28, 1979.

Notice is hereby given that Capital Corporation of Wyoming, Inc. ("Applicant"), 145 South Durbin Street, P.O. Box 612, Casper, Wyoming 82602, a Wyoming corporation, filed an application on April 20, 1979, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it was organized during July 1978 under the laws of Wyoming. It proposes to operate as a small business investment company under the Small Business Investment Act of 1958 ("SBIA"), as amended. Applicant has filed an application with the Small Business Administration for a license under the SBIA. The application filed with the Commission states that Applicant is a wholly owned subsidiary of Wyoming Industrial Development Corporation ("WIDC"), which is the sole sponsor of Applicant.

Applicant states that its primary function will be to complement and further the business activities of WIDC in carrying out the purposes of the Wyoming Industrial Corporation Act. The application indicates that WIDC supplies capital to Wyoming businesses otherwise unable to obtain institutional financing and that WIDC conducts business only in Wyoming and only with companies doing or proposing to do business in Wyoming. Applicant represents that WIDC will not own securities of any small business investment company other than the Applicant. Furthermore, Applicant represents that its current directors are Wyoming residents and that the Applicant and WIDC intend to restrict directorships of the Applicant to Wyoming residents.

Applicant states that it will provide WIDC access to borrowed funds not available to WIDC. In this regard, Applicant, as a small business investment company, will be able to borrow up to three times the amount of its capital from the Small Business Administration. The application states that WIDC is not able to borrow funds from the Small Business Administration as a small business investment company.

The application states that Applicant's authorized capitalization is 100,000 shares of common stock, $10.00 par value, of which 100 shares are presently issued and outstanding and held of record by WIDC. Applicant represents that when it becomes a licensed small business investment company, it will issue an additional 30,900 shares to WIDC at a price of $10.00 per share. The application states that Applicant's common stock does not have any redemption rights and that although the Wyoming Business Corporation Act will permit a Wyoming corporation to purchase or acquire its own shares, the Applicant does not anticipate purchasing or acquiring any capital shares which may be issued by it.

The Applicant states that it may make an offering of additional shares of its capital stock in the future, but that there are currently no plans to do so. The application indicates that such an offering would be limited to one issuance and would be made only to banking organizations located in Wyoming who are willing to acquire shares for investment and not with a view to public distribution or sale. Applicant represents that any stock certificate issued to banking organizations would be impressed with a restrictive legend. The application

states that each banking organization would have access to the books and records of Applicant at the time it makes its investment decision and on an ongoing basis. Applicant states that to the best of its knowledge, banking organizations which may purchase shares of Applicant's capital stock will be engaged in safe and sound banking practices. The application states that Wyoming state banks are subject to examination, supervision and control by the Wyoming State Bank Examiner. Applicant represents that there are currently 81 national and state banks located in Wyoming and several charter applications for new banks pending, and also represents that Applicant has not had discussions with any of the banks concerning the possible issuance of additional shares of its capital stock. The application states that if shares of Applicant's stock are issued to banking organizations, the amount or number of shares issued to any particular bank would in no event exceed the lesser of 1% of capital and surplus of the bank or the amount or number of shares otherwise permitted to be held by the bank pursuant to applicable federal and state laws. The application states that no underwriting commissions would be paid in connection with the offering and that Applicant would rely upon Section 3(a)(11) or Section 4(2) of the Securities Act of 1933 as an exemption from the registration requirements of that Act.

In addition to borrowing funds from the Small Business Administration, Applicant states that it may attempt to obtain both long-term and short-term debt financing from banks, some of which may become stockholders of less than 5% of Applicant, and other lending institutions located inside and outside Wyoming. The application states that the proceeds from any such loans would be used by the Applicant in the ordinary course of its business and that Applicant does not anticipate the issuance of debt securities to the general public or that a public trading market will ever be established in respect of such debt securities.

Applicant anticipates that its portfolio will consist approximately of the following: (i) 30% in loan participations with banks and savings and loan associations; (ii) 65% in companion loans with banks and savings and loan associations; and (iii) 5% in equity investments. Companion loans are loans made directly to operating small businesses by the Applicant whereby a bank and/or a savings and loan association would make a separate financing secured by separate financing statements, security agreements and/or mortgage positions. This financing would be interrelated and thus companion in nature.

The Applicant states that its assets, which will consist primarily of notes, mortgages, financing statements, and various agreements, will be held by the Applicant in the offices of WIDC or in a safety deposit box in a Casper, Wyoming, bank. The Applicant will not have office facilities or personnel apart from WIDC's. Applicant represents that its financial statements will be prepared annually and will be certified by independent auditors on a consolidated basis with WIDC.

The application states that Applicant will be regulated and examined at least annually by the Small Business Administration. Applicant also states that WIDC is subject to annual examinations by the Wyoming State Bank Examiner under the Wyoming Industrial Development Act and that it is probable that Applicant will also be examined by the Wyoming State Bank Examiner since it is a wholly owned subsidiary of WIDC.

Applicant represents that no finder's fee will be paid by the Applicant to any officer, director or stockholder, of either the Applicant or WIDC in connection with loans or investments made by Applicant and no such persons will be permitted to have an interest in any company to which or in which the Applicant loans or invests funds. The application states that no investment advisor or advisory fees will be paid by the Applicant to any such person, although, if additional shares of the Applicant are issued at some future date to banking organizations, WIDC may charge the Applicant a management fee as payment for use of its office facilities and personnel. Applicant represents that no transactions of the type prohibited by Section 17 of the Act will be executed by the Applicant with any affiliated persons, as defined by Section 2(a)(3) of the Act, of either the Applicant or WIDC.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Because the Applicant, as a small business investment company, will be engaged in the business of investing and since it proposes to acquire investment securities having a value exceeding 40% of its total assets, the Applicant will be an investment company within the definition of Section 3(a)(3) of the Act and will be required to register under the Act unless exempted under Section 6(c) of the Act.

Applicant seeks an exemption from all provisions of the Act on the grounds that registration under the Act and compliance with the provisions of the Act is not necessary for the protection of investors and submits that the issuance of such order would be in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and the provisions of the Act.

Notice is further given that any interested person may, not later than September 20, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-27877 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21203; 70-6338]

The Narragansett Electric Co.; Proposed Increase in Permitted Short-Term Indebtedness; Order Authorizing Solicitation of Proxies in Connection Therewith

August 29, 1979.

Notice is hereby given that The Narragansett Electric Company ("Narragansett"), 280 Melrose Street, Providence, Rhode Island 02901, an electric utility subsidiary of New England Electric System, a registered holding company, has filed with this Commission a declaration and an amendment thereto prusuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7(e), and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

The preference provisions of Narragansett's preferred stock provide, *inter alia*, that without the affirmative vote of a majority of said stock then outstanding, Narragansett's unsecured indebtedness shall not exceed 10% of the aggregate principal amount of all its bonds and other secured indebtedness and its capital and surplus (capital and retained earnings). By order in file No. 70-5514 dated June 25, 1974 (HCAR No. 18470), Narragansett was authorized to solicit proxies from its preferred stockholders to obtain their approval for the issuance of unsecured indebtedness in excess of the 10% limitation. By order dated July 19, 1974 (HCAR No. 18505), the Commission authorized the proposed increase in unsecured indebtedness, and such proposal was approved by a majority of the preferred stockholders at a special meeting held on July 25, 1974. The authorizations by the preferred stockholders and the Commission expired on July 19, 1979.

In the instant filing Narragansett proposes to submit to the holders of its preferred stock at a special meeting to be held on October 5, 1979, a proposal to renew its permission to issue an increased amount of unsecured indebtedness. Such renewal will require the affirmative vote of a majority of the total number of shares of preferred stock of all series now outstanding. The vote would renew the authorization for Narragansett to issue unsecured indebtedness in excess of the 10% limitation provided (i) such indebtedness be issued within five years of the Commission's order making effective the declaration filed in this proceeding, (ii) such indebtedness have a maturity not more than six years from the date of such order, and (iii) all Narragansett's unsecured indebtedness not exceed 20% of the aggregate principal amount of all its bonds and other secured indebtedness and its capital and surplus (capital and retained earnings).

Narragansett states that it is seeking this authorization in order to provide the flexibility necessary to finance its business. At June 30, 1979, the 10% limitation would have restricted Narragansett's unsecured indebtedness to $18,400,000, whereas the 20% limitation restricted it to $36,800,000. Narragansett desires the flexibility of the 20% limitation to issue greater amounts of short-term debt, when it is advantageous to do so, pending permanent financing. It does not plan to permanently maintain large amounts of unsecured indebtedness.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $8,925, including $3,000 of services to be performed at cost by New England Power Service Company, an affiliate of Narragansett. 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 25, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, 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, DC 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 amended or as it may be further 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 and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration, as amended, regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, pursuant to Rule 62, that the declaration, as amended, regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-27878 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-10040]

Warner-Lambert Co.; Application and Opportunity for Hearing

August 30, 1979.

Notice Is Hereby Given that Warner-Lambert Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that: a) the trusteeship of the Irving Trust Company ("Irving Trust") under an indenture dated March 1, 1966 (the "1966 Indenture") and two indentures dated April 1, 1975 (the "1975 Debenture Indenture" and the "1975 Note Indenture", respectively), which were qualified under the Act, b) the trusteeship of Irving Trust under indentures dated August 1, 1968 (the "1968 Indenture"), April 2, 1975 (the "1972 Indenture") and April 2, 1973 (the "1973 Indenture"), which were not qualified under the Act, and, c) the trusteeship of Irving Trust under a new indenture to be dated as of July 1, 1979 (the "New Indenture"), which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as trustee under any of said Indentures.

The Company alleges that: 1. As of March 31, 1979, there were outstanding $865,000 principal amount of 4¼% Guaranteed Debentures Due 1981 issued under an indenture dated March 1, 1966 (the "1966 Indenture") among Warner-Lambert International Capital Corporation ("Capital"), the Company and Irving Trust, which was qualified under the Act. The 1966 Debentures are guaranteed by the Company.

2. As of March 31, 1979, Warner-Lambert Overseas, Inc. ("Overseas"), a wholly-owned subsidiary of the Company, had outstanding $7,509,000 principal amount of its 4½% Convertible Guaranteed Debentures Due 1988 issued under an indenture dated August 1, 1968 (the "1968 Indenture") among Overseas, the Company and Irving Trust, which was not qualified under the Act. The 1968 Debentures are also guaranteed by the Company.

3. As of March 31, 1979, there were outstanding $40,000,000 principal amount of 4½% Convertible Debentures Due 1987 issued under an indenture dated April 2, 1972 (the "1972 Indenture") between the Company and Irving Trust, which were sold outside the United States. The indenture under which such debentures were issued was not qualified under the Act.

4. As of March 31, 1979, the Company had outstanding $29,850,000 principal amount of 4¼% Convertible Debentures Due 1988 issued under an indenture dated April 2, 1973 between the Company and Irving Trust, which were sold outside the United States. The indenture under which such debentures wee issued was not qualified under the Act.

5. As of March 31, 1979, the Company had outstanding $75,000,000 principal amount of 8⅞% Debentures Due 2000 issued under an indenture dated April 1, 1975 between the Company and Irving Trust which was qualified under the Act.

6. As of March 31, 1979, the Company had outstanding $75,000,000 principal amount of 8.30% Notes Due 1985 issued under an Indenture dated April 1, 1975 between the Company and Irving Trust, which was qualified under the Act.

7. Under an indenture to be dated as of July 1, 1979 between Warner-Lambert International, N.V., a wholly-owned subsidiary of the Company ("International"), the Company, as guarantor, and Irving Trust, the Company proposes to guarantee $100,000,000 principal amount of the 9% Guaranteed Notes Due 1984 of International (the "New Notes"). The New Notes will be sold to purchases who are not nationals or residents of the United States and, in the opinion of the Company's counsel, the New Notes need not be registered under the Securities Act and the New Indenture need not be qualified under the Act.

8. The 1966 Indenture, the 1968 Indenture, the 1972 Indenture, and 1973 Indenture, the 1975 Debenture Indenture, the 1975 Note Indenture and the New Indenture will be wholly unsecured and the Company and Capital are not in default under the 1966 Indenture, the Company and Overseas are not in default under the 1968 Indenture, and the Company is not in default under the 1972 Indenture, the 1973 Indenture, the 1975 Debenture Indenture or the 1975 Note Indenture. The rights of the 1966 Debentures, the 1968 Debentures and the New Notes, pursuant to the guarantees thereof by the Company, rank equally with the rights of the holders of the 1973 Debentures, the 1975 Debentures and the 1975 Notes.

9. Such differences as exist among the 1966, the 1968, 1972 and 1973 Indentures, the 1975 Debenture Indenture, the 1975 Note Indenture and the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as Trustee under any of said Indentures.

The Company has waived notice of hearing any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 1100 L Street, N.W., Washington, D.C. 20005.

Notice is further given that any interested person no later than October 1, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communications or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-28025 Filed 9-7-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1675]

Tennessee; Declaration of Disaster Loan Area

Sullivan County and adjacent counties within the State of Tennessee constitute a disaster area as a result of damage resulting from heavy rains and flash flooding which occurred on July 15, 1979. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on October 19, 1979, and for economic injury until close of business on May 20, 1980 at: Small Business Administration, District Office, Parkway Towers—Room 1012, 404 James Robertson Parkway, Nashville, Tennessee 37219; or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

A. Vernon Weaver,

Administrator.

August 20, 1979.

[FR Doc. 79-28045 Filed 9-7-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/07-0012]

Wisconsin Capital Corp.; Filing of Application for Transfer of Control

Notice is hereby given that an Application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR 107.701 (1979)) for transfer of control of the Wisconsin Capital Corporation (WCC), 312 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, a federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of control of WCC, which was licensed January 5, 1960, is subject to the prior written approval of SBA.

Pursuant to agreements between Matrix Venture Funds, Inc. (MVF) and shareholders Ronald Herget, Walter Thiede, Earl Charlton, William Charlton and WCC, MVF has offered to purchase a total of 11,624 shares of WCC's stock, 6,974 shares from the above shareholders and 4,650 shares of unissued stock for a total purchase price of $250,000. This purchase will represent 50 percent of WCC's issued and outstanding stock.

Assuming consummation of the proposed transfer of ownership and control, the management and stockholders of WCC will be:

Officers, Directors and Shareholders	Percent of Stock Ownership
MVF, 312 E. Wisconsin Ave., Milwaukee, WI 53202 (Manager/Investment Adviser)	50
Earl A. Charlton, 840 North 3rd St., Milwaukee, WI 53203 (Secretary)	30
William Charlton, 19816 Valerio St., Canoga Park, CA (Shareholder)	4
Eugene Shorts, 1000 Chapin St., Florence, WI 54121 (Director)	16
David L. Springob, 1572 E. Capital Dr., Milwaukee, WI 53211 (Director)	
Harold Barian, 3332 N. Knoll Terrace, Wauwatosa, WI (President & Director) [1]	
Lawrence J. Kujawski, 13870 W. Crawford Ave., New Berlin, WI (Director) [2]	

[1] Mr. Barian is President and Sole Shareholder of MVF.
[2] Mr. Kujawski is Vice President of MVF.

Matters involved in SAB's consideration of the application include the general business reputation and character of the proposed new shareholders and management, and the probability of successful operations of the company under such management (including profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any person may, not later than September 25, 1979, submit written comments on the proposed transfer of ownership and control to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Milwaukee, Wisconsin.

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

Date: August 31, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-28044 Filed 9-7-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/222]

Advisory Committee to the U.S. National Section of the Inter-American Tropical Tuna Commission; Meeting

Notice is hereby given, pursuant to the provisions of Public Law 92-463, that a meeting of the Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission will be held on October 4, 1979 from 1:30 P.M. to 5:00 P.M. and on October 5, 1979 from 9:30 A.M. to 12:00 P.M., in the auditorium of the Southwest Fisheries Center of the National Marine Fisheries Service at 8604 La Jolla Shores Drive, La Jolla, California.

The meeting will be open to the public and the public may participate in the discussions subject to the instructions of the Committee Chairman. Subjects to be discussed include an evaluation of the 1979 fishery experience, a preliminary outlook for the 1980 fishery and U.S. views on the overall quota and other aspects of the management program including allocations.

Requests for further information on the meeting should be directed to Brian Hallman, OES/OFA, Room 5806, Department of State. He may be reached by telephone on (202) 632-1073.

Dated: August 30, 1979.

James A. Storer,

Acting Deputy Assistant Secretary for Oceans and Atmosphere.

[FR Doc. 79-28114 Filed 9-7-79; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Office of Merchant Marine Safety; Meeting

A meeting sponsored by the U.S. Coast Guard's Office of Merchant Marine Safety will be held on Thursday, September 20, 1979 at 9:00 A.M. in the Board Room, National Academy of Sciences, 2101 Constitution Avenue, Washington, D.C. The purpose of the meeting is to discuss the structural research programs and research needs of the maritime industry. Representatives of the Ship Structure Committee, Ship Research Committee and The Society of Naval Architects and Marine Engineers will participate.

Attendance is open to the interested public. Persons wishing to attend and persons wishing to participate should notify LCDR T. H. Robinson, USCG, U.S. Coast Guard Headquarters, Washington, D.C. 20590, (202) 426-2205 not later than the day before the meeting.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 79-28128 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-79-19]

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 October 1, 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 31, 1979.

John H. Cassady,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19445	Jay Leslie Wolfson	14 CFR § 135.39(1) (i), (ii), (iii)	To permit petitioner to serve as Director of Operations, Key West Airlines without holding an Airline Transport Pilot Certificate (ATPC).
19486	Executive Air Fleet	14 CFR § 135.297	To permit petitioner to make use of approved visual simulators in the required instrument proficiency check.
19484	American Airlines	14 CFR §§ 135.293, 135.297, and 135.299.	To allow American Airlines Training Corp. to conduct required flight checks in their Cessna 500/501 aircraft simulator.
19485	Utility Helicopters, Inc.	14 CFR § 135.297(d)	To allow Mr. Dave Sanders to complete his instrument proficiency check in an aircraft other than the IFR S58T model used by his company.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
18956	Thunderbird Airways, Inc.	14 CFR §§ 135.89(b) (3) and 121.333(c).	To permit Thunderbird Airways, Inc. to operate its Learjet and Sabreliner aircraft under Section 121.333(c)(2), (3) and (4), which allow for oxygen masks to be worn, secured and sealed, above FL 410 with both crewmembers at their stations equipped with quick-donning masks. *Partial grant 8/28/79.*
19114	Airline Training Center	14 CFR Part 141, Appendix D(3)(c).	To allow an additional pilot to be carried during more than 50 hours of the solo practice required by this section. *Denied 8/28/79.*
19247	Air Indiana, Inc	14 CFR § 121.437(a)	To permit the use of pilot Michael A. Chase as pilot in command of Air Indiana all-cargo aircraft without his holding an Airline Transport Pilot Certificate. Mr. Chase is presently 8 months from reaching the required age limit of 23. *Denied 8/28/79.*
19278	Moody Aviation	14 CFR § 135.115	To permit selected pilot trainees to accompany Air Taxi Commercial Operator (ATCO) cargo flights as additional crewmembers, and to manipulate the controls. Such pilots are neither employed for ATCO duties nor FAR qualified for ATCO second-in-command responsibilities. *Denied 8/28/79.*
19331	United States Air Racing Association (USARA)	14 CFR § 91.27(a)(1)	To permit the petitioner, on behalf of the foreign participants of the Cleveland 50th Anniversary National Air Races, to allow them to operate civil aircraft, that does not have within it a current and appropriate airworthiness certificate. *Granted 8/24/79.*
19337	All Island Air, Inc	14 CFR § 135.243(a)	To allow petitioner to operate its air taxi when the pilot-in-command has a commercial pilot certificate rather than an airline transport pilot rating. *Denied 8/28/79.*

[FR Doc. 79—28034 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Executive Committee to be held September 21, 1979, in RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Approval of Minutes of Meeting held July 20, 1979; (2) Special Committee Activities Report July-August, 1979; (3) Chairman's Report on RTCA Administration and Activities; (4) Approval of SC-138 Report on "Minimum Performance Standards—Airborne Omega Receiving Equipment"; (5) Consideration of Establishing New Special Committees; (6) Discussion on Report of Ad Hoc Committee to Review RTCA Policies and Practices in Making Awards, and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on August 22, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-28037 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-79-13]

East Erie Commerical Railroad Co.; Petition for Exemption from the Hours of Service Act

In accordance with 49 CFR §§ 211.41 and 211.9, notice is hereby given that the East Erie Commerical Railroad (EEC) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L 91-169, 45 U.S.C. (64a(e)). The petition requests that the EEC be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The EEC seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and had demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-13, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

Communications received before October 5, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 4406, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

Authority: Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49 (d) of the regulations of the Office of Secretary 49 CFR 1.49 (d).

Issued in Washington, D.C. on August 30, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-27948 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-79-14]

Mount Hood Railway Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR §§ 211.41 and 211.9, notice is hereby given that the Mount Hood Railway Company (MHR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169), 45 U.S.C. (64a(e)). The petition requests that the MHR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The MHR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversly affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and had demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-14, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

Communications received before October 5, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 4406, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

Authority: Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49 (d) of the regulations of the Office of Secretary 49 CFR 1.49 (d).

Issued in Washington, D.C. on August 30, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-27947 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-06-M

National Railroad Passenger Corp.; Hearing

The National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) seeking authority to modify a portion of the signal system which controls train operations between Baldwin, Pennylvania and Regan, Delaware. The proposed modification involves the initial installation of the revised signal system that Amtrak intends to utilize on all portions of the Northeast Corridor trackage between Boston, Massachusetts and Washington, D.C. The proposed signal changes are part of a comprehensive improvement program which will enhance the overall performance of railroad service in this area. The proposed signaling and traffic control system are designed to provide safe operations at high speeds in order to permit travel between Washington, D.C. and Boston, Massachusetts to be accomplished within six and one-half hours.

The Amtrak request is contained in several related proceedings which are identified as FRA Block Signal Application Number 1588, and four waiver petitions designated RS&I Number 607, RS&I Number 608, RS&I Number 609 and RS&I Number 610.

Among the more significant aspects of the Amtrak proposal are the request to eliminate wayside signals other than at interlocking and in selected terminal areas; the installation of an automatic train control system under which train speed will be governed by the displayed cab signal aspects; and the conversion track circuitry to make it compatible ith the selected current for providing traction power for the locomotives operating on this trackage. The details of these proposals are contained in the series of public notices issued by the FRA on June 9, 1979, and in the data submitted by Amtrak in support of these proceedings.

After reviewing these proceedings and the comments received in response to the public notices, the Railroad Safety Board (Board) has voted to hold two public hearings before entering a final decision in these proceedings. In view of the scope of the proposal and the potential impact of these proceedings on rail operations from Washington, D.C. to Boston, Masachusetts, the Board will hold public hearings at 10:00 a.m. on October 16, 1979, in Room 909 of the Curtis Building located at Sixth and Walnut Streets in Philadelphia, Pennsylvania and at 10:00 a.m. on October 18, 1979, in Room 2003-A of the John F. Kennedy Building located at Government Center in Boston, Massachusetts.

The hearings will be informal and will be conducted in accordance with section 25 of the FRA Rules of Practice (49 CFR 211.25) by a representative designated by the Board. The hearings are not judicial or evidentiary hearings and, therefore, there will be no cross examination of persons making statements at the hearings. The representative of the Board will make an opening statement concerning the scope of the hearing and the procedures necessary for the conduct of the hearing.

Issued in Washington, D.C. on August 29, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-27946 Filed 9-7-79; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

Vehicle Identification Number—Standard 115; Assignment of Manufacturer Identifiers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of Appointment of Agent for Manufacturer Identifier Assignment.

SUMMARY: This notice announces the appointment of the Society of Automotive Engineers as the NHTSA's agent for the assignment of the manufacturer identifier required by

Federal Motor Vehicle Safety Standard No. 115, *Vehicle identification number.*

FOR FURTHER INFORMATION CONTACT: Frederic Schwartz, Jr., Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202–426–1834).

SUPPLEMENTARY INFORMATION: This notice advises the public of a contract entered into by the National Highway Traffic Safety Administration (NHTSA) with the Society of Automotive Engineers (SAE). The contract provides that the SAE will act as NHTSA's agent in assigning the manufacturer identifiers required by S4.5.1 of Federal Motor Vehicle Safety Standard No. 115, *Vehicle identification number.*

The SAE is the assigner of World Manufacturer Identifiers on behalf of the International Standards Organization. As such, it has assigned more than 700 three character identifiers to motor vehicle manufacturers. These identifiers have been submitted to the NHTSA pursuant to S4.5.1 and S6.1. In assigning these identifiers, the SAE has gained considerable experience in the process of manufacturer identification. For this reason, the agency has determined that it would be more efficient and effective to contract with the SAE to act as its agent in acknowledging and/or assigning manufacturer identifiers to the remaining vehicle manufacturers.

All requests for manufacturer identifiers should be forwarded directly to: Society of Automotive Engineers, 400 Commonwealth Avenue, Warrendale, Pennsylvania 15096, Attention: Leo Ziegler.

Manufacturer identifiers will be supplied at no charge. Manufacturers need not request a particular identifier. Requests for the assignment of specific identifiers can be forwarded to the SAE, however, and these identifiers will be assigned by the SAE if they do not conflict with an identifier already assigned or a block of identifiers already reserved. Identifiers supplied directly to the agency by manufacturers have been forwarded to the SAE.

Manufacturer identifiers assigned by the SAE need not be submitted to the NHTSA. The NHTSA, of course, retains final authority over the assignment process, and any questions should be referred to the agency.

Issued on August 31, 1979.

A. C. Malliaris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 79–28055 Filed 9–7–79; 8:45 am]

BILLING CODE 4910–59–M

Final Contract Briefing; Notice of Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on September 24, 1979, to present the results of a recently completed, contracted research study entitled "Development and Testing of Techniques for Increasing the Conspicuity of Motorcycles and Motorcycle Drivers." The objective of the study was to develop and evaluate various methods for increasing the conspicuity of motorcylces as a countermeasure to the most prevalent type of motorcycle accident—the urban intersection accident where the other motorist was at fault.

The meeting will be held in Room 2230 at the Nassif Building, 400 Seventh Street Southwest, beginning at 9:30 a.m. and lasting until about noon. The briefing, to be presented by the contractor (Highway Safety Research Institute, University of Michigan), will consist of a brief overview of the study findings, a detailed discussion of the results, and an opportunity for audience questions.

Additional information may be obtained from Dr. Robert Henderson, Office of Driver and Pedestrian Research, Room 3202, Transpoint Building, 2100 Second Street Southwest, Washington, D.C. 20590, telephone: 202–755–8753.

Issued in Washington, D.C., on: September 5, 1979.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 79–28056 Filed 9–7–79; 8:45 am]

BILLING CODE 4910–59–M

Final Contract Briefing; Notice of Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on September 24, 1979, to present the results of a recently completed, contracted research study entitled "Evaluation of the Feasibility of a Single Beam Headlighting System." The objective of the study was to explore various methods for modifying the light distribution provided by current low beam headlamps to improve drivers' visibility and, thereby, help reduce the high rate of nighttime accidents.

The meeting will be held in Room 2230 at the DOT Headquarters Building, 400 Seventh Street Southwest, beginning at 1:30 p.m. and lasting until about 3:30 p.m. The briefing, to be presented by the contractor (The Highway Safety Research Institute, University of Michigan), will consist of a brief overview of the study findings, a detailed discussion of the results, and an opportunity for audience questions.

Additional information may be obtained from Mr. Michael Perel, Office of Driver and Pedestrian Research, Room 3202, Transpoint Building, 2100 Second Street Southwest, Washington, D.C. 20590, telephone: 202–755–8753.

Issued in Washington, D.C., on September 5, 1979.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 79–28057 Filed 9–7–79; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Advisory Panel.

SUMMARY: A closed meeting of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held October 10 and 11, 1979.

FOR FURTHER INFORMATION CONTACT: Tom Hartnett, T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20224, Telephone No. 202–566–4427 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Advisory Panel will be held on October 10 and 11, 1979, beginning at 10:00 a.m. in Room 3411, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal Income, Estate, or Gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury

Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122).

Jerome Kurtz,

Commissioner.

[FR Doc. 79-28123 Filed 9-7-79; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

Foreign Portfolio Investment Survey Advisory Committee; Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the initial meeting of the Foreign Portfolio Investment Survey Advisory committee will be held on September 27, 1979 starting at 10:00 A.M. in Room 4121 of the Main Treasury Building, 15th Street and Pennsylvania Avenue, NW., Washington, D.C.

This Committee has been created to provide the Secretary with views from qualified persons representing business, organized labor, and the academic community regarding the collection of statistics on portfolio investment by foreigners in the United States and on U.S. residents portfolio investment abroad as mandated by the International Investment Survey Act of 1976, Pub. L. 94-472.

The Committee will consider the results of a feasibility study of alternative approaches to surveying U.S. residents' portfolio investment abroad. The International Investment Survey Act requires that a balance between costs, burden to the public, and the need for information must be fully considered before implementing any data collection program. In this regard, the views and recommendations of the Committee have been solicited.

The meeting will be open to the public. A limited number of seats will be available on a first come, first serve basis. In order to facilitate admittance, persons interested in attending are asked to call (202) 566-2757 before September 24, 1979.

Interested persons may file a written statement with the Committee before, during or within one week after the meeting. [The Chairman may, as time permits, entertain oral comments from members of the public attending the meeting. Persons interested in making oral statements are asked to so indicate in advance of the meeting.]

Inquiries may be directed to: Mr. George C. Miller, Jr., Executive Assistant, Office of the Assistant Secretary (Economic Policy), U.S. Department of the Treasury, Washington, D.C. 20220.

[Minutes of the meeting will be available from the above office.]

Daniel H. Brill,

Assistant Secretary, Economic Policy.

September 5, 1979.

[FR Doc. 79-28092 Filed 9-7-79; 8:45 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperatives; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: September 5, 1979.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Special Freight Systems, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), P.O. Box 366—Hwy. 17 South, Wauchula, FL 33873.

Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 166—Mt. Royal Plaza, Paulsboro, NJ 08066.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Daniel Latta & Sons, Inc., Mt. Royal Plaza, Paulsboro, NJ 08066 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

(2) International Farmers Union, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), Ingenieros 430, Nogales, Sonora, Mexico.

Principal Mailing Address (Street No., City, State, and Zip Code): Ingenieros 430, Nogales, Sonora, Mexico.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Alfonso Cuevas, Apdo. Postal No. 329, Nogales, Mexico. (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

(3) Sinaloa Growers and Producers, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), Apartado Postal No. 1-133, Mexicali, Baja California, Mexico.

Prinicipal Mailing Address (Street No., City, State, and Zip Code): 292 Naranjos St., Los Pinos, Mexicali, B.C., Mexico.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Manuel Balenzuela A., Apartado Postal No. 1-133, Mexicali, B.C., Mexico (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

(4) World Growers Alliance, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), 292 Naranjos St., Los Pinos, Mexicali B.C.

Principal Mailing Address (Street No., City, State, and Zip Code): Refugio Rodriguez, 292 Naranjos St., Los Pinos, B.C. Mexico.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Refugio Rodriguez, 292 Naranjos, Los Pinos B.C., Mexico (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

(5) Great American Trucking Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), P.O. Box 596, La Habra, CA 90631.

Principal Mailing Address (Street No., City, State, and Zip Code): 1624 E. Holt Ave., Ontario, CA 91761.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Jim Brodie, Box 244, San Juan, TX. (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-28096 Filed 9-7-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

September 5, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before September 25, 1979.

FSA No. 43741, Southwestern Freight Bureau, Agent's No. B-22, carload rates on sugar, beet or cane, in bulk, in covered hoppers, from stations in Colorado, Idaho, Nebraska, Utah and Wyoming, to Dallas and Ft. Worth, Tex. Also, returned shipments in the reverse direction. Rates are published in Sup. 17 to its Tariff ICC SWFB 4412, to become effective September 25, 1979. Ground for relief—market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-28095 Filed 9-7-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice Finance Docket No. 29121]

Railroad Car Service Pooling Application; Notice of Filing and Proposed Special Rules of Procedure

September 5, 1979.

An application, as summarized below, termed a "Railgon Pooling Application," has been filed by certain common carriers by railroad, the trustees of certain common carriers by railroad, Railgon Company and Trailer Train Company under section 11342 of Title 49, U.S. Code "Transportation" (a) for authority to enter into an agreement for the pooling of car service with respect to gondola cars and the pooling and division of earnings as affected thereby and (b) for approval of said agreement. Thr railroads listed as applicants are:

The Atchison, Topeka and Santa Fe Railway Company; The Baltimore and Ohio Railroad Company; Robert W. Meserve and Benjamin H. Lacy, Trustees of Boston and Maine Corporation, Debtor; Burlington Northern Inc.; Central of Georgia Railroad Company; The Chesapeake and Ohio Railway Company; Chicago and North Western Transportation Company; Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor; William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company, Debtor; Consolidated Rail Corporation; The Denver and Rio Grande Western Railroad Company; Detroit, Toledo & Ironton Railroad, Company; Florida East Coast Railway Company; Illinois Central Gulf Railroad Company; The Kansas City Southern Railway Company; Louisville and Nashville Railroad Company; Missouri-Kansas-Texas Railroad Company; Missouri Pacific Railroad Company; Richmond, Fredericksburg and Potomac Railroad Company; St. Louis-San Francisco Railway Company; St. Louis Southwestern Railway Company; Seaboard Coast Line Railroad Company; Southern Pacific Transportation Company; Southern Railway Company; Toledo, Peoria & Western Railroad Company; Union Pacific Railroad Company; Western Maryland Railway Company; The Western Pacific Railroad Company.

The application and an appended "Railgon Pooling Agreement" propose the joint ownership and management of a pool of gondola cars through Railgon Company, a subsidiary of Trailer Train Company. The latter, principally owned by the Railroad Applicants, is now engaged in a similar activity with respect to flat cars and, through a wholly-owned subsidiary, Railbox Company, with respect to box cars. Under the plan proposed, the Railroad Applicants will agree with each other to act through Railgon Company (a) to pool experience and research and to design and develop standardized types of gondola cars for maximum utilization; (b) to pool information as to equipment needs to secure an evaluation of total needs; (c) jointly to purchase needed equipment so as to achieve early and consistent deliveries and economies which result in low unit costs; (d) to act together to secure favorable equipment financing terms; (e) to pool various aspects of utilization, maintenance and accounting; and (f) to pool the ownership costs and expenses of operation and to provide an equitable sharing of costs and expenses associated with the pooling plan. Applicants state that the gondola cars will be free-running cars, available for loading as needed, and not subject to car service rules and regulations normally applicable to railroad-owned gondola cars.

Participation in the pool will not be limited to the railroads which have joined in the filing of the application, but will be open to all other United States carriers of property by railroad who become signatories to the "Railgon Pooling Agreement" and comply with its provisions. Applicants have requested that the approving order in this proceeding provide a period of 180 days following the date thereof during which other railroads may join the pooling plan by filing with the Commission a request to that effect.

A copy of the application is on file, and can be examined in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. In addition, applicants have offered to mail each interested party a copy of the application upon receiving a request therefor addressed to:

Mr. Robert J. Williams, Vice President, General Counsel, and Secretary, Trailer Train Company, 300 South Wacker Drive, Chicago, Illinois 60606.

Any person desiring to participate in the proceedings with respect to the application may file a pleading, stating the nature of its interest and its position with respect thereto, on or before October 10, 1979, with copies to applicants' counsel, Mr. Robert J. Williams, at the address stated above, and to Mr. Paul R. Duke, Covington & Burling, 888 Sixteenth Street, N.W., Washington, D.C. 20006.

In the opinion of applicants, the requested Commission action will not constitute major regulatory action within the meaning of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 *et seq.*) and the Commission's regulations thereunder (49 CFR 1106.1 *et seq.*). Any protest may include a statement indicating the presence or absence of any impact of the requested Commission action on energy conservation and energy efficiency. If such impact is alleged, the statement shall be accompanied by supporting data indicating the nature and degree of the anticipated energy impact.

Under the Commission's regulations (49 CFR 1108.10), the proposal is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In the opinion of applicants, the requested Commission action will not significantly affect the quality of the human environment within the meaning of said Act. Any protest may include a statement indicating the presence or absence of environmental impacts. If any such effect is alleged to be present, the statement shall include the data required by the Commission's regulations (49 CFR 1108.12(e)).

The Commission has adopted the following Special Rules of Procedure for this proceeding:

1. The hearings in these matters will be conducted under modified procedure in accordance with the following provisions:

(a) Applicants' verified statements will be due ten days after the expiration of the date upon which notices of intention to participate in the proceeding shall be due;

(b) Verified statements by all other parties shall be due 20 days thereafter;

(c) Verified reply statements by all parties shall be due ten days thereafter; and

(d) No oral hearing is comtemplated.

2. If the application is approved, a period of 180 days following the effective date of the Commission's order shall be provided during which other carriers of property by railroad shall be authorized to join the pooling agreement.

Any protests submitted shall be filed with the Commission no later than October 10, 1979.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-28094 Filed 9-7-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 176
Monday, September 10, 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
Civil Aeronautics Board	1
Equal Employment Opportunity Commission	2
Federal Energy Regulatory Commission	3, 4
Federal Home Loan Bank Board	5, 6
Federal Maritime Commission	7
National Science Board	8
Nuclear Regulatory Commission	9

1

[M-241, Amdt. 1; Sept. 5, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the September 6, 1979, meeting.

TIME AND DATE: 10 a.m., September 6, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C 20428.

SUBJECT: 2a. Docket 33019, Chicago-Midway Expanded Service Investigation (Memo 7909-M, OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: This item was inadvertently omitted from the September 6, 1979 agenda. Accordingly, the following Members have voted that agency business requires that this item be added to the September 6, 1979 agenda and that no earlier announcement of this addition was possible.

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

[S-1746-79 Filed 9-6-79; 3:08 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, September 11, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street N.W., Washington, DC. 20506.

MATTERS TO BE CONSIDERED:

Open to the Public

(1) Proposed 706 Agency Designation for the City of Detroit Human Rights Department.

(2) Final 706 designation of three State and Local Agencies.

(3) Proposed Questionnaire requesting information on the impact of Federal equal employment opportunity programs and activities, to be sent to employers.

(4) Report on Commission operations by Executive Director.

Closed to the Public

(1) Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 4, 1979.

[S-1749-79 Filed 9-6-79; 4:02 pm]

BILLING CODE 6570-06-M

3

September 5, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: September 12, 1979, 10 a.m.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information.

Power Agenda—338th Meeting, September 12, 1979, Regular Meeting (10 a.m.)

CAP-1. Docket Nos. ER76-306, et al., New England Power Co.
CAP-2. Docket Nos. ER79-216 and ER79-217, Boston Edison Co.
CAP-3. Docket No. ER78-514, Superior Water, Light & Power Co.

Gas Agenda—338th Meeting, September 12, 1979, Regular Meeting

CAG-1. Docket No. CP76-104 (PGA No. 79-2), Pacific Interstate Transmission Co.
CAG-2. Docket No. RP74-100 (PGA No. 79-4), National Fuel Gas Supply Corp.
CAG-3. Docket Nos. RP72-134, RP75-46 and RP77-17 (PGA No. 79-5 and DCA No. 79-3), Eastern Shore Natural Gas Co.
CAG-4. Docket No. RP72-155, El Paso Natural Gas Co.
CAG-5. Docket Nos. RP72-142, RP76-135 and RP78-76 (PGA79-2A and AP79-2A), Cities Service Gas Co.
CAG-6. Docket No. OR79-3, Lakehead Pipe Line Co.
CAG-7. Special report by Tenneco, Inc., concerning J. R. McDermott & Co., Inc., and Brown and Root, Inc. matters.
CAG-8. Docket Nos. CI76-678 and CI76-722, Tenneco, Inc. Docket No. CI76-784, Texaco, Inc.
CAG-9. Docket No. CI78-1046, Mesa Petroleum Co. Docket No. CI78-654, Shell Oil Co. Docket No. C579-365, Orville C. Rogers. Docket No. G-14614, American Petrofina Co. of Texas, et al. Docket No. CI77-655, Aminoil USA, Inc. Docket No. CI78-1202, Amoco Production Co. Docket No. CI79-332, Mesa Petroleum Co. Docket No. CI74-528, Exxon Corp. Docket No. CI76-721, Amoco production Co. Docket No. CI78-416, Sun Oil Co. Docket No. CI63-1050, Northern Natural Producing. Docket No. CI78-1245, Phillips Petroleum Co. Docket No. CI78-617, Atlantic Richfield Co. Docket No. CI74-567, Chevron U.S.A. Inc. Docket No. CI77-611 and CI77-612, Pennzoil Louisiana Offshore, Inc. Docket No. CI77-654, Southland Royalty Co. Docket No. CI74-567, Chevron U.S.A. Inc. Docket No. CI78-616, Hondo Oil & Gas Co. Docket No. CI77-691, Columbia Gas Development Corp. Docket No. CI78-33, Amoco Production Co., operator, et al. Docket No. CI78-933, Aminoil USA, Inc. Docket No. CI76-586, Atlantic Richfield Co., et al. Docket No. CI79-515, Louisiana Land Offshore Exploration Co., Inc. Docket No. CI67-808, Shell Oil Co. (operator), et al. Docket No. CI79-519, Texaco, Inc. Docket No. CI79-493, Texas Eastern Exploration Co. Docket No. CI67-850, Amoco Production Co. Docket No. CI79-513, The Louisiana Land and Exploration Co. Docket No. CI72-440, Amoco Production Co. Docket No. CI78-655, Sun Oil Co.
CAG-10. Docket No. CP76-285, Mountain Fuel Resources, Inc. Docket No. CP76-388, Mountain Fuel Supply Co. Docket No. CP76-389, Northwest Pipeline Corp. Docket No. CP77-289, El Paso Natural Gas Co. Docket No. CP76-512, Clay Basin Storage Co. Docket No. CP76-87 (Rhodes Reservoir), El Paso Natural Gas Co. Docket No. CP78-172 (Barker Creek Dome), El Paso Natural Gas Co. Docket No. CP78-257 (Barker Creek Dome), Western Gas Interstate Co. Docket No. CI78-506, Supron Energy Corp.

CAG-11. Docket No. CP79-362, Michigan Wisconsin Pipe Line Co.
CAG-12. Docket No. CP79-265, McCulloch Interstate Gas Corp.
CAG-13. Docket No. CP79-263, Natural Gas Pipeline Co. of America, Columbia Gulf Transmission Co., Northern Natural Gas Co. and Trunkline Co.
CAG-14. Docket Nos. CP79-290, RP79-69 and RP79-49, Equitable Gas Co.
CAG-15. Docket No. CP79-245, Western Transmission Corp.

Power Agenda—338th Meeting, September 12, 1979, Regular Meeting

I. Licensed Project Matters

P-1. Project No. 199, South Carolina Public Service Authority. Docket No. E-9110, James H. Quackenbush v. South Carolina Public Service Authority.

II. Electric Rate Matters

ER-1. Docket No. ER79-535, Kansas City Power & Light Co.
ER-2. Docket Nos. E-8187, E-8700, ER76-203, ER76-238 and ER78-516, Boston Edison Co.
ER-3. Docket No. E-7777 (Phase II), Pacific Gas & Electric Co. Docket No. E-7796, Pacific Power & Light Co.
ER-4. Docket No. E-9578 (Phase I), Texas Power & Light Co.
ER-5. Docket No. ER79-279, Virginia Electric & Power Co.
ER-6. Docket No. EL79-16, Otter Tail Power Co.
ER-7. Docket No. ID-1758, Charles T. Fisher, III.
ER-8. Docket No. ER77-488 and ER78-520 (Phase I), El Paso Electric Co.

Miscellaneous Agenda—338th Meeting, September 12, 1979, Regular Meeting

M-1. Reserved.
M-2. Reserved.
M-3. Docket No. GP79-30, State of Utah § 103 NGPA Determination American Quasar Petroleum, Co. No. Uper 5-1 Well.
M-4. Docket No. GP79-40, United States Geological Survey § 103 NGPA Determination Belco Petroleum Corp. Chapita Wells Unit 32-21 API No. 43-047-30233.
M-5. Notice of Well Determinations.
M-6. Docket No. GP79-18, Guernsey Petroleum Corp.
M-7. Docket No. RM79- , final rule promulgating subpart I of part 271 concerning § 109 of the Natural Gas Policy Act of 1978.
M-8. Docket No. RM79-47, Budget-Type Applications: Gas Supply Facilities—Amendments to scope of existing Docket No. RM79-43, amendments to subpart A, part 157 of the regulations implementing the Natural Gas Act.
M-9. Docket No. RM79-14, regulations implementing the incremental pricing provisions of the Natural Gas Policy Act of 1978.
M-10. Docket No. RM79-21, regulations implementing alternative fuel cost ceiling on incremental pricing under the Natural Gas Policy Act.
M-11. Docket No. RM79-45, exemption from incremental pricing for load-balancing facilities which burn coal.
M-12. Docket No. RM79-46, exemption from incremental pricing for load-balancing facilities which burn oil.
M-13. Docket No. RM79-48, new small boil exemption from incremental pricing.
M-14. Docket No. RM79-77, rule required under section 202 of the Natural Gas Policy Act of 1978.

Gas Agenda—338th meeting, September 12, 1979, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP73-65 (PGA77-4), Columbia Gas Transmission Corp.
RP-2. Docket No. RP72-156 (PGA79-1A) Texas Gas Transmission Corp.
RP-3. Docket No. RP79-76, Cities Service Gas Co.
RP-4. Docket No. RP72-133 (PGA77-2), United Gas Pipe Line Co.

II. Producer Matters

CI-1. Docket No. CI75-45, et al., Tenneco Oil Co., et al.

III. Pipeline Certificate Matters

CP-1. Docket No. CP77-403 and CP77-547, Transcontinental Gas Pipe Line Corp.

Kenneth F. Plumb,

Secretary.

[S-1742-79 Filed 9-6-79; 11:35 am]

BILLING CODE 6450-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 51397, Aug. 31, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 5, 1979, 10 a.m.

CHANGE IN MEETING: Addition to the agenda meeting of Sept. 5, 1979.

Item No., Docket No., and Company

M-12.—Depco, Inc., Beall Federal Well No. 1 USGS—Albuquerque New Mexico Section 102 NGPA Determination FERC JD No. 79-13417 USGS Docket No. NM-368-79.
CI-1.—CI79-415, Continental Oil Co., CI79-532, Exxon Corp.

Kenneth F. Plumb,

Secretary.

[S-1748-79 Filed 9-6-79; 3:51 pm]

BILLING CODE 6450-01-M

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., September 13, 1979.

PLACE: 1700 G Street, NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin Q. Bolling, (202-377-6677).

MATTERS TO BE CONSIDERED.

Application for Permission to Incur Debt—Guarantee Financial Corporation of California, Fresno, California

Application for Bank Membership—Erie Savings Bank, Buffalo, New York

Application for Bank Membership and Insurance of Accounts—Security Savings and Loan Association, Hayes, Virginia

Application for Bank Membership, Insurance of Accounts and Preliminary Conversion to a Federal Mutual Charter—Montgomery Savings and Loan Association, Troy, North Carolina

Application for Appeal for Remission of Liquidity Deficiency Penalties—USLIFE Savings and Loan Association, Los Angeles, California

Application for Federal Savings and Loan Advisory Council Committee Travel Authorization

Application for Formal Conversion into a Federal Mutual Association—Kings Mountain Savings and Loan Association, Kings Mountain, North Carolina

September 6, 1979.

[S-1745-79 Filed 9-6-79; 3:08 pm]

BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR Page 52073-52074, September 6, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., September 5, 1979.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling, (202-377-6677).

CHANGES IN THE MEETING: The following item was added to the agenda for the open meeting—Report Concerning Sale of FSLIC Asset.

ANNOUNCEMENT IS BEING MADE AT THE EARLIEST PRACTICABLE TIME.

September 6, 1979.

[S-1747-79 Filed 9-6-79; 3:08 pm]

BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: September 12, 1979, 10 a.m.

PLACE: Room 12126—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public.

The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Agreement No. 10361 between Farrell Lines and Compagnie Maritime Zairoise and

Agreement No. 10362 between Delta Steamship Lines, Inc. and Compagnie Maritime Zairoise establishing agency/husbanding agreements.

2. Agreement No. 9615–28: Modification of the Iberian/U.S. North Atlantic Freight Conference to conform to General Order 7.

3. Petition of Government of the Virgin Islands for reconsideration of the disposition of protest of initial service of Puerto Rico Maritime Shipping Authority to Virgin Islands.

4. Special Docket No. 647: Application of American President Lines, Ltd., for the Benefit of Beverly Coat Hanger Company—Review of initial decision.

Portions Closed to the Public

1. Docket No. 79–76: Pacific Westbound Conference Agreement No. 57–115—Consideration of the record.

2. Docket No. 77–50: North Carolina State Ports Authority International Longshoremen's Association, AFL–CIO, Local 1426, International Longshoremen's Association, AFL–CIO Local 1426–A, Warehousemen v. Dart Containerline Company, Limited—Consideration of petition of respondent for stay or order.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–1743–79 Filed 9–6–79; 11:35 am]

BILLING CODE 6730–01–M

8

NATIONAL SCIENCE BOARD.

DATE AND TIME: September 20, 1979, 1 p.m. Open Session. September 21, 1979 9 a.m. Closed Session.

PLACE: National Science Foundation, Rm 540, 1800 G. Street, N.W. Washington, D.C.

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 AT THE OPEN SESSION:

1. Minutes—Open Session—208th Meeting
2. Chairman's Report
3. Director's Report—
a. Report on Grant & Contract Activity—8/16–9/19, 1979
b. Organizational and Staff Changes
c. Congressional and Legislative Matters
d. NSF Budget for Fiscal Year 1980
4. Board Committees—Reports on Meetings—
a. Executive Committee
b. Planning and Policy Committee
c. Programs Committee
d. Committee on Minorities and Women in Science
e. Committee on Role of NSF in Basic Research
f. Ad Hoc Committee on Big and Little Science
g. Ad Hoc Committee on Deep Sea and Ocean Margin Drilling Programs
h. Ad Hoc Committee on NSB Nominees
5. NSF Advisory Groups
6. Program Review—Policy Research and Analysis
7. Board Representation at Future Site Visits to Materials Research Laboratories
8. Board Representation at Semiannual Review: Very Large Array at Socorro, New Mexico
9. Grants, Contracts, and Programs—Information Item
10. Review of NSF Act of 1950, as Amended
11. Other Business
12. Next Meetings: National Science Board, 210th Meeting, October 18–19, 1979

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

A. Minutes—Closed Session—208th Meeting
B. Grants, Contracts, and Programs
C. Nominations: NSB, NSF Assistant Directors, and Alan T. Waterman Award Committee
D. NSB Annual Reports
E. NSF Budgets for Fiscal Year 1981 and Subsequent Years

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 632–5840.

[S–1741–79 Filed 9–6–79; 10:14 am]

BILLING CODE 7555–01–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: September 5 and 6, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., NW, Washington, D.C.

STATUS: Open/Closed (Changes).

MATTERS TO BE CONSIDERED:

Wednesday, September 5, 2:30 p.m.

The meeting titled "Discussion of Proceeding to Assess Commission Confidence in Safe Disposal of Nuclear Wastes" (Public meeting) was cancelled. The Affirmation Session (Public meeting) will take its place.

Thursday, September 6, 9:30 a.m.

The Briefing by H. Denton on Conclusions of TMI Lessons Learned Recommendations (Public meeting) will begin at 9:30 a.m. instead of 10 a.m., as previously announced.

Thursday, September 6, 3 p.m.

Discussion of Personnel Matter (Approximately 1½ hours—Closed–Ex–6—Continued from 9/4).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Roger M. Tweed,
Office of the Secretary.
September 4, 1979.

[S–1744–79 Filed 9–6–79; 11:54 am]

BILLING CODE 7590–01–M

federal register

Monday
September 10, 1979

Part II

Environmental Protection Agency

Standards of Peformance for New Stationary Sources; Gas Turbines

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1276-2]

Standards of Performance for New Stationary Sources; Gas Turbines

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule establishes standards of performance which limit emissions of nitrogen oxides and sulfur dioxide from new, modified and reconstructed stationary gas turbines. The standards implement the Clean Air Act and are based on the Administrator's determination that stationary gas turbines contribute significantly to air pollution. The intended effect of this regulation is to require new, modified and reconstructed stationary gas turbines to use the best demonstrated system of continuous emission reduction.

EFFECTIVE DATE: September 10, 1979.

ADDRESSES: The Standards Support and Environmental Impact Statement (SSEIS) may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711 (specify *Standards Support and Environmental Impact Statement, Volume 2: Promulgated Standards of Performance for Stationary Gas Turbines*, EPA-450/2-77-017b).

FOR FURTHER INFORMATION CONTACT: Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone No. (919) 541-5271.

SUPPLEMENTARY INFORMATION:

The Standards

The promulgated standards apply to all new, modified, and reconstructed stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (about 1,000 horsepower). The standards apply to simple and regenerative cycle gas turbines and to the gas turbine portion of a combined cycle steam/electric generating system.

The promulgated standards limit the concentration of nitrogen oxides (NO_x) in the exhaust gases from stationary gas turbines with a heat input from 10.7 to and including 107.2 gigajoules per hour (about 1,000 to 10,000 horsepower), from offshore platform gas turbines, and from stationary gas turbines used for oil or gas transportation and production not located in a Metropolitan Statistical Area (MSA), to 0.0150 percent by volume (150 PPM) at 15 percent oxygen on a dry basis. The promulgated standards also limit the concentration of NO_x in the exhaust gases from stationary gas turbines with a heat input greater than 107.2 gigajoules per hour, and from stationary gas turbines used for oil or gas transportation and production located in an MSA, to 0.0075 percent by volume (75 PPM) at 15 percent oxygen on a dry basis (see Table 1 for summary of NO_x emission limits). Both of these emission limits (75 and 150 PPM) are adjusted upward for gas turbines with thermal efficiencies greater than 25 percent using an equation included in the promulgated standards. These emission limits are also adjusted upward for gas turbines burning fuels with a nitrogen content greater than 0.015 percent by weight using a fuel-bound nitrogen allowance factor included in the promulgated standards, or a "custom" fuel-bound nitrogen allowance factor developed by the gas turbine manufacturer and approved for use by EPA. Custom fuel-bound nitrogen allowance factors must be substantiated with data and approved for use by the Administrator before they may be used for determining compliance with the standards.

The promulgated NO_x emission limits are referenced to International Standard Organization (ISO) standard day conditions of 288 degrees Kelvin, 60 percent relative humidity, and 101.3 kilopascals (1 atmosphere) pressure. Measured NO_x emission levels, therefore, are adjusted to ISO reference conditions by use of an ambient condition correction factor included in the standards, or by a custom ambient condition correction factor developed by the gas turbine manufacturer and approved for use by EPA. Custom ambient condition correction factors can only include the following variables: combustor inlet pressure, ambient air pressure, ambient air humidity, and ambient air temperature. These factors must be substantiated with data and approved for use by the Administrator before they may be used for determining compliance with the standards.

Stationary gas turbines with a heat input at peak load from 10.7 to, and including, 107.2 gigajoules per hour are to be exempt from the NO_x emission limit included in the promulgated standards for five years from the date of proposal of the standards (October 3, 1977). New gas turbines with this heat input at peak load which are constructed, or existing gas turbines with this heat input at peak load which are modified or reconstructed during this five-year period do not have to comply with the NO_x emission limit included in the promulgated standards at the end of this period. Only those new gas turbines which are constructed, or existing gas turbines which are modified or reconstructed, following this five-year period must comply with the NO_x emission limit.

Emergency-standby gas turbines, military training gas turbines, gas turbines involved in certain research and development activities, and firefighting gas turbines are exempt from compliance with the NO_x emission limits included in the promulgated standards. In addition, stationary gas turbines using wet controls are temporarily exempt from the NO_x emission limit during those periods when ice fog created by the gas turbine is deemed by the owner or operator to present a traffic hazard, and during periods of drought when water is not available.

None of the exemptions mentioned above apply to the sulfur dioxide (SO_2) emission limit. The promulgated standards limit the SO_2 concentration in the exhaust gases from stationary gas turbines with a heat input at peak load of 10.7 gigajoules per hour or more to 0.015 percent by volume (150 PPM) corrected to 15 percent oxygen on a dry basis. The standards include an alternative SO_2 emission limit on the sulfur content of the fuel of 0.8 percent sulfur by weight (see Table 1 for summary of exemptions and SO_2 emission limits).

Table 1.—*Summary of Gas Turbine New Source Performance Standard*

Gas turbine size and usage	NO_x emission limit [1]	Applicability date for NO_x	SO_2 emission limit	Applicability date for SO_2
Less than 10.7 gigajoules/hour (all uses)	None	Standard does not apply.	None	Standard does not apply.
Between 10.7 and 107.2 gigajoules/hour (all uses).	150 ppm	October 3, 1982	150 ppm SO_2 or fire a fuel with less than 0.8% sulfur.	October 3, 1977.
Greater than or equal to 107.2 gigajoules/hour:				
1. Gas and oil transportation or production not located in an MSA.	150 ppm	October 3, 1977	Same as above	October 3, 1977.
2. Gas and oil transportation or production located in an MSA.	75 ppm	October 3, 1977	Same as above	October 3, 1977.
3. All other uses	75 ppm	October 3, 1977	Same as above	October 3, 1977.
Emergency standby, firefighting, military (except for garrison facility), military training, and research and development turbines.	None	Standard does not apply.	Same as above	October 3, 1977.

[1] NO_x emission limit adjusted upward for gas turbines with thermal efficiencies greater than 25 percent and for gas turbines firing fuels with a nitrogen content of more than 0.015 weight percent. Measured NO_x emissions adjusted to ISO conditions in determining compliance with the NO_x emission limit.

Environmental, Energy, and Economic Impact

The promulgated standards will reduce NO_x emissions by about 190,000 tons per year by 1982 and by 400,000 tons per year by 1987. This reduction will be realized with negligible adverse solid waste and noise impacts.

The adverse water pollution impact associated with the promulgated standards will be minimal. The quantity of water or steam required for injection into the gas turbine to reduce NO_x emissions is less than 5 percent of the water consumed by a comparable size steam/electric power plant using cooling towers. There will be no adverse water pollution impact associated with those gas turbines which employ dry NO_x control technology.

The energy impact associated with the promulgated standards will be small. Gas turbine fuel consumption could increase by as much as 5 percent in the worst cases. The actual energy impact depends on the rate of water injection necessary to comply with the promulgated standards. Assuming the "worst case," however, the standards would increase fuel consumption of large stationary gas turbines (i.e., greater than 10,000 horsepower) by about 5,500 barrels of fuel oil per day in 1982. The standards would increase fuel consumption of small stationary gas turbines (i.e., less than 10,000 horsepower) by about 7,000 barrels of fuel oil per day in 1987. This is equivalent to an increase in projected 1982 and 1987 national crude oil consumption of less than 0.03 percent. As mentioned, these estimates are based on "worst case" assumptions. The actual energy impact of the promulgated standard is expected to be much lower than these estimates because most gas turbines will not experience anywhere near a 5 percent fuel penalty due to water or steam injection. In addition, many gas turbines will comply with the standards using dry control, which in most cases has no energy penalty.

The economic impact associated with the promulgated standards is considered reasonable. The standards will increase the capital costs or purchase price of a gas turbine for most installations by about 1 to 4 percent. The annualized costs will be increased by about 1 to 4 percent, with the largest application, utilities, realizing less than a 2 percent increase.

The promulgated standards will increase the total capital investment requirements for users of large stationary gas turbines by about 36 million dollars by 1982. For the period 1982 through 1987, the standards will increase the capital investment requirements for users of both large and small stationary gas turbines by about 67 million dollars. Total annualized costs for these users of stationary gas turbines will be increased by about 11 million dollars in 1982 and by about 30 million dollars in 1987. These impacts will result in price increases for the end products or services provided by industrial and commercial users of stationary gas turbines ranging from less than 0.01 percent in the petroleum refining industry, to about 0.1 percent in the electric utility industry.

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the **Federal Register** of meetings of the National Air Pollution Control Techniques Advisory Committee to discuss the standards recommended for proposal. These meetings occurred on February 21, 1973; May 30, 1973; and January 9, 1974. The meetings were open to the public and each attendee was given ample opportunity to comment on the standards recommended for proposal. The standards were proposed and published in the **Federal Register** on October 3, 1977. Public comments were solicited at that time and, when requested, copies of the Standards Support and Environmental Impact Statement (SSEIS) were distributed to interested parties. The public comment period extended from October 3, 1977, to January 31, 1978.

Seventy-eight comment letters were received on the proposed standards of performance. These comments have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the standards which were proposed.

Significant Comments and Changes to the Proposed Regulation

Comments on the proposed standards were received from electric utilities, oil and gas producers, gas turbine manufacturers, State air pollution control agencies, trade and professional associations, and several Federal agencies. Detailed discussion of these comments can be found in Volume 2 of the SSEIS. The major comments can be combined into the following areas: general, emission control technology, modification and reconstruction, economic impacts, environmental impacts, energy impacts, and test methods and monitoring.

General

Small stationary gas turbines (i.e, those with a heat input at peak load between 10.7 and 107.2 gigajoules per hour—about 1,000 to 10,000 horsepower) are exempt from the standards for a period of five years following the date of proposal. Some commenters felt it was not clear whether small gas turbines would be required to retrofit NO_x emissions controls after the exemption period ended. These commenters felt this was not the intent of the standards and they recommended that this point be clarified.

The intent of both the proposed and the promulgated standards is to consider small gas turbines which have commenced construction on or before the end of the five year exemption period as existing facilities. These facilities will not have to retrofit at the end of the exemption period. This point has been clarified in the promulgated standards.

Several commenters requested exemptions for temporary and intermittent operation of gas turbines to permit research and development into advanced combustion techniques under full scale conditions.

This is considered a reasonable request. Therefore, gas turbines involved in research and development for the purpose of improving combustion efficiency or developing emission control technology are exempt from the NO_x emission limit in the promulgated standards. Gas turbines involved in this type of research and development generally operate intermittently and on a temporary basis. The standards have been changed, therefore, to allow exemptions in such situations on a case-by-case basis.

Emissions Control Technology

The selection of wet controls, or water injection, as the best system of emission reduction for stationary gas turbines was criticized by a number of commenters. These commenters pointed out that although dry controls will not reduce emissions as much as wet controls, dry controls will reduce NO_x emissions without the objectionable results of water injection (i.e., increased fuel consumption and difficulty in securing water of acceptable quality). These commenters, therefore, recommended postponement of standards until dry controls can be implemented on gas turbines.

As pointed out in Volume 1 of the SSEIS, a high priority has been established for control of NO_x emissions. Wet and dry controls are considered the only viable alternative control techniques for reducing NO_x emissions from gas turbines. Control of NO_x emissions by either of these two

alternatives clearly favored the development of the standards of performance based on wet controls from an environmental viewpoint. Reductions in NO_x emissions of more than 70 percent have been demonstrated using wet controls on many large gas turbines used in utility and industrial applications. Thus, wet controls can be applied immediately to large gas turbines, which account for 85–90 percent of NO_x emissions from gas turbines.

The technology of wet control is the same for both large and small gas turbines. The manufacturers of small gas turbines, however, have not experimented with or developed this technology to the same extent as the manufacturers of large gas turbines. In addition, small gas turbines tend to be produced or more of an assembly line basis than large gas turbines. Consequently, the manufacturers of small gas turbines need a lead time of five years (based on their estimates) to design, test, and incorporate wet controls on small gas turbines.

Even with a five-year delay in application of standards to small gas turbines, standards of performance based on wet controls will reduce national NO_x emissions by about 190,000 tons per year by 1982. Therefore, the reduction in NO_x emissions resulting from standards based on wet controls is significant.

Dry controls have demonstrated NO_x emissions reduction of only about 40 percent in laboratory and combustor rig tests. Because of the advanced state of research and development into dry control by the manufacturers of large gas turbines, the much longer lead time involved in ordering large gas turbines, and the greater attention that can be given to "custom" engineering designs of large gas turbines, dry controls can be implemented on large gas turbines immediately. Manufacturers of small gas turbines, however, estimate that it would take them as long to incorporate dry controls as wet controls on small gas turbines. Basing the standards only on dry controls, therefore, would significantly reduce the amount of NO_x emission reductions achieved.

The economic impact of standards based on wet controls is considered reasonable for large gas turbines. (See Economic Impact Discussion.) Thus, wet controls represent ". . . the best system of continuous emission reduction . . . (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements) . . ." for large gas turbines.

The economic impact of standards based on wet controls, however, is considered unreasonable for small gas turbines, gas turbines located on offshore platforms, and gas turbines employed in oil or gas production and transportation which are not located in a Metropolitan Statistical Area. The economic impact of standards based on dry controls, on the other hand, is considered reasonable for these gas turbines. (See Economic Impact Discussion.) Thus, dry controls represent ". . . the best system of continuous emission reduction . . . (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements) . . ." for small gas turbines, gas turbines located on offshore platforms, and gas turbines employed in oil or gas production and transportation which are not located in a Metropolitan Statistical Area.

Volume 1 of the SSEIS summarizes the data and information available from the literature and other nonconfidential sources concerning the effectiveness of dry controls in reducing NO_x emissions from stationary gas turbines. More recently, additional data and information have been published in the Proceedings of the Third Stationary Source Combustion Symposium (EPA–600/7–79–050C), Advanced Combustion Systems for Stationary Gas Turbines (interim report) prepared by the Pratt and Whitney Aircraft Group for EPA (Contract 68–02–2136), "Experimental Clean Combustor Program Phase III" (NASA CR–135253) also prepared by the Pratt and Whitney Aircraft Group for the National Aeronautics and Space Administration (NASA), and "Aircraft Engine Emissions" (NASA Conference Publication 2021). These data and information show that dry controls can reduce NO_x emissions by about 40 percent. Multiplying this reduction by a typical NO_x emission level from an uncontrolled gas turbine of about 250 ppm leads to an emission limit for dry controls of 150 ppm. This, therefore, is the numerical emission limit included in the promulgated standards for small gas turbines, gas turbines located on offshore platforms, and gas turbines employed in oil or gas production or transportation which are not located in Metropolitan Statistical Areas.

The five-year delay from the date of proposal of the standards in the applicability date of compliance with the NO_x emission limit for small gas turbines has been retained in the promulgated standards. As discussed above, manufacturers of small gas turbines have estimated that it will take this long to incorporate either wet or dry controls on these gas turbines.

Several commenters criticized the fuel-bound nitrogen allowance included in the proposed standards. It was felt that greater flexibility in the equations used to calculate the fuel-bound nitrogen NO_x emissions contribution should be permitted, due to the limited data on conversion of fuel-bound nitrogen to NO_x. These commenters recommended that manufacturers of gas turbines be allowed to develop their own fuel-bound nitrogen allowance.

As discussed in Volume I of the SSEIS, the reaction mechanism by which fuel-bound nitrogen contributes to NO_x emissions is not fully understood. In addition, emission data are limited with respect to fuels containing significant amounts of fuel-bound nitrogen. The problem of quantifying the fuel-bound nitrogen contribution to total NO_x emissions is further complicated by the fact that the amount of nitrogen in the fuel has an effect on this contribution.

In light of this sparsity of data, the commenters' recommendations seem reasonable. Therefore, a provision has been added to the standards to allow manufacturers to develop custom fuel-bound nitrogen allowances for each gas turbine model. The use of these factors, however, must be approved by the Administrator before the initial performance test required by Section 60.8 of the General Provisions. Petitions by manufacturers for approval of the use of custom fuel-bound nitrogen allowance factors must be supported by data which clearly provide a basis for determining the contribution of fuel-bound nitrogen to total NO_x emissions. In addition, in no case will EPA approve a custom fuel-bound nitrogen allowance factor which would permit an increase in NO_x emissions of more than 50 ppm. (See Energy Impact Discussion.) Notice of approval of the use of these factors for various gas turbine models will be given in the **Federal Register.**

Modification and Reconstruction

Some commenters felt that existing gas turbines which now burn natural gas and are subsequently altered to burn oil should be exempt from consideration as modifications. The high cost and technical difficulties of compliance with the standards would discourage fuel switching to conserve natural gas supplies.

As outlined in the General Provisions of 40 CFR Part 60, which are applicable to all standards of performance, most changes to an existing facility which result in an increase in emission rate to

the atmosphere are considered modifications. However, according to section 60.14(e)(4) of the General Provisions, the use of an alternative fuel or raw material shall not be considered a modification if the existing facility was designed to accommodate that alternative use. Therefore, if a gas turbine is designed to fire both natural gas and oil, then switching from one fuel to the other would not be considered a modification even if emissions were increased. If a gas turbine that is not designed for firing both fuels is switched from firing natural gas to firing oil, installation of new injection nozzles which increase mixing to reduce NO_x production, or installation of new NO_x combustors currently on the market, would in most cases maintain emissions at their previous levels. Since emissions would not increase, the gas turbine would not be considered modified, and the real impact of the standards on gas turbines switching from natural gas to oil will probably be quite small. Therefore, no special provisions for fuel switching have been included in the promulgated standards.

Economic Impact

Several commenters stated that water injection could increase maintenance costs significantly. One reason cited was that chemicals and minerals in the water would likely be deposited on internal surfaces of gas turbines, such as turbine blades, leading to downtime for repair and cleaning. In addition, the commenters felt that higher maintenance requirements could be expected due to the increased complexity of a gas turbine with water injection.

As pointed out in Volume 1 of the SSEIS, to avoid deposition of chemicals and minerals on gas turbine blades, the water used for water injection must be treated. Costs for water treatment were included in the overall costs of water injection and, for large gas turbines, these costs are considered reasonable.

Actual maintenance and operating costs for gas turbines operating with water or steam injection are limited. Several major utilities, however, have accumulated significant amounts of operating time on gas turbines using water or steam injection for control of NO_x emissions. There have been some problems attributable to water or steam injection, but based on the data available, these problems have been confined to initial periods of operation of these systems. Most of these reported problems such as turbine blade damage, flame-outs, water hammer damage, and ignition problems, were easily corrected by minor redesign of the equipment hardware. Because of the knowledge gained from these systems, such problems should not arise in the future.

As mentioned, some utilities have accumulated substantial operating experience without any significant increase in maintenance or operating costs or other adverse effects. One utility, for example, has used water injection on two gas turbines for over 55,000 hours without making any major changes to their normal maintenance and operating procedures. They followed procedures essentially identical to those required for a similar gas turbine not using water injection, and the plant experienced no outages attributable to the water injection system. Another company has accumulated over 92,000 hours of operating time with water injection on 17 gas turbines with approximately 116 hours of outage attributable to their water injection system. Increased maintenance costs which can be attributed to these water injection systems are not available, as such costs were not accounted for separately from normal maintenance. However, they were not reported as significant.

Some commenters exresssed the opinion that the cost estimates for controlling NO_x emissions from large gas turbines were too low. Accordingly, these commenters felt that wet control technology should not be the basis of the standards for large stationary gas turbines.

The costs associated with wet control technology for large gas turbines were reassessed. In a few cases, it appeared the water-to-fuel ratio used in Volume 1 of the SSEIS was somewhat low. In these cases, the capital and annualized operating costs associated with wet control on large gas turbines were revised to reflect injection of more water into the gas turbine. None of these revisions, however, resulted in a significant change in the projected economic impact of wet controls on large gas turbines. Thus, depending on the size and end use of large gas turbines, wet controls are still projected to increase capital and annualized operating costs by no more than 1 to 4 percent. Increases of this order of magnitude are considered reasonable in light of the 70 percent reduction in NO_x emissions achieved by wet controls. Consequently, the basis of the promulgated standards for large gas turbines remains the same as that for the proposed standards—wet controls.

A number of commenters also expressed the opinion that the cost estimates for wet controls to reduce NO_x emissions from small gas turbines were too low. Therefore, the standards for small gas turbines should not be based on wet controls.

Information included in the comments submitted by manufacturers of small gas turbines indicated the costs of redesigning these gas turbines for water injection are much greater than those included in Volume 1 of the SSEIS. Consequently, it appears the costs of water injection would increase the capital cost of small gas turbines by about 16 percent, rather than about 4 percent as originally estimated. Despite this increase in capital costs, it does not appear water injection would increase the annualized operating costs of small gas turbines by more than 1 to 4 percent as originally estimated, due to the predominance of fuel costs in operating costs. An increase of 16 percent in the capital cost of small gas turbines, however, is considered unreasonable.

Very little information was presented in Volume 1 of the SSEIS concerning the costs of dry controls. The conclusion was drawn, however, that these costs would undoubtedly be less than those associated with wet controls.

Little information was also included in the comments submitted by the manufacturers of small gas turbines concerning the costs of dry controls. Most of the cost information dealt with the costs of wet controls. One manufacturer, however, did submit limited information which appears to indicate that the capital cost impact of dry controls on small gas turbines might be only a quarter of that of wet controls. Thus, dry controls might increase the capital costs of small gas turbines by only about 4 percent. The potential impact of dry controls on annualized operating costs would certainly be no greater than wet controls, and would probably be much less. Consequently, it appears dry controls might increase the capital costs of small gas turbines by about 4 percent and the annualized operating costs by about 1 to 4 percent.

The magnitude of these impacts is essentially the same as those originally associated with wet controls in Volume 1 of the SSEIS, and they are considered reasonable. Consequently, the basis of the promulgated standards for small gas turbines is dry controls.

A number of commenters stated that the costs associated with wet controls on gas turbines located on offshore platforms, and in arid and remote regions were unreasonable. These commenters felt that the costs of obtaining, transporting, and treating water in these areas prohibited the use of water injection.

As mentioned by the commenters, the costs associated with water injection on gas turbines in these locations are all related to lack of water of acceptable quality or quantity. Review of the costs included in Volume 1 of the SSEIS for water injection on gas turbines located on offshore platforms, indicates that the required expenditures for platform space were not incorporated into these estimates. Based on information included in the comments, platform space is very expensive, and averages approximately $400 per square foot. When this cost is included, the use water treatment systems to provide water for NO_x emissions control would increase the capital costs of a gas turbine located on an offshore platform by approximately 33 percent. This is considered an unreasonable economic impact.

Dry controls, unlike wet controls, would not require additional space on offshore platforms. Although most gas turbines located on offshore platforms would be considered small gas turbines under the standards, it is possible that some large gas turbines might be located on offshore platforms. Therefore, all the information available concerning the costs associated with standards based on dry controls for large gas turbines was reviewed.

Unfortunately, no additional information on the costs of dry controls was included in the comments submitted by the manufacturers of large gas turbines. As mentioned above, the information presented in Volume 1 of the SSEIS is very limited concerning the costs of dry controls, although the conclusion is drawn that these costs would undoubtedly be less than the costs of wet controls. It also seems reasonable to assume that the costs of dry controls on large gas turbines would certainly be less than the costs of dry controls on small gas turbines. Consequently, standards based on dry controls should not increase the capital and annualized operating costs of large gas turbines by more than the 1 to 4 percent projected for small gas turbines. This conclusion even seems conservative in light of the projected increase in capital and annualized operating costs for wet controls on large gas turbines of no more than 1 to 4 percent. In any event, the costs of standards based on dry controls for large gas turbines are considered reasonable. Therefore, the promulgated standards for gas turbines located on offshore platforms are based on dry controls.

In many arid and remote regions, gas turbines would have to obtain water by trucking, installing pipelines to the site, or by construction of large water reservoirs. While costs included in Volume 1 of the SSEIS do not show trucking of water to gas turbine sites to be unreasonable, these costs are not based on actual remote area conditions. That is, these costs are based on paved road conditions and standard ICC freight rates. Gas turbines located in arid and remote regions, however, are not likely to have good access roads. Consequently, it is felt that the costs of trucking water, laying a water pipeline, or constructing a water reservoir would be unreasonable for most arid and remote areas.

As discussed above, the economic impact of standards based on dry controls for both large and small gas turbines in considered reasonable. Consequently, provisions have been included in the promulgated standards which essentially require gas turbines located in arid and remote areas to comply with an NO_x emission limit based on the use of dry controls. A number of options were considered before the specific provisions included in the promulgated standards were selected.

The first option considered was defining the term "arid and remote." While this is conceptually straightforward, it proved impossible to develop a satisfactory definition for regulatory purposes. The second option considered was defining all gas turbines located more than a certain distance from an adequate water supply as "arid and remote" gas turbines. Defining the distance and an adequate water supply, however, proved as impossible as defining the term "arid and remote." The third option considered was a case-by-case exemption for gas turbines where the costs of wet controls exceeded certain levels. This option, however, would provide incentive to owners and operators to develop grossly inflated costs to justify exemption and would require detailed analysis of each case on the part of the Agency to insure this did not occur. In addition, the numerous disputes and disagreements which would undoubtedly arise under this option would lead to delays and demands on limited resources within both the Agency and industry to resolve.

Analysis of the end use of most gas turbines located in arid and remote regions gave rise to a fourth option. Generally, gas turbines located in arid or remote regions are used for either oil and gas production, or oil and gas transportation. Consequently, the promulgated standards require gas turbines employed in oil and gas production or oil and gas transportation, which are not located in a Metropolitan Statistical Area (MSA), to meet an NO_x emission limit based on the use of dry controls. The promulgated standards, however, require gas turbines employed in oil and gas production or oil and gas transportation which are located in a MSA to meet the 75 ppm NO_x emission limit. This emission limit is based on the use of wet controls and in an MSA a suitable water supply for water injection will be available.

Environmental Impact

A number of commenters felt gas turbines used as "peaking" units should be exempt. Peaking units operate relatively few hours per year. According to commenters, use of water injection would result in a very small reduction in annual NO_x emissions and negligible improvement in ground level concentrations.

As pointed out in Volume 1 of the SSEIS, about 90 percent of all new gas turbine capacity is expected to be installed by electric utility companies to generate electricity, and possibly as much as 75 percent of all NO_x emissions from stationary gas turbines are emitted from these installations. Of these electric utility gas turbines, a large majority are used to generate power during periods of peak demand. Consequently, by their very nature, peaking gas turbines tend to operate when the need for emission control is greatest, that is, when power demand is highest and air quality is usually at its worst. Therefore, it does not seem reasonable to exempt peaking gas turbines from compliance with the standards.

A number of commenters also felt that small gas turbines should be exempt from the standards because they emit only about 10 percent of the total NO_x emissions from all stationary gas turbines and therefore, the environmental impact of not regulating these turbines would be small.

A high priority has been established for NO_x emission control and dry control

techniques are considered a demonstrated and economically reasonably means for reducing NO_x emissions from small gas turbines. Therefore, the promulgated standards limit NO_x emissions from small gas turbines to 150 ppm based on the use of dry control technology.

Energy Impact

A number of writers commented on the potential impact of the standards on the use of the oil-shale, coal-derived, and other synthetic fuels. It was generally felt that these types of fuels should not be covered by the the standards at this time, since this could hinder their development.

Total NO_x emissions from any combustion source, including stationary gas turbines, are comprised of thermal NO_x and organic NO_x. Thermal NO_x is formed in a well-defined high temperature reaction between oxygen and nitrogen in the combustion air. Organic NO_x is produced by the combination of fuel-bound nitrogen with oxygen during combustion in a reaction that is not yet fully understood. Shale oil, coal-derived, and other synthetic fuels generally have high nitrogen contents and, therefore, will produce relatively high organic NO_x emissions when combusted.

Neither wet nor dry control technology for gas turbines is effective in reducing organic NO_x emissions. As discussed in Volume I of the SSEIS, as fuel-bound nitrogen increases, organic NO_x emissions from a gas turbine become the predominant fraction of total NO^2_x emissions. Consequently, emission standards must address in some manner the contribution to NO_x emissions of fuel-bound nitrogen.

Low nitrogen fuels, such as premium distillate fuel oil and natural gas, are now being fired in nearly all stationary gas turbines. Energy supply considerations, however, may cause more gas turbines to fire heavy fuel oils and synthetic fuels in the future. A standard based on present practice of firing low nitrogen fuels, therefore, would too rigidly restrict the use of high nitrogen fuel, especially in light of the uncertainty in world energy markets.

Since control technology is not in reducing organic NO_x emissions from gas turbines, the possibility of basing standards on removal of nitrogen from the fuel prior to combustion was considered. The cost of removing nitrogen from fuel oil, however, ranges from $2.00 to $3.00 per barrel. Another alternative considered was exempting gas turbines using high nitrogen fuels, as some commenters requested. Exempting gas turbines based on the type of fuel used, however, would not require the use of best control technology in all cases.

A third alternative considered was the use of a fuel-bound nitrogen allowance. Beyond some point it is simply not reasonable to allow combustion of high nitrogen fuels in gas turbines. In addition, high nitrogen fuels, including shale oil and coal-derived fuels, can be used in other combustion devices where some control of organic NO_x emissions is possible. Greater reduction of nationwide NO_x emissions could be achieved by utilizing these fuels in facilities where organic NO_x emission control is possible than in gas turbines where organic NO_x emissions are essentially uncontrolled. This approach, therefore, balances the trade-off between allowing unlimited selection of fuels for gas turbines controlling NO_x emissions.

A limited fuel-bound nitrogen allowance which would allow increased NO_x emissions above the numerical NO_x emissions limits including in the promulgated standards seems most reasonable. An upper limit on this allowance of 50 ppm NO_x was selected. Such a limit would allow approximately 50 percent of existing heavy fuel oils to be fired in stationary gas turbines. (See Volume I of the SSEIS.) This approach is considered a reasonable means of allowing flexibility in the selection of fuels while achieving reductions in NO_x emissions from stationary gas turbines. (See Control Technology for further discussion.)

A number of commenters felt the efficiency correction factor included in the standards should use the overall efficiency of a gas turbine installation rather than the thermal efficiency of the gas turbine itself. For example, many commenters recommended that the overall efficiency of a combined cycle gas turbine installation be used in this correction factor.

Section 111 of the Clean air Act requires that standards of performance for new sources reflect the use of the best system of emission reduction. With the few exceptions noted above, water injection is considered the best system of emission control for reducing NO_x emissions from stationary gas turbines. To be consistent with the intent of section 111, the standards must reflect the use of water injection independent of any ancillary waste heat recovery equipment which might be associated with a gas turbine to increase its overall efficiency. To allow an upward adjustment in the NO_x emission limit based on the overall efficiency of a combined cycle gas turbine could mean that water injection might not have to be applied to the gas turbine. Thus, the standards would not reflect the use of the best system of emission reduction. Therefore, the efficiency factor must be based on the gas turbine efficiency itself, not the overall efficiency of a gas turbine combined with other equipment.

Test Methods and Monitoring

A large number of commenters objected to the amount of monitoring required. The proposed standards called for daily monitoring of sulfur content, nitrogen content, and lower heating value of the fuel. The commenters were generally in favor of less frequent periodic monitoring.

These comments seem reasonable. Therefore, the standards have been changed to permit determination of sulfur content, nitrogen content, and lower heating value only when a fresh supply of fuel is added to the fuel storage facilities for a gas turbine. Where gas turbines are fueled without intermediate storage, such as along oil and gas transport pipelines, daily monitoring is still required by the standards unless the owner or operator can show that the composition of the fuel does not fluctuate significantly. In these cases, the owner or operator may develop an individual monitoring schedule for determining fuel sulfur content, nitrogen content, and lower heating value. These schedules must be substantiated by data and submitted to the Administrator for approval on a case-by-case basis.

Several commenters stated that the standards should be clarified to allow the performance test to be performed by the gas turbine manufacturer in lieu of the owner/operator. To simplify verification of compliance with the standards and to reduce costs to everyone involved, the recommendation was made that each gas turbine be performance tested at the manufacturer's site. The commenters maintained that gas turbines should not be required to undergo a performance test at the owner/operator's site if they have been shown to comply with the standard by the gas turbine manufacturer.

Section 111 of the Clean Air Act is not flexible enough to permit the use of a formal certification program such as that described by the commenter. Responsibility for complying with the standards ultimately rests with the owner/operator, not with the gas turbine manufacturers. The general provisions of 40 CFR Part 60, however, which apply to all standards of performance, allow the use of approaches other than performance tests to determine compliance on a case-by-case basis. The

alternate approach must demonstrate to the Administrator's satisfaction that the facility is in compliance with the standard. Consequently, gas turbine manufacturers' tests may be considered, on a case-by-case basis, in lieu of performance tests at the owner/operator's site to demonstrate compliance with the standards. For a gas turbine manufacturers's test to be acceptable in lieu of a performance test, as a minimum the operating conditions of the gas turbine at the installation site would have to be shown to be similar to those during the manufacturer's test. In addition, this would not preclude the Administrator from requiring a performance test at any time to demonstrate compliance with the standards.

Miscellaneous

It should be noted that standards of performance for new stationary sources established under section 111 of the Clean Air Act reflect:

> ". . . application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environment impact and energy requirements) the Administrator determines has been adequately demonstrated. [section 111(a)(1)]

Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. Accordingly, standards of performance should not be viewed as the ultimate in achievable emission control. In fact, the Act requires (or has potential for requiring) the imposition of a more stringent emission standard in several situations.

For example, applicable costs do not play as prominent a role in determining the "lowest achievable emission rate" for new or modified sources located in nonattainment areas, i.e., those areas where statutorily mandated health and welfare standards are being violated. In this respect, section 173 of the act requires that a new or modified source constructed in an area which exceeds the National Ambient Air Quality Standard (NAAQS) must reduce emissions to the level which reflects the "lowest achievable emission rate" (LAER), as defined in section 171(3), for such category of source. The statute defines LAER as that rate of emission which reflects:

(A) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(B) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event can the emission rate exceed any applicable new source performance standard (section 171(3)).

A similar situation may arise under the prevention of significant deterioration of air quality provisions of the Act (part C). These provisions require that certain sources (referred to in section 169(1)) employ "best available control technology" (as defined in section 169(3)) for all pollutants regulated under the Act. Best available control technology (BACT) must be determined on a case-by-case basis, taking energy, environmental and economic impacts, and other costs into account. In no event may the application of BACT result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 (or 112) of the Act.

In all events, State implementation plans (SIPs) approved or promulgated under section 110 of the Act must provide for the attainment and maintenance of National Ambient Air Quality Standards designed to protect public health and welfare. For this purpose, SIPs must in some cases require greater emission reductions than those required by standards of performance for new sources.

Finally, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Accordingly, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

This regulation will be reviewed 4 years from the date of promulgation. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, and improvements in emissions control technology.

No economic impact assessment under Section 317 was prepared on this standard. Section 317(a) requires such an assessment only if "the notice of proposed rulemaking in connection with such standard . . . is published in the **Federal Register** after the date ninety days after August 7, 1977." This standard was proposed in the **Federal Register** on October 3, 1977, less than ninety days after August 7, 1977, and an assessment was therefore not required.

Dated: August 28, 1979.

Douglas M. Costle,

Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

It is proposed to amend Part 60 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. By adding subpart GG as follows:

Subpart GG—Standards of Performance for Stationary Gas Turbines

Sec.
60.330 Applicability and designation of affected facility.
60.331 Definitions.
60.332 Standard for nitrogen oxides.
60.333 Standard for sulfur dioxide.
60.334 Monitoring of operations.
60.335 Test methods and procedures.

Authority: Secs. 111 and 301(a) of the Clean Air Act, as amended, [42 U.S.C. 1857c-7, 1857g(a)], and additional authority as noted below.

Subpart GG—Standards of Performance for Stationary Gas Turbines

§ 60.330 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities: all stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour, based on the lower heating value of the fuel fired.

§ 60.331 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Stationary gas turbine" means any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self propelled. It may, however, be mounted on a vehicle for portability.

(b) "Simple cycle gas turbine" means any stationary gas turbine which does not recover heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine, or which does not recover heat from the gas turbine exhaust gases to heat water or generate steam.

(c) "Regenerative cycle gas turbine" means any stationary gas turbine which recovers heat from the gas turbine

exhaust gases to preheat the inlet combustion air to the gas turbine.

(d) "Combined cycle gas turbine" means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to heat water or generate steam.

(e) "Emergency gas turbine" means any stationary gas turbine which operates as a mechanical or electrical power source only when the primary power source for a facility has been rendered inoperable by an emergency situation.

(f) "Ice fog" means an atmospheric suspension of highly reflective ice crystals.

(g) "ISO standard day conditions" means 288 degrees Kelvin, 60 percent relative humidity and 101.3 kilopascals pressure.

(h) "Efficiency" means the gas turbine manufacturer's rated heat rate at peak load in terms of heat input per unit of power output based on the lower heating value of the fuel.

(i) "Peak load" means 100 percent of the manufacturer's design capacity of the gas turbine at ISO standard day conditions.

(j) "Base load" means the load level at which a gas turbine is normally operated.

(k) "Fire-fighting turbine" means any stationary gas turbine that is used solely to pump water for extinguishing fires.

(l) "Turbines employed in oil/gas production or oil/gas transportation" means any stationary gas turbine used to provide power to extract crude oil/natural gas from the earth or to move crude oil/natural gas, or products refined from these substances through pipelines.

(m) A "Metropolitan Statistical Area" or "MSA" as defined by the Department of Commerce.

(n) "Offshore platform gas turbines" means any stationary gas turbine located on a platform in an ocean.

(o) "Garrison facility" means any permanent military installation.

(p) "Gas turbine model" means a group of gas turbines having the same nominal air flow, combuster inlet pressure, combuster inlet temperature, firing temperature, turbine inlet temperature and turbine inlet pressure.

§ 60.332 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required by § 60.8 is completed, every owner or operator subject to the provisions of this subpart, as specified in paragraphs (b), (c), and (d) of this section, shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), and (i) of this section.

(1) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$STD = 0.0075 \frac{(14.4)}{Y} + F$$

32

where:

STD = allowable NO_x emissions (percent by volume at 15 percent oxygen and on a dry basis).

Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour.

F = NO_x emission allowance for fuel-bound nitrogen as defined in part (3) of this paragraph.

(2) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$STD = 0.0150 \left(\frac{14.4}{Y}\right) + F$$

where:

STD = allowable NO_x emissions (percent by volume at 15 percent oxygen and on a dry basis).

Y = manufacturer's rated heat rate at manufacturer's rated peak load (kilojoules per watt hour), or actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour.

F = NO_x emission allowance for fuel-bound nitrogen as defined in part (3) of this paragraph.

(3) F shall be defined according to the nitrogen content of the fuel as follows:

Fuel-Bound Nitrogen (percent by weight)	F (NO_x percent by volume)
$N \leq 0.015$	0
$0.015 < N \leq 0.1$	0.04(N)
$0.1 < N \leq 0.25$	0.004 + 0.0067(N-0.1)
$N > 0.25$	0.005

where:

N = the nitrogen content of the fuel (percent by weight).

or:

Manufacturers may develop custom fuel-bound nitrogen allowances for each gas turbine model they manufacture. These fuel-bound nitrogen allowances shall be substantiated with data and must be approved for use by the Administrator before the initial performance test required by § 60.8. Notices of approval of custom fuel-bound nitrogen allowances will be published in the **Federal Register.**

(b) Stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired except as provided in § 60.332(d) shall comply with the provisions of § 60.332(a)(1).

(c) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired, shall comply with the provisions of § 60.332(a)(2).

(d) Stationary gas turbines employed in oil/gas production or oil/gas transportation and not located in Metropolitan Statistical Areas; and offshore platform turbines shall comply with the provisions of § 60.332(a)(2).

(e) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired and that have commenced construction prior to October 3, 1982 are exempt from paragraph (a) of this section.

(f) Stationary gas turbines using water or steam injection for control of NO_x emissions are exempt from paragraph (a) when ice fog is deemed a traffic hazard by the owner or operator of the gas turbine.

(g) Emergency gas turbines, military gas turbines for use in other than a garrison facility, military gas turbines installed for use as military training facilities, and fire fighting gas turbines are exempt from paragraph (a) of this section.

(h) Stationary gas turbines engaged by manufacturers in research and development of equipment for both gas turbine emission control techniques and gas turbine efficiency improvements are exempt from paragraph (a) on a case-by-case basis as determined by the Administrator.

(i) Exemptions from the requirements of paragraph (a) of this section will be granted on a case-by-case basis as determined by the Administrator in specific geographical areas where mandatory water restrictions are required by governmental agencies because of drought conditions. These

exemptions will be allowed only while the mandatory water restrictions are in effect.

§ 60.333 Standard for sulfur dioxide.

On and after the date on which the performance test required to be conducted by § 60.8 is completed, every owner or operator subject to the provision of this subpart shall comply with one or the other of the following conditions:

(a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.

(b) No owner or operator subject to the provisions of this subpart shall burn in any stationary gas turbine any fuel which contains sulfur in excess of 0.8 percent by weight.

§ 60.334 Monitoring of operations.

(a) The owner or operator of any stationary gas turbine subject to the provisions of this subpart and using water injection to control NO_x emissions shall install and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within ±5.0 percent and shall be approved by the Administrator.

(b) The owner or operator of any stationary gas turbine subject to the provisions of this subpart shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. The frequency of determination of these values shall be as follows:

(1) If the turbine is supplied its fuel from a bulk storage tank, the values shall be determined on each occasion that fuel is transferred to the storage tank from any other source.

(2) If the turbine is supplied its fuel without intermediate bulk storage the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Administrator before they can be used to comply with paragraph (b) of this section.

(c) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) *Nitrogen oxides.* Any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with § 60.332 by the performance test required in § 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the performance test required in § 60.8. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under § 60.335(a).

(2) *Sulfur dioxide.* Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent.

(3) *Ice fog.* Each period during which an exemption provided in § 60.332(g) is in effect shall be reported in writing to the Administrator quarterly. For each period the ambient conditions existing during the period, the date and time the air pollution control system was deactivated, and the date and time the air pollution control system was reactivated shall be reported. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(Sec. 114 of the Clean Air Act as amended [42 U.S.C. 1857c-9]).

§ 60.335 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided in § 60.8(b), shall be used to determine compliance with the standards prescribed in § 60.332 as follows:

(1) Reference Method 20 for the concentration of nitrogen oxides and oxygen. For affected facilities under this subpart, the span value shall be 300 parts per million of nitrogen oxides.

(i) The nitrogen oxides emission level measured by Reference Method 20 shall be adjusted to ISO standard day conditions by the following ambient condition correction factor:

$$NO_x = (NO_{x_{obs}}) \left(\frac{P_{ref}}{P_{obs}}\right)^{0.5} e^{19(H_{obs} - 0.00633)} \left(\frac{T_{AMB}}{288°K}\right)^{1.53}$$

where:

NO_x = emissions of NO_x at 15 percent oxygen and ISO standard ambient conditions.

NO_{xobs} = measured NO_x emissions at 15 percent oxygen, ppmv.

P_{ref} = reference combuster inlet absolute pressure at 101.3 kilopascals ambient pressure.

P_{obs} = measured combustor inlet absolute pressure at test ambient pressure.

H_{obs} = specific humidity of ambient air at test.

e = transcendental constant (2.718).

T_{AMB} = temperature of ambient air at test.

The adjusted NO_x emission level shall be used to determine compliance with § 60.332.

(ii) Manufacturers may develop custom ambient condition correction factors for each gas turbine model they manufacture in terms of combustor inlet pressure, ambient air pressure, ambient air humidity and ambient air temperature to adjust the nitrogen oxides emission level measured by the performance test as provided for in § 60.8 to ISO standard day conditions. These ambient condition correction factors shall be substantiated with data and must be approved for use by the Administrator before the initial performance test required by § 60.8. Notices of approval of custom ambient condition correction factors will be published in the **Federal Register.**

(iii) The water-to-fuel ratio necessary to comply with § 60.332 will be determined during the initial performance test by measuring NO_x emission using Reference Method 20 and the water-to-fuel ratio necessary to comply with § 60.332 at 30, 50, 75, and 100 percent of peak load or at four points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations supplied by the manufacturer.

(2) The analytical methods and procedures employed to determine the nitrogen content of the fuel being fired shall be approved by the Administrator and shall be accurate to within ±5 percent.

(b) The method for determining compliance with § 60.333, except as provided in § 60.8(b), shall be as follows:

(1) Reference Method 20 for the concentration of sulfur dioxide and oxygen or

(2) ASTM D2880-71 for the sulfur content of liquid fuels and ASTM D1072-70 for the sulfur content of gaseous fuels. These methods shall also be used to comply with § 60.334(b).

(c) Analysis for the purpose of determining the sulfur content and the nitrogen content of the fuel as required by § 60.334(b), this subpart, may be performed by the owner/operator, a service contractor retained by the owner/operator, the fuel vendor, or any other qualified agency provided that the analytical methods employed by these agencies comply with the applicable paragraphs of this section.

(Sec. 114 of the Clean Air Act as amended [42 U.S.C. 1857c-91]).

Appendix A—Reference Methods

2. Part 60 is amended by adding Reference Method 20 to Appendix A as follows:

* * * * *

Method 20—Determination of Nitrogen Oxides, Sulfur Dioxide, and Oxygen Emissions from Stationary Gas Turbines

1. Applicability and Principle

1.1 Applicability. This method is applicable for the determination of nitrogen oxides (NO_x), sulfur dioxide (SO_2), and oxygen (O_2) emissions from stationary gas turbines. For the NO_x and O_2 determinations, this method includes: (1) measurement system design criteria, (2) analyzer performance specifications and performance test procedures; and (3) procedures for emission testing.

1.2 Principle. A gas sample is continuously extracted from the exhaust stream of a stationary gas turbine; a portion of the sample stream is conveyed to instrumental analyzers for determination of NO_x and O_2 content. During each NO_x and OO_2 determination, a separate measurement of SO_2 emissions is made, using Method 6, or it equivalent. The O_2 determination is used to adjust the NO_x and SO_2 concentrations to a reference condition.

2. Definitions

2.1 Measurement System. The total equipment required for the determination of a gas concentration or a gas emission rate. The system consists of the following major subsystems:

2.1.1 Sample Interface. That portion of a system that is used for one or more of the following: sample acquisition, sample transportation, sample conditioning, or protection of the analyzers from the effects of the stack effluent.

2.1.2 NO_x Analyzer. That portion of the system that senses NO_x and generates an output proportional to the gas concentration.

2.1.3 O_2 Analyzer. That portion of the system that senses O_2 and generates an output proportional to the gas concentration.

2.2 Span Value. The upper limit of a gas concentration measurement range that is specified for affected source categories in the applicable part of the regulations.

2.3 Calibration Gas. A known concentration of a gas in an appropriate diluent gas.

2.4 Calibration Error. The difference between the gas concentration indicated by the measurement system and the known concentration of the calibration gas.

2.5 Zero Drift. The difference in the measurement system output readings before and after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place and the input concentration at the time of the measurements was zero.

2.6 Calibration Drift. The difference in the measurement system output readings before and after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place and the input at the time of the measurements was a high-level value.

2.7 Residence Time. The elapsed time from the moment the gas sample enters the probe tip to the moment the same gas sample reaches the analyzer inlet.

2.8 Response Time. The amount of time required for the continuous monitoring system to display on the data output 95 percent of a step change in pollutant concentration.

2.9 Interference Response. The output response of the measurement system to a component in the sample gas, other than the gas component being measured.

3. Measurement System Performance Specifications

3.1 NO_2 to NO Converter. Greater than 90 percent conversion efficiency of NO_2 to NO.

3.2 Interference Response. Less than ± 2 percent of the span value.

3.3 Residence Time. No greater than 30 seconds.

3.4 Response Time. No greater than 3 minutes.

3.5 Zero Drift. Less than ± 2 percent of the span value.

3.6 Calibration Drift. Less than ± 2 percent of the span value.

4. Apparatus and Reagents

4.1 Measurement System. Use any measurement system for NO_x and O_2 that is expected to meet the specifications in this method. A schematic of an acceptable measurement system is shown in Figure 20-1. The essential components of the measurement system are described below:

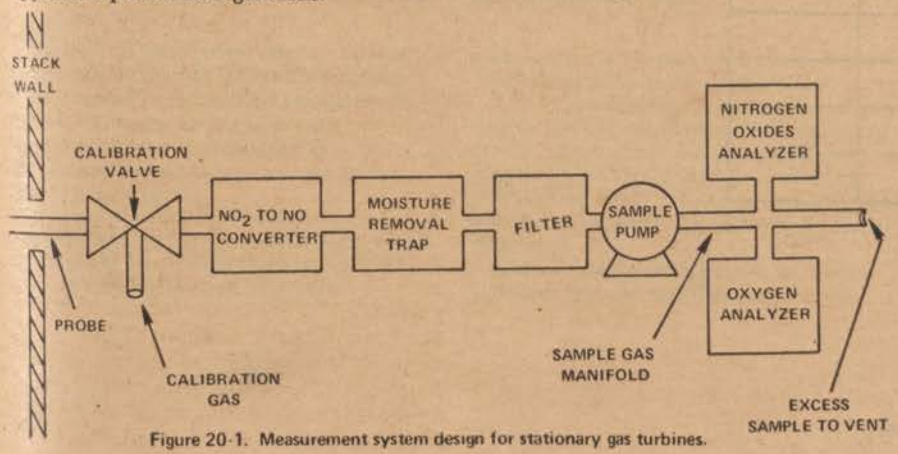

Figure 20-1. Measurement system design for stationary gas turbines.

4.1.1 Sample Probe. Heated stainless steel, or equivalent, open-ended, straight tube of sufficient length to traverse the sample points.

4.1.2 Sample Line. Heated (>95°C) stainless steel or Teflon tubing to transport the sample gas to the sample conditioners and analyzers.

4.1.3 Calibration Valve Assembly. A three-way valve assembly to direct the zero and calibration gases to the sample conditioners and to the analyzers. The calibration valve assembly shall be capable of blocking the sample gas flow and of introducing calibration gases to the measurement system when in the calibration mode.

4.1.4 NO_2 to NO Converter. That portion of the system that converts the nitrogen dioxide (NO_2) in the sample gas to nitrogen oxide (NO). Some analyzers are designed to measure NO_x as NO_2 on a wet basis and can be used without an NO_2 to NO converter or a moisture removal trap provided the sample line to the analyzer is heated (>95°C) to the inlet of the analyzer. In addition, an NO_2 to NO converter is not necessary if the NO_2 portion of the exhaust gas is less than 5 percent of the total NO_x concentration. As a guideline, an NO_2 to NO converter is not necessary if the gas turbine is operated at 90 percent or more of peak load capacity. A converter is necessary under lower load conditions.

4.1.5 Moisture Removal Trap. A refrigerator-type condenser designed to continuously remove condensate from the sample gas. The moisture removal trap is not necessary for analyzers that can measure NO_x concentrations on a wet basis; for these analyzers, (a) heat the sample line up to the inlet of the analyzers, (b) determine the moisture content using methods subject to the approval of the Administrator, and (c) correct the NO_x and O_2 concentrations to a dry basis

4.1.6 Particulate Filter. An in-stack or an out-of-stack glass fiber filter, of the type specified in EPA Reference Method 5; however, an out-of-stack filter is recommended when the stack gas temperature exceeds 250 to 300°C.

4.1.7 Sample Pump. A nonreactive leak-free sample pump to pull the sample gas through the system at a flow rate sufficient to minimize transport delay. The pump shall be made from stainless steel or coated with Teflon or equivalent.

4.1.8 Sample Gas Manifold. A sample gas manifold to divert portions of the sample gas stream to the analyzers. The manifold may be constructed of glass, Teflon, type 316 stainless steel, or equivalent.

4.1.9 Oxygen and Analyzer. An analyzer to determine the percent O_2 concentration of the sample gas stream.

4.1.10 Nitrogen Oxides Analyzer. An analyzer to determine the ppm NO_x concentration in the sample gas stream.

4.1.11 Data Output. A strip-chart recorder, analog computer, or digital recorder for recording measurement data.

4.2 Sulfur Dioxide Analysis. EPA Reference Method 6 apparatus and reagents.

4.3 NO_x Caliberation Gases. The calibration gases for the NO_x analyzer may be NO in N_2, NO_2 in air or N_2, or NO and NO_2

in N_2. For NO_x measurement analyzers that require oxidation of NO to NO_2, the calibration gases must be in the form of NO in N_2. Use four calibration gas mixtures as specified below:

4.3.1 High-level Gas. A gas concentration that is equivalent to 80 to 90 percent of the span value.

4.3.2 Mid-level Gas. A gas concentration that is equivalent to 45 to 55 percent of the span value.

4.3.3 Low-level Gas. A gas concentration that is equivalent to 20 to 30 percent of the span value.

4.3.4 Zero Gas. A gas concentration of less than 0.25 percent of the span value. Ambient air may be used for the NO_x zero gas.

4.4 O_2 Calibration Gases. Use ambient air at 20.9 percent as the high-level O_2 gas. Use a gas concentration that is equivalent to 11–14 percent O_2 for the mid-level gas. Use purified nitrogen for the zero gas.

4.5 NO_2/NO Gas Mixture. For determining the conversion efficiency of the NO_2 to NO converter, use a calibration gas mixture of NO_2 and NO in N_2. The mixture will be known concentrations of 40 to 60 ppm NO_2 and 90 to 110 ppm NO and certified by the gas manufacturer. This certification of gas concentration must include a brief description of the procedure followed in determining the concentrations.

5. Measurement System Performance Test Procedures

Perform the following procedures prior to measurement of emissions (Section 6) and only once for each test program, i.e., the series of all test runs for a given gas turbine engine.

5.1 Calibration Gas Checks. There are two alternatives for checking the concentrations of the calibration gases. (a) The first is to use calibration gases that are documented traceable to National Bureau of Standards Reference Materials. Use *Traceability Protocol for Establishing True Concentrations of Gases Used for Calibrations and Audits of Continuous Source Emission Monitors* (Protocol Number 1) that is available from the Environmental Monitoring and Support Laboratory, Quality Assurance Branch, Mail Drop 77, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Obtain a certification from the gas manufacturer that the protocol was followed. These calibration gases are not to be analyzed with the Reference Methods. (b) The second alternative is to use calibration gases not prepared according to the protocol. If this alternative is chosen, within 1 month prior to the emission test, analyze each of the calibration gas mixtures in triplicate using Reference Method 7 or the procedure outlined in Citation 8.1 for NO_x and use Reference Method 3 for O_2. Record the results on a data sheet (example is shown in Figure 20–2). For the low-level, mid-level, or high-level gas mixtures, each of the individual NO_x analytical results must be within 10 percent (or 10 ppm, whichever is greater) of the triplicate set average (O_2 test results must be within 0.5 percent O_2); otherwise, discard the entire set and repeat the triplicate analyses. If the average of the triplicate reference method test results is within 5 percent for NO_x gas or 0.5 percent O_2 for the O_2 gas of the calibration gas manufacturer's tag value, use the tag value; otherwise, conduct at least three additional reference method test analyses until the results of six individual NO_x runs (the three original plus three additional) agree within 10 percent (or 10 ppm, whichever is greater) of the average (O_2 test results must be within 0.5 percent O_2). Then use this average for the cylinder value.

5.2 Measurement System Preparation. Prior to the emission test, assemble the measurement system following the manufacturer's written instructions in preparing and operating the NO_2 to NO converter, the NO_x analyzer, the O_2 analyzer, and other components.

Date _____ (Must be within 1 month prior to the test period)

Reference method used _____

Sample run	Gas concentration, ppm		
	Low level[a]	Mid level[b]	High level[c]
1			
2			
3			
Average			
Maximum % deviation[d]			

[a] Average must be 20 to 30% of span value.

[b] Average must be 45 to 55% of span value.

[c] Average must be 80 to 90% of span value.

[d] Must be $\leq \pm$ 10% of applicable average or 10 ppm, whichever is greater.

Figure 20-2. Analysis of calibration gases.

5.3 Calibration Check. Conduct the calibration checks for both the NO_x and the O_2 analyzers as follows:

5.3.1 After the measurement system has been prepared for use (Section 5.2), introduce zero gases and the mid-level calibration gases; set the analyzer output responses to the appropriate levels. Then introduce each of the remainder of the calibration gases described in Sections 4.3 or 4.4, one at a time, to the measurement system. Record the responses on a form similar to Figure 20-3.

5.3.2 If the linear curve determined from the zero and mid-level calibration gas responses does not predict the actual response of the low-level (not applicable for the O_2 analyzer) and high-level gases within ±2 percent of the span value, the calibration shall be considered invalid. Take corrective measures on the measurement system before proceeding with the test.

5.4 Interference Response. Introduce the gaseous components listed in Table 20-1 into the measurement system separately, or as gas mixtures. Determine the total interference output response of the system to these components in concentration units; record the values on a form similar to Figure 20-4. If the sum of the interference responses of the test gases for either the NO_x or O_2 analyzers is greater than 2 percent of the applicable span value, take corrective measure on the measurement system.

Table 20-1.—*Interference Test Gas Concentration*

CO	500±50 ppm.
SO_2	200±20 ppm.
CO_2	10±1 percent.
O_2	20.9±1 percent.

Date of test _____

Analyzer type _____ Serial No. _____

Test gas type	Concentration, ppm	Analyzer output response	% of span

$$\% \text{ of span} = \frac{\text{Analyzer output response}}{\text{Instrument span}} \times 100$$

Figure 20-4. Interference response

Turbine type: _____ Identification number _____

Date: _____ Test number _____

Analyzer type: _____ Identification number _____

	Cylinder value, ppm or %	Initial analyzer response, ppm or %	Final analyzer responses, ppm or %	Difference: initial-final, ppm or %
Zero gas				
Low - level gas				
Mid - level gas				
High - level gas				

$$\text{Percent drift} = \frac{\text{Absolute difference}}{\text{Span value}} \times 100.$$

Figure 20-3. Zero and calibration data.

Conduct an interference response test of each analyzer prior to its initial use in the field. Thereafter, recheck the measurement system if changes are made in the instrumentation that could alter the interference response, e.g., changes in the type of gas detector.

In lieu of conducting the interference response test, instrument vendor data, which demonstrate that for the test gases of Table 20-1 the interference performance specification is not exceeded, are acceptable.

5.5 Residence and Response Time.

5.5.1 Calculate the residence time of the sample interface portion of the measurement system using volume and pump flow rate information. Alternatively, if the response time determined as defined in Section 5.5.2 is less than 30 seconds, the calculations are not necessary.

5.5.2 To determine response time, first introduce zero gas into the system at the

calibration valve until all readings are stable; then, switch to monitor the stack effluent until a stable reading can be obtained. Record the upscale response time. Next, introduce high-level calibration gas into the system. Once the system has stabilized at the high-level concentration, switch to monitor the stack effluent and wait until a stable value is reached. Record the downscale response time. Repeat the procedure three times. A stable value is equivalent to a change of less than 1 percent of span value for 30 seconds or less than 5 percent of the measured average concentration for 2 minutes. Record the response time data on a form similar to Figure 20–5, the readings of the upscale or downscale reponse time, and report the greater time as the "response time" for the analyzer. Conduct a response time test prior to the initial field use of the measurement system, and repeat if changes are made in the measurement system.

Date of test _____

Analyzer type _____ S/N _____

Span gas concentration _____ ppm

Analyzer span setting _____ ppm

Upscale	1 _____	seconds
	2 _____	seconds
	3 _____	seconds
Average upscale response _____		seconds
Downscale	1 _____	seconds
	2 _____	seconds
	3 _____	seconds
Average downscale response _____		seconds

System response time = slower average time = _____ seconds.

Figure 20-5. Response time

5.6 NO_2 NO Conversion Efficiency. Introduce to the system, at the calibration valve assembly, the NO_2/NO gas mixture (Section 4.5). Record the response of the NO_x analyzer. If the instrument response indicates less than 90 percent NO_2 to NO conversion, make corrections to the measurement system and repeat the check. Alternatively, the NO_2 to NO converter check described in Title 40 Part 86: *Certification and Test Procedures for Heavy-Duty Engines for 1979 and Later Model Years* may be used. Other alternate procedures may be used with approval of the Administrator.

6. Emission Measurement Test Procedure

6.1 Preliminaries.

6.1.1 Selection of a Sampling Site. Select a sampling site as close as practical to the exhaust of the turbine. Turbine geometry, stack configuration, internal baffling, and point of introduction of dilution air will vary for different turbine designs. Thus, each of these factors must be given special consideration in order to obtain a representative sample. Whenever possible, the sampling site shall be located upstream of the point of introduction of dilution air into the duct. Sample ports may be located before or after the upturn elbow, in order to accommodate the configuration of the turning vanes and baffles and to permit a complete, unobstructed traverse of the stack. The sample ports shall not be located within 5 feet or 2 diameters (whichever is less) of the gas discharge to atmosphere. For supplementary-fired, combined-cycle plants, the sampling site shall be located between the gas turbine and the boiler. The diameter of the sample ports shall be sufficient to allow entry of the sample probe.

6.1.2 A preliminary O_2 traverse is made for the purpose of selecting low O_2 values. Conduct this test at the turbine condition that is the lowest percentage of peak load operation included in the program. Follow the procedure below or alternative procedures subject to the approval of the Administrator may be used:

6.1.2.1 Minimum Number of Points. Select a minimum number of points as follows: (1) eight, for stacks having cross-sectional areas less than 1.5 m^2 (16.1 ft^2); (2) one sample point for each 0.2 m^2 (2.2 ft^2 of areas, for stacks of 1.5 m^2 to 10.0 m^2 (16.1–107.6 ft^2) in cross-sectional area; and (3) one sample point for each 0.4 m^2 (4.4 ft^2) of area, for stacks greater than 10.0 m^2 (107.6 ft^2) in cross-sectional area. Note that for circular ducts, the number of sample points must be a multiple of 4, and for rectangular ducts, the number of points must be one of those listed in Table 20–2; therefore, round off the number of points (upward), when appropriate.

6.1.2.2 Cross-sectional Layout and Location of Traverse Points. After the number of traverse points for the preliminary O^2 sampling has been determined, use Method 1 to located the traverse points.

6.1.2.3 Preliminary O^2 Measurement. While the gas turbine is operating at the lowest percent of peak load, conduct a preliminary O^2 measurement as follows: Position the probe at the first traverse point and begin sampling. The minimum sampling time at each point shall be 1 minute plus the average system response time. Determine the average steady-state concentration of O^2 at each point and record the data on Figure 20–6.

6.1.2.4 Selection of Emission Test Sampling Points. Select the eight sampling points at which the lowest O^2 concentration were obtained. Use these same points for all the test runs at the different turbine load conditions. More than eight points may be used, if desired.

Table 20–2.—*Cross-sectional Layout for Rectangular Stacks*

No. of traverse points:	*Matrix layout*
9	3 x 3
12	4 x 3
16	4 x 4
20	5 x 4
25	5 x 5
30	6 x 5
36	6 x 6
42	7 x 6
49	7 x 7

Location: Date _____

Plant _____

City, State _____

Turbine identification:

Manufacturer _____

Model, serial number _____

Sample point	Oxygen concentration, ppm

Figure 20-6. Preliminary oxygen traverse.

6.2 NO_x and O_2 Measurement. This test is to be conducted at each of the specified load conditions. Three test runs at each load condition constitute a complete test.

6.2.1 At the beginning of each NO_x test run and, as applicable, during the run, record turbine data as indicated in Figure 20-7. Also, record the location and number of the traverse points on a diagram.

6.2.2 Position the probe at the first point determined in the preceding section and begin sampling. The minimum sampling time at each point shall be at least 1 minute plus the average system response time. Determine the average steady-state concentration of O_2 and NO_x at each point and record the data on Figure 20-8.

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TURBINE OPERATION RECORD

Test operator _____ Date _____

Turbine identification:

Type _____

Serial No. _____

Location:

Plant _____

City _____

Ambient temperature _____

Ambient humidity _____

Test time start _____

Test time finish _____

Fuel flow rate[a] _____

Water or steam Flow rate[a] _____

Ambient Pressure _____

Ultimate fuel Analysis

C _____

H _____

O _____

N _____

S _____

Ash _____

H_2O _____

Trace Metals

_____

Na _____

Va _____

K _____

etc[b] _____

Operating load _____

[a]Describe measurement method, i.e., continuous flow meter, start finish volumes, etc.

[b]i.e., additional elements added for smoke suppression.

Figure 20-7. Stationary gas turbine data.

Turbine identification:

Manufacturer _____

Model, serial No. _____

Location:

Plant _____

City, State _____

Ambient temperature _____

Ambient pressure _____

Date _____

Test time - start _____

Test time - finish _____

Test operator name _____

O_2 instrument type _____

Serial No. _____

NO_x instrument type _____

Serial No. _____

Sample point	Time, min.	O_2^a, %	NO_x^a, ppm

[a]Average steady-state value from recorder or instrument readout.

Figure 20-8. Stationary gas turbine sample point record.

BILLING CODE 6560-01-C

6.2.3 After sampling the last point, conclude the test run by recording the final turbine operating parameters and by determining the zero and calibration drift, as follows:

Immediately following the test run at each load condition, or if adjustments are necessary for the measurement system during the tests, reintroduce the zero and mid-level calibration gases as described in Sections 4.3, and 4.4, one at a time, to the measurement system at the calibration valve assembly. (Make no adjustments to the measurement system until after the drift checks are made). Record the analyzers' responses on a form similar to Figure 20–3. If the drift values exceed the specified limits, the test run preceding the check is considered invalid and will be repeated following corrections to the measurement system. Alternatively, the test results may be accepted provided the measurement system is recalibrated and the calibration data that result in the highest corrected emission rate are used.

6.3 SO_2 Measurement. This test is conducted only at the 100 percent peak load condition. Determine SO_2 using Method 6, or equivalent, during the test. Select a minimum of six total points from those required for the NO_x measurements; use two points for each sample run. The sample time at each point shall be at least 10 minutes. Average the O_2 readings taken during the NO_x test runs at sample points corresponding to the SO_2 traverse points (see Section 6.2.2) and use this average O_2 concentration to correct the integrated SO_2 concentration obtained by Method 6 to 15 percent O_2 (see Equation 20–1).

If the applicable regulation allows fuel sampling and analysis for fuel sulfur content to demonstrate compliance with sulfur emission unit, emission sampling with Reference Method 6 is not required, provided the fuel sulfur content meets the limits of the regulation.

7. Emission Calculations

7.1 Correction to 15 Percent Oxygen. Using Equation 20–1, calculate the NO_x and SO_2 concentrations (adjusted to 15 percent O_2). The correction to 15 percent O_2 is sensitive to the accuracy of the O_2 measurement. At the level of analyzer drift specified in the method (± 2 percent of full scale), the change in the O_2 concentration correction can exceed 10 percent when the O_2 content of the exhaust is above 16 percent O_2. Therefore O_2 analyzer stability and careful calibration are necessary.

$$C_{adj} = C_{meas} \times \frac{5.9}{20.9 - \% O_2} \qquad \text{(Equation 20-1)}$$

Where:

C_{adj} = Pollutant concentration adjusted to 15 percent O_2 (ppm)

C_{meas} = Pollutant concentration measured, dry basis (ppm)

5.9 = 20.9 percent O_2 − 15 percent O_2, the defined O_2 correction basis

Percent O_2 = Percent O_2 measured, dry basis (%)

7.2 Calculate the average adjusted NO_x concentration by summing the point values and dividing by the number of sample points.

8. Citations

8.1 Curtis, F. A Method for Analyzing NO_x Cylinder Gases-Specific Ion Electrode Procedure, Monograph available from Emission Measurement Laboratory, ESED, Research Triangle Park, N.C. 27711, October 1978.

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Monday
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Part III

Securities and Exchange Commission

Update of Listing of Certain Regulatory Matters

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Ch. II]

[Release Nos. 33-6117; 34-16153; 35-21204; IC-10853; IA-697]

Update of Listing of Certain Regulatory Matters

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Updated Listing.

SUMMARY: The Securities and Exchange Commission has determined to publish an update of its March 22, 1979 listing of anticipated major rulemaking and related regulatory matters likely to be considered by the Commission during the balance of 1979. The earlier listing appears in Securities Act Release No. 6040, March 22, 1979 (44 FR 20354); April 4, 1979.

FOR FURTHER INFORMATION CONTACT: Christine Delaney, Office of the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2600.

SUPPLEMENTARY INFORMATION: On March 22, 1979, the Commission published a listing of anticipated major rulemaking and related regulatory matters. Since that time, the Commission has taken action on a number of the items listed, and additional matters, not included last March, have come under consideration. Accordingly, the Commission has determined that the publication of an updated version of its listing would be useful to the public.

As the Commission noted in Securities Act Release No. 6040, any listing of this nature is necessarily based upon priorities at the time of publication. Because the Commission must respond to the developments in the capital markets, changes in economic conditions, new Congressional priorities, and similar circumstances not easily predictable, no such listing can be definitive. Additionally, this listing does not include matters which, although under consideration, have not yet evolved to a point in the deliberative process where public Commission action may be anticipated. Accordingly, while the Commission believes that the information contained herein will be of use to interested persons, those affected by Commission action should not rely solely upon this document.

This updated listing follows the sections utilized in Securities Act Release No. 6040. Significant changes and developments concerning each of the items in that release are set forth below and numbered so as to correspond to the earlier release; a more complete description of these items may be found in Securities Act Release No. 6040. In addition, certain new matters are included at the end of each section.

* * * * *

A. Significant Initiatives in the Areas of Capital Formation and Corporate Disclosure

1. *Tender Offer Rule Proposals.* The Commission has proposed rules which would provide specific filing and disclosure requirements, and additional substantive regulatory protection, for public investors with respect to certain cash tender offers and exchange tender offers. In addition, these propoals embody antifraud provisions which would apply to all tender offers. The staff is actively engaged in analyzing the public comments on these proposals, and the Commission will consider the proposed rules further following completion of that review. For further information, see Securities Act Release No. 6022 (February 5, 1979) (44 FR 9956).

2. *Proposed Rules Concerning Activities of Public Companies Which Seek to Become Private Corporations.* The Commission recently adopted Rule 13e-3 and Schedule 13E-3 to provide disclosure requirements and antifraud provisions with respect to "going private" transactions. Certain amendments to Rule 13e-3 and Schedule 13E-3 were proposed for comment concurrently with the adoption of the rule and schedule. These proposals would require an issuer or an affiliate engaging in a "going private" transaction to disclose projections of revenues, income and earnings per share, prepared by or on behalf of the issuer during the preceding 18 months, which have been furnished to lenders or to persons who have provided certain reports, opinions or appraisals which are materially related to the transaction. For further information, see Securities Act Release Nos. 6100 (August 2, 1979) (44 FR 46736) and 6101 (August 2, 1979) (44 FR 46748).

3. *Small Business Capital Formation.* As a result of the staff's continuing analysis of the file developed during its small business hearings, the Commission expects to consider staff proposals concerning a special limited offering exemption for small businesses, a general revision of the Regulation A exemption, and the classification of issuers for Securities Exchange Act reporting purposes. For further information, see Securities Act Release No. 6049 (April 3, 1979) (44 FR 21562).

4. *Corporate Governance.* As a result of its ongoing comprehensive study of issues relating to corporate governance, the Commission, in December 1978, adopted rules to expand and supplement disclosures made to shareholders in proxy statements. These rules are intended to provide investors with enhanced information on the structure, composition and function of corporate boards of directors. At the time these rules were adopted, the Commission's staff was directed to monitor carefully the quality of the disclosures made in order to determine whether amendments would be appropriate. In light of the staff review to date, as well as the volume of requests for interpretive advice received during the recently completed proxy season, the staff intends to recommend the publication of a release providing certain interpretive views of the Division of Corporation Finance and requesting additional comments on the operation of the proxy rules. [*See also* Item No. 10, *infra*, this section.] In addition, the Commission anticipates that a staff report on corporate governance issues will be completed in early 1980.

5. *Projections.* this proceeding was completed with the adoption of rules providing a "safe harbor" from liability under the Federal securities laws for certain management projections of revenues, income and earnings per share. For further information, see Securities Act Release No. 6084 (June 25, 1979) (44 FR 38810).

6. *Form 10-K.* In its report to the Commission in November 1977, the Advisory Committee on Corporate Disclosure recommended revisions to the annual report filed pursuant to Section 13(a) of the Securities Exchange Act on Form 10-K. The Commission subsequently published a release requesting comments on Form 10-K and on the proposed revised format recommended by the Advisory Committee. The staff anticipates recommending to the Commission revisions to Form 10-K and related rules before the end of 1979. For further information, see Securities Exchange Act Release No. 15068 (August 16, 1978) (43 FR 37460).

New Matters

7. *Statistical Disclosure by Bank Holding Companies.* At the time the Commission issued Guides 61 and 3, it stated that the experiences of registrants and users of the information would be reviewed to see whether the new disclosures made under the guides are necessary or appropriate. The Commission has just issued a release implementing that review process by

requesting comments from interested parties on the guides. For further information, see Securities Exchange Act Release No. 6115 (August 30, 1979).

8. *Proposed Guidelines for Disclosure by Electric Gas and Utility Companies.* The Commission recently issued for comment proposed staff guidelines for disclosure in registration statements and reports filed by electric and gas utility companies. These proposed guidelines were developed in response to the recommendation of the Advisory Committee on Corporate Disclosure that the Commission develop disclosure guidelines for specific industries with the requirements for each reflecting the particular characteristics of the industry under consideration. The proposed guidelines, which are intended to improve the quality of the disclosure contained in various documents filed by electric and gas utility companies, reflect practices presently followed by the Commission's Division of Corporation Finance and a number of suggestions derived from the public comments. The comment period on the proposed guidelines expires on Septmeber 24, 1979. For further information, see Securities Act Release No. 6085 (June 25, 1979) (44 FR 38792).

9. *Relationships Between Attorneys and Registrants.* The Commission has requested written comments on a rulemaking petition submitted by the Institute for Public Representation. The petitioner's proposal would require disclosure of certain information concerning the relationships between registered issuers and their counsel, as well as disclosure about resignations or dismissals of an issuer's legal counsel. The public comment period expires September 30, 1979. For further information, see Securities Exchange Act Release No. 16045 (July 25, 1979) (44 FR 44881).

10. *Proxy Rule Amendments.* As a further result of its ongoing corporate governance study, the Commission recently proposed for comment amendments to its proxy rules, including provisions relating to the format of proxies, that are intended to provide for greater participation by shareholders in the corporate electoral process and greater opportunities for shareholders to obtain information and advice with respect to matters on which they vote. [*See also* Item No. 4, *supra*, this section.] For further information, see Securities Exchange act Release No. 16104 (August 13, 1979) (44 FR 48938).

B. Significant Initiatives Affecting Regulation of the Securities Markets and the Securities Industry

1. *Rule 15c3–1.* The staff is continuing its study of the "net-capital rule" and intends to recommend to the Commission proposed amendments to Rule 15c3–1 early in 1980.

2. *National Market System.* The Commission recently has proposed several rules under the Securities Exchange Act designed to govern aspects of the national market system. Proposed Rule 19c–3 would amend the rules of national securities exchanges which limit or condition the ability of their members to engage in over-the-counter transactions in certain exchange traded securities. The Commission held six days of public hearings on this proposal and expects to consider shortly whether to adopt the rule. For further information, see Securities Exchange Act Release No. 15769 (April 26, 1979) (44 FR 26688).

In addition, the Commission has proposed several rules under Section 11A of the Securities Exchange Act which are designed to facilitate the development of a national market system.

a. Proposed Rule 11Acl–3 is intended to provide protection for all displayed public limit orders by requiring satisfaction of those orders at their limit prices, or under certain circumstances, the transaction price. For further information, see Securities Exchange Act Release No. 15770 (April 26, 1979) (44 FR 26692).

b. Proposed Rule 11Aa2–1 is intended to provide procedures for designating securities as qualified for trading in a national market system and would require the dissemination of transaction and quotation information with respect to certain over-the-counter securities included in the system. For further information, see Securities Exchange Act Release No. 15926 (June 15, 1979) (44 FR 36912).

c. Proposed Rule 11Aa3–1 would amend Rule 17a–15, which currently governs the operation of the consolidated transaction reporting system, to permit vendors to retransmit the entire data stream of transaction reports for purposes of creating a moving ticker display. For further information, see Securities Exchange Act Release No. 15250 (October 20, 1978) (43 FR 50606).

d. Proposed Rule 11Acl–2 would establish minimum requirements with respect to the manner in which vendors of securities information display transaction and quotation information. For further information, see Securities Exchange Act Release No. 15251 (October 20, 1978) (43 FR 50615).

3. *Proposed Rule 13e–4 and Schedule 13E–4.* The Commission recently adopted Rule 13e–4 and Schedule 13E–4, dealing with tender and exchange offers by certain issuers and their affiliates for the issuer's equity securities, and intends to propose for comment certain amendments to the rule. For further information, see Securities Act Release No. 6108 (August 16, 1979) (44 FR 49406).

4. *Proposed Rule 13e–2.* The staff intends shortly to make its recommendation to the Commission on whether to publish for comment a revised version of proposed Rule 13e–2, under the Securities Exchange Act, which would impose restrictions on certain issuers and their affiliates repurchasing the issuer's securities in open market transactions, and related amendments to Rule 10b–6, also under the Securities Exchange Act.

5. *Proposed Rule 10b–21.* The staff has not yet recommended further action on proposed Rule 10b–21, under the Securities Exchange Act, which would regulate shortselling prior to underwritten offerings, but expects to make its recommendation to the Commission by the end of 1979. For further information, see Securities Exchange Act Release No. 13092 (December 21, 1976) (41 FR 56542).

6. *Registration Standards for the Regulation of Clearing Agencies.* The staff has not yet recommended further action with respect to the establishment of registration standards for the registration of clearing agencies, but expects to make its recommendation to the Commission by the end of 1979.

7. *Proposed Rule 17Ad–8.* The staff has not yet recommended further action on proposed Rule 17Ad–8, under the Securities Exchange Act. The rule would codify the existing depository practice of transmitting to an issuer, either at regular intervals or at the issuer's request and upon payment of a reasonable fee to the depository, a listing of persons on whose behalf the depository holds that issuer's securities. The staff expects to make its recommendations to the Commission by the end of 1979. For further information, see Securities Exchange Act Release No. 14493 (February 22, 1978) (43 FR 8269).

8. *Rule 19b–4.* The Commission recently has proposed amendments to Rule 19b–4, under the Securities Exchange Act. The rule prescribes procedures to be followed by self-regulatory organizations in filing proposed rule changes and other materials with the Commission. The proposed amendments are designed to simplify and clarify the requirements

and to facilitate the review of proposed rule changes. The Commission intends to consider the proposals following the completion of the staff review of the public comments. For further information, see Securities Exchange Act Release No. 15838 (May 18, 1979) (44 FR 30924).

9. *Rule 10b-10 and Proposed Rule 15c2-12.* The staff has not yet recommended further action on proposed amendments to Rule 10b-10 and proposed Rule 15c2-12 under the Securities Exchange Act. These proposals would require brokers, dealers and municipal securities dealers to disclose, on customer confirmations, the amount of remuneration received by the broker, dealer or municipal securities dealer in certain transactions in debt securities. For further information, see Securities Exchange Act Release Nos. 15219 (October 6, 1978) (43 FR 47495) and 15220 (October 6, 1978) (44 FR 47538).

10. *Proposed Rule 3a4-1.* The staff has not yet recommended further action on proposed Rule 3a4-1, under the Securities Exchange Act, which would provide guidance to issuers as to the circumstances under which the issuer's own officers and employees would be brokers under the Securities Exchange Act if they participated in the sale of the issuer's securities. The staff intends to make its recommendations to the Commission by early 1980. For further information, see Securities Exchange Act Release No. 13195 (January 21, 1977) (42 FR 5084).

11. *Rule 15b9-2.* The Commission recently has proposed for comment amendments to Rule 15b9-2, under the Securities Exchange Act, which would require SECO firms to pay an annual assessment to be automatically set, unless the Commission determines otherwise, at the same level as the corresponding assessment imposed by the National Association of Securities Dealers, Inc. on its members. The public comment period expires on September 7, 1979. For further information, see Securities Exchange Act Release No. 16080 (August 3, 1979) (44 FR 47953).

12. *Rule 15b10-12.* The Commission has proposed for comment amendments to Rule 15b10-12, under the Securities Exchange Act, which specifies those rules not applicable to municipal securities brokers and dealers, in an effort to eliminate duplicate regulation of SECO municipal securities brokers and dealers. For further information, see Securities Exchange Act Release No. 16018 (July 11, 1979) (44 FR 41832).

13. *Rule 15c3-4.* The staff is continuing to study the possibility of proposing a new Rule 15c3-4, under the Securities Exchange Act, which would set forth standards regarding the borrowing of securities by brokers or dealers.

14. *Proposed Rule 15Bc7-1.* The Commission will consider, following staff review of the public comments, whether to adopt proposed Rule 15Bc7-1 to make available to the Municipal Securities Rulemaking Board copies of reports of examinations, or information contained in examinations, of municipal securities brokers and municipal securities dealers, subject to limitations designed to protect the confidentiality of reports supplied to the MSRB. For further information, see Securities Exchange Act Release No. 15885 (May 30, 1979) (44 FR 32616).

15. *Form MSD.* The Commission will consider, following staff review of the public comments, the adoption of amendments to Form MSD, the form required to be filed for registration as a municipal securities broker or municipal securities dealer, to permit the use of schedules prepared for bank regulatory agencies and otherwise to clarify the form. For further information, see Securities Exchange Act Release No. 14971 (July 17, 1978) (44 FR 32309).

16. *Section 12(f) Applications.* The staff is continuing to study the possibility of proposing rules under the Securities Exchange Act governing the information to be supplied in applications for unlisted trading privileges pursuant to Section 12(f) and enunciating the standards to be applied by the Commission in reviewing such applications.

17. *Options Study Recommendations.* The Commission will consider the steps that the self-regulatory organizations are taking to comply with certain of the recommendations contained in the Special Study of the Options Markets, and the steps the Commission must take to address certain other recommendations. In addition, the Commission will consider the most appropriate way to terminate the existing moratorium on expansion of the standardized options markets. For further information, see Securities Exchange Act Release No. 15575 (Februrary 22, 1979) (44 FR 11876).

18. *Underwriting Practices.* The National Association of Securities Dealers, Inc. filed a proposed rule change in June 1978, dealing with fixed price underwriting practices. The initial impetus for the proposed rule change was the Federal district court decision in *Papilsky* v. *Berndt* [1976-77 Transfer Binder] CCH Fed. Sec. L Rep. ¶95,627 (S.D.N.Y., 1976). The Commission has scheduled public hearings on the NASD proposal to begin in September 1979, and will consider what action to take with respect to the rule proposal after the staff completes its review of the public comments and testimony at the hearings. For further information, see Securities Exchange Act Release No. 15807 (May 9, 1979) (44 FR 28574).

C. Significant Initiatives Affecting Investment Companies and Investment Advisers

1. *"Start Up" Exemptions for Unit Investment Trusts.* This proceeding was completed with the adoption of a proposal which provides "start up" exemptions from the provisions of the Investment Company Act for unit investment trusts. For further information, see Investment Company Act Release No. 10690 (May 15, 1979) (44 FR 29644).

2. *Proposed Rule 434d.* This proceeding was completed with the adoption of Rule 434d, under the Securities Act, which permits the use of "summary prospectuses" by investment companies. For further information, see Securities Act Release No. 6116 (August 31, 1979).

3. *Bearing of Distribution Expenses by Mutual Funds.* The staff has completed its review of the public comments and the Commission shortly will consider whether to propose a rule under Section 12(b) of the Investment Company Act dealing with the circumstances under which investment companies may finance the distribution of their own shares. For further information, see Investment Company Act Release No. 10252 (May 23, 1978) (43 FR 23589).

4. *Rule 17j-1.* The staff has not yet made its recommendation to the Commission on revised Rule 17j-1 under the Investment Company Act, which would require investment companies to develop codes of ethics governing purchases or sales by investment company insiders of the same securities held or to be acquired by the investment company. The staff expects to make its recommendations by the end of 1979. For further information, see Investment Company Act Release Nos. 10162 (March 20, 1978) (43 FR 12721) and 10222 (April 28, 1978) (43 FR 19669).

5. *Rule 10f-3.* This proceeding was completed with the adoption of amendments to Rule 10f-3 under the Investment Company Act, which deals with the circumstances under which investment companies may participate in underwritings in which affiliated persons are participating. For further information, see Investment Company Act Release No. 10736 (June 14, 1979) (44 FR 36151).

6. *Proposed Rule 17e-2.* This proceeding was completed with the adoption of proposed Rule 17e-2 as Rule

17e–1 under the Investment Company Act to define what is a "usual and customary" brokerage fee for purposes of Section 17(e)(2)(A) of the Act. For further information, see Investment Company Act Release Nos. 10740 (June 20, 1979) (44 FR 37202) and 10741 (June 20, 1979) (44 FR 37204).

7. *Proposed Rule 154.* The Commission determined to withdraw proposed Rule 154 and instead issued an interpretive release concerning the circumstances under which guaranteed investment contracts issued by insurance companies may constitute securities requiring registration. For further information, see Securities Act Release Nos. 6050 (April 5, 1979) (44 FR 21656) and 6051 (April 5, 1979) (44 FR 21626).

New Matters

8. *Rule 156.* The Commission will consider whether to adopt a proposed interpretive rule concerning investment company sales literature following completion of the staff review of the public comments. For further information, see Securities Act Release No. 6034 (March 8, 1979) (44 FR 16935).

9. *Rule 205–3.* The Commission has recently invited public comment on proposed Rule 205–3 under the Investment Advisers Act, which would permit certain registered investment advisers to business development companies to be compensated on the basis of a share of net capital gains upon, or net capital appreciation of, the funds of the business development company. Such means of compensation is not currently permitted under the Investment Advisers Act. Upon completion of the staff review of the public comments received, the Commission will consider whether to adopt the proposed rule. For further information, see Investment Advisers Act Release No. 680 (June 19, 1979) (44 FR 37470).

D. Accounting Related Initiatives

1. *Review of Regulation S–X.* In response to a recommendation in the 1977 Report of the Advisory Committee on Corporate Disclosure, the staff has been reviewing Regulation S–X, which governs the form and content of financial statements filed with the Commission, to identify requirements which needlessly duplicate generally accepted accounting principles. Before the end of 1979, the staff intends to recommend to the Commission proposed amendments to Regulation S–X to eliminate any such duplication.

2. *Management Reports.* In its 1978 Report, the Commission on Auditors' Responsibilities ("Cohen Commission"), a commission established by the American Institute of Certified Public Accountants, encouraged companies to publish reports acknowledging the responsibility of management for the representations in financial statements and discussed specific areas which might be covered by such a report. Since that time, there have been various private initiatives directed toward the development of the kind of report by management envisioned by the Cohen Commission. While the staff is not now planning to recommend any initiative in this area during 1979, it intends to follow closely the further efforts of the private sector and will consider the need to propose rules relating to matters that might be included in a management report. [*See also* Item No. 3, *infra*, this section.]

3. *Reporting on Internal Accounting Control.* In April 1979, the Commission proposed for comment rules which would require the inclusion of a statement by management on internal accounting control in annual reports on Form 10–K and in annual reports to securities holders furnished pursuant to the proxy rules. The proposal would also require that the statement of management be examined and reported on by an independent public accountant. Following staff review of the public comments, the Commission will determine whether to adopt the proposed rules. For further information, see Securities Exchange Act Release No. 15772 (April 30, 1979) (44 FR 26702).

4. *Presentation in Financial Statements of Preferred and Common Stocks.* This proceeding was completed with the adoption of amendments to Regulation S–X to require separate balance sheet presentation of preferred stocks subject to mandatory redemption requirements or whose redemption is outside the control of the issuer. For further information, see Securities Exchange Act Release No. 16047 (July 27, 1979) (44 FR 23971).

5. *Proposed Oil and Gas Supplemental Earnings Summary.* In June 1979, the Commission reopened the comment period on this proposal to allow respondents to consider experience in preparing and reporting valuation information on oil and gas reserves for the year ended December 31, 1978. Following staff consideration of the public comments and the recommendations of the Advisory Committee on Oil and Gas Accounting, the Commission will consider the next appropriate steps to take on the proposal. For further information, see Securities Act Release Nos. 5969 (August 31, 1978) (43 DR 40726) and 6080 (June 14, 1979) (44 FR 36070).

6. *Report on the Accounting Profession.* The Commission submitted its second Report to Congress on the Accounting Profession and the Commission's Oversight Role on June 28, 1979.

New Matters

7. *Scope of Services by Independent Accountants.* In June 1979, the Commission issued an interpretive release setting forth its views concerning certain factors which accountants, and corporate boards or audit committees, should consider in assessing the possible effects upon auditing independence of accountants in performing nonaudit services for publicly-held audit clients. If future events indicate that further action is appropriate, the Commission will reconsider this issue. To facilitate this process, the Commission invited public comment on the interpretive release. For further information, see Securities Act Release No. 6078 (June 14, 1979) (44 FR 36156).

8. *Disclosure Requirements Affecting Oil and Gas Producers.* In June 1979, the Commission proposed an amendment to its reporting requirements for oil and gas producers to permit the financial statement disclosure of oil and gas reserve information required by Regulation S–X to be made in a note or separate schedule designated "unaudited" for fiscal years ending before December 26, 1980. Following staff consideration of the public comments received, the Commission will consider this issue. For further information, see Securities Act Release No. 6079 (June 14, 1979) (44 FR 36068).

9. *Proposed Rules Concerning Accountants Liability Under Section 11(a) of the Securities Act of 1933 for SAS No. 24 Reports.* The Commission shortly will publish for comment two alternative rules which would exclude accountants from liability under Section 11(a) of the Securities Act for SAS No. 24 reports included in Securities Act filings.

E. Consumer Protection Studies

1. *Predispute Arbitration Clauses in Agreements Between Broker-Dealers and Their Public Customers.* On July 2, 1979, the Commission issued a release cautioning broker-dealers about the use of arbitration clauses in customer agreements. For further information, see Securities Exchange Act Release No. 15984 (July 2, 1979) (44 FR 40462).

2. *Uniform Arbitration Code.* The Commission has recieved proposals for a uniform arbitration system from the Securities Industry Conference on Arbitration, which the staff is presently

reviewing. In addition, proposed rule amendments corresponding to these proposals have been filed pursuant to Rule 19b–4 by the New York Stock Exchange, and other self-regulatory organizations are expected to file similar proposed rule amendments. For further information, see Securities Exchange Act Release No. 16038 (July 18, 1979) (44 FR 43378).

F. Public Utility Holding Company Act Regulation

Annual Report for Service Companies. In February 1979, the Commission approved a revision to Rule 93 of the Public Utility Holding Company Act modernizing the Uniform System of Accounts for Mutual and Subsidiary Service Companies. This revision has necessitated a revision of Rule 94, under the Public Utility Holding Company Act which requires jurisdictional service companies to file an annual report of their financial and accounting operations. The staff intends to recommend that the Commission propose for comment revisions to Form U–13–60, under Rule 94. For further information, see Public Utility Holding Company Act Release No. 20910 (February 2, 1979) (44 FR 8247).

G. Miscellaneous

Rules Relating to Requests for Confidential Treatment. The staff is presently studying the possibility of proposing for public comment rules setting forth formal procedures to be followed by persons wishing to seek confidential treatment of material submitted to the Commission and expects to make its recommendation to the Commission by the end of 1979.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 31, 1979.

[FR Doc. 79–28027 Filed 9–7–79; 8:45 am]

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federal register

Monday
September 10, 1979

Part IV

Securities and Exchange Commission

Advertising by Investment Companies

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release Nos. 33-6116, IC-10852; File No. S7-705]

Advertising by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting a rule which permits a new type of investment company advertising, in the form of an "omitting" prospectus, subject to certain restrictions and conditions. It is also adopting two amendments to existing rules. One amendment removes the restriction limiting the use of certain information in tombstone advertisements by investment companies to companies whose registration statements under the Securities Act of 1933 have become effective, and the other modifies a filing requirement with respect to advertisements under the new rule being adopted herein.

EFFECTIVE DATE: August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Stanley B. Judd, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755-0213.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Securities and Exchange Commission has adopted a rule under the Securities Act of 1933 (the "1933 Act") [15 U.S.C. 77a et seq.] permitting any investment company which is registered under the Investment Company Act of 1940 (the "1940 Act") [15 U.S.C. 80a et seq.], and which is selling or proposing to sell its securities under a registration statement filed under the 1933 Act, to advertise with respect to the securities referred to in such registration statement so long as the advertisement (1) appears in a bona fide newspaper or magazine or on radio or television, (2) contains only information the substance of which is included in the company's full prospectus, (3) states conspicuously from whom a prospectus containing more complete information can be obtained and that an investor should read that prospectus carefully before investing, and (4) if used prior to effectiveness of the registration statement, contains the statement required by Rule 433(b) [17 CFR 230.433(b)] under the 1933 Act.

The Commission also has adopted an amendment to Rule 134 [17 CFR 230.134] under the 1933 Act, concerning "tombstone" advertisements. The amendment removes the prohibition presently contained in that rule with respect to the use by investment companies, during the time between the filing of a registration statement and the time such statement becomes effective, of an advertisement containing information that the rule formerly permitted only after the registration statement had become effective. In addition, the Commission has adopted an amendment to Rule 424 [17 CFR 230.424] under the 1933 Act to provide that advertisements pursuant to the new rule being adopted herein need not be filed as part of the company's registration statement. However, such advertisements must otherwise be filed in accordance with Rule 424.

I. Background

The adoption of new Rule 434d and the amendment of Rule 134 were proposed in Release Nos. 33-5833, IC-9811 on June 3, 1977.[1]

The notice invited interested persons to submit views and comments on the proposed rule and the proposed amendment.

New Rule 434d was proposed primarily to permit investment companies to publish advertisements containing a broader range of information than is permitted in tombstone advertisements under Rule 134, thereby assisting investors in considering alternative investment opportunities. In this regard, the Commission noted in the release containing the proposed rule that institutions such as savings and loan companies and insurance companies, which compete with investment companies for investor interest, are not subject to the same advertising limitations as investment companies, and thus existing limitations on investment company advertising may have had the effect of restricting the availability to investors of information about all relevant investment possibilities. The amendment to existing Rule 134 was intended to remove a seemingly unnecessary restriction as to the time when tombstone advertisements under that rule could be used.

The proposed new Rule 434d was the subject of considerable controversy, but upon consideration of the public comments the Commission has determined to adopt that rule with certain modifications. In connection with the adoption of Rule 434d, the Commission is also adopting an amendment to a filing requirement contained in existing Rule 424. The proposed amendment to Rule 134 was the subject of relatively little comment, and the Commission has determined to adopt that amendment as proposed. The Commission's determinations with respect to these matters are discussed below.

1. New Rule 434d

Although none of the commenters opposed an easing of the restrictions on investment company advertising, a number of commenters argued that proposed Rule 434d was not the proper vehicle to accomplish this purpose. Specifically, commenters objected to the fact that advertisements under a rule adopted pursuant to section 10(b) of the 1933 Act would constitute prospectuses for purposes of the 1933 Act, and prospectus liability could result from false or misleading statements of material fact in such advertisements. As an alternative, it was suggested that expanded investment company advertising be permitted pursuant to section 2(10)(b) of the 1933 Act. Section 2(10)(b) provides an exception to the definition of "prospectus." Advertisements pursuant to a rule under that section would not be subject to the provisions of, *inter alia*, section 12(2) of the 1933 Act, which provides a civil remedy for investors who purchase securities as a result of a false or misleading prospectus.

The Commission is not persuaded that amendment of its rules under section 2(10)(b) to permit mutual fund advertisements to contain significantly more information than is presently permitted in "tombstone" advertisements pursuant to Rule 134 under that section would be consistent with the protection of investors. Thus, apart from the legal question of whether the Commission would have the authority to permit "tombstone" advertisements to include information on performance, for example, with no prospectus liability for false or misleading advertisements, the Commission does not believe that rule making under section 2(10)(b) is a reasonable alternative to adoption of proposed Rule 434d as a means of significantly expanding the range of permissible investment company advertising and thereby enabling investors to be more fully informed as to available investment alternatives. Furthermore, since the rule is permissive, obviously investment companies need not make use of the rule if they do not choose to do so. In this regard, in order to make clear that the rule does not, to any extent, supplant

[1] 42 FR 30379.

Rule 134, the rule explicitly provides that it does not apply to advertisements which are excepted from the definition of prospectus by section 2(10) of the Act and Rule 134 thereunder. Conversely, an advertisement which contains information beyond that permitted under Rule 134 is a prospectus under current law and the rule adopted herein will not alter that status. Such a prospectus may qualify under Rule 434d, however, if the provisions of that rule are met. Accordingly, the Commission has determined to adopt proposed Rule 434d with the modifications discussed below.

In response to comments, the Commission has decided to eliminate the proposed requirement that advertisements under the rule not exceed 600 words. That limitation has been designed to keep advertisements under the rule from being so long that the advertisement, rather than the section 10(a) propectus, might be viewed as the primary sales document for mutual fund shares. However, after consideration the Commission now believes that the expense of advertising will function as a deterrent to unduly long advertisements, and that the 600 word limit therefore is not needed.

The Commission has also decided to modify the proposed requirement that all advertisements pursuant to Rule 434d appear in a "newspaper or magazine of general circulation." Specifically, the Commission has determined that it would be inappropriate not to permit advertisements under the rule from being carried on radio or television, and the rule as adopted therefore permits advertisements on radio and television subject to the same conditions that apply to advertisements in print media.

In addition, with respect to advertisements in print media, the rule as adopted omits the "general circulation" requirement and instead contains a requirement that the newspaper or magazine be "bona fide." The purpose of the proposed "general circulation" limitation was to preclude the use of the rule for advertisements sent by direct mail. Direct mail advertisements may have a greater potential than newspaper or magazine advertisements for supplanting the full section 10(a) prospectus as the primary selling document.[2] However, it appears from some public comments that the "general circulation" limitation might be interpreted as excluding publications with a limited circulation, such as professional journals. The substitution of the "bona fide" limitation for the "general circulation" limitation is intended to make clear that advertisements under the rule may appear in any legitimate publication, including a specialized one.

Certain commenters objected to the rule's limitation of advertising content to information the substance of which is contained in the investment company's section 10(a) prospectus. Any expansion of investment company advertising by means of a rule promulgated under section 10(b) of the 1933 Act must contain this limitation, however, because section 10(b) provides authority only for a prospectus which "omits in part" or "summarizes" information in the section 10(a) prospectus. some of the commenters objecting to this limitation suggested that more guidance be given regarding what information would be permitted in advertisments under the rule. The intent of the limitation is to ensure that all material facts included in advertisments under the rule appear in the company's section 10(a) prospectus. Precise tracking of the language used in the section 10(a) prospectus is not required. Moreover, items such as headlines, logos, or pictures in printed advertisements, and music or pictures in broadcast advertisments, can be used even though they are not part of the section 10(a) prospectus, so long as they do not contain material facts not included in the section 10(a) prospectus.

Some commentators requested that the Commission indicate what information should be included in an advertisement under Rule 434d in order to make the advertisement not misleading. The question of whether a particular advertisment omits material facts necessary to make the statements made not misleading will depend upon the content of such statements and guidance as to what additional information would be necessary in each case to make the particular statement made not misleading is, therefore, not possible. However, the Commission has proposed an interpretative rule which would give general guidance as to some types of representations or presentations in investment company sales literature which might be misleading.[3]

The Commission notes that, under section 12(2), only an untrue statement of material fact, or an omission of a material fact necessary to make the statements made not misleading, gives rise to possible liability. Accordingly, an advertisement which contains only statements that are true, and does not omit facts needed to make those statements not misleading, would not provide a basis for liability under section 12(2) merely because facts which were included in the full prospectus were not included in the advertisement.

The Commission has decided to eliminate the filing requirement contained in Rule 434d when it was submitted for public comment. Because advertisements under the rule will be prospectuses, they will be subject to the filing requirements of the Commission's existing Rule 424 under the 1933 Act, and a separate filing requirement in the new rule does not appear necessary.

Section 10(b) provides, however, that a prospectus permitted thereunder shall be filed as part of the registration statement unless the Commission provides otherwise. The Commission is exempting prospectuses permitted under the new rule from the requirements that they be filed as part of the registration statement for two reasons. The first is that all material facts included in such a prospectus are required to be included in the registration statement. The second is that if such a prospectus were filed as part of the registration statement, it would constitute an amendment to that statement which would not become effective until clearance by the Commission. This could result in unnecessary delays in the use of advertisements. Furthermore, the Commission is amending Rule 424 to provide that the requirement of subsection (a) of that rule that prospectuses used prior to the effective date of a company's registration statement be filed as a part of the registration statement will not apply to advertisments under the new rule.[4] It should be noted that a filing pursuant to Rule 424 also will satisfy the filing requirement for sales literature contained in section 24(b) of the 1940 Act.

2. Amendment of Rule 134

The proposed modification of Rule 134 would allow tombstone advertisements by investment companies to contain certain information prior to the effective date of the company's registration statement under the 1933 Act, which information may presently be used only

[2] Sales literature may be sent by direct mail under section 2(10)(a) of the 1933 Act. Such sales literature, however, must be accompanied or preceded by a full prospectus.

[3] Release Nos. 33-6034, 34-15621, and IC-10621, March 8, 1979, 44 FR 16935.

[4] The amendment to Rule 424 was not proposed for comment as such. However, Rule 434d provides that advertisements under the rule need not be filed as part of the registration statement, and the fact that Rule 424 is being amended to conform to that provision of Rule 434d represents only a technical change from the proposed rule. For this reason, and because the amendment to Rule 424 imposes no burden upon any person, the Commission finds that notice and public procedure upon the amendment to Rule 424 as such are unnecessary.

after the effective date of the registration. This amendment was addressed by only three commenters, two of whom supported it and the other of whom opposed it. The sole objection to the proposed amendment was based on an assertion that staff review of registration statements often results in changes in the disclosures and even in the basic concepts of the registrant. The Commission believes that, although changes in registration statements and prospectuses frequently are made as a result of staff review and comments, such changes are unlikely to affect items permitted to be included in tombstone advertisements. Even companies with effective registration statements occasionally make significant changes in their modes of operation, and this normally does not cause serious problems with their advertising copy. Moreover, even if changes were made in the registration statement which altered the accuracy of information contained in a company's advertisements, the company would have an opportunity to correct these inaccuracies prior to sale of shares to prospective investors, since no sales could be made until the registration statement became effective.

It should be noted that the modification of Rule 134 does not result in any change in the permissible content of tombstone advertisements by investment companies. All information permitted to be used in a tombstone advertisement during the "waiting period" under the amended Rule 134 is information that can be used at a later date in such advertisements under the existing rule. The present restriction on "waiting period" advertisements applies only to investment companies, since only such companies may use the expanded tombstone advertisements provided for in Rule 134(d)(3)(iii). There does not appear to be any compelling reason to disallow advertising which otherwise complies with Rule 134 during an investment company's "waiting period."

(Secs. 2(10), 10(b), 10(c), 10(d), 10(f), and 19(a) of the 1933 Act [15 U.S.C. 77b(10), 77j(b), 77j(c), 77j(d), 77j(f), and 77s(a)].)

In consideration of the foregoing, the Commission hereby amends Part 230 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

§ 230.134 [Amended]

1. In § 230.134, paragraph (a)(3)(iii) is amended by deleting the words "whose registration statement under the Act is effective" immediately preceding paragraph (A).

2. Paragraph (a) of § 230.424 is amended to provide as follows:

§ 230.424 Filing of prospectuses, number of copies.

(a) Five copies of every form of prospectus sent or given to any person prior to the effective date of the registration statement which varies from the form or forms of prospectus included in the registration statement as filed pursuant to § 230.402(a) of this chapter shall be filed as a part of the registration statement not later than the date such form of prospectus is first sent or given to any person: *Provided, however,* That an investment company advertisement which is deemed to be a prospectus pursuant to § 230.434d of this chapter and which is required to be filed pursuant to this paragraph shall not be filed as part of the registration statement.

* * * * *

3. By adding a new § 230.434d, to provide as follows:

§ 230.434d Advertisement by an investment company as satisfying requirements of section 10.

(a) An advertisement, other than one excepted from the definition of prospectus by section 2(10) of the act and rule 134 thereunder, shall be deemed to be a prospectus under section 10(b) of the act for the purpose of section 5(b)(1) of the act if

(1) It is with respect to an investment company registered under the Investment Company Act of 1940 which is selling or proposing to sell its securities pursuant to a registration statement which has been filed under the act,

(2) It appears in a bona fide newspaper or magazine or is used on radio or television,

(3) It contains only information the substance of which is included in the section 10(a) prospectus,

(4) It states, conspicuously, from whom a prospectus containing more complete information may be obtained and that an investor should read that prospectus carefully before investing, and

(5) It contains the statement required by § 230.433(b) when used prior to effectiveness of the company's registration statement.

(b) An advertisement made pursuant to paragraph (a) of this section need not contain the statement required by § 230.425.

(c) An advertisement made pursuant to paragraph (a) of this section need not be filed as part of the registration statement filed under the Act.

Note.—Such advertisement must, however, be otherwise filed in accordance with the requirements of § 230.424.

By the Commission.

August 31, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-28026 Filed 9-7-79; 8:45 am]

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federal register

Monday
September 10, 1979

Part V

Securities and Exchange Commission

Existing Guides for Statistical Disclosure by Bank Holding Companies; Publication for Comment

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231 and 241]

[Release Nos. 33-6115 and 34-16149; File No. S7-797]

Publication for Comment of Existing Guides for Statistical Disclosure by Bank Holding Companies

AGENCY: Securities and Exchange Commission.

ACTION: Request for public comment on existing staff guidelines for statistical disclosure by bank holding companies.

SUMMARY: The Commission is requesting comments on the quality and desirability of disclosure made under the existing Guides for "Statistical Disclosure by Bank Holding Companies." These comments are requested to fulfill the Commission's undertaking expressed at the time the Guides were promulgated to review the experience of registrants and users of the information to see whether the new disclosures are necessary and appropriate.

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

ADDRESS: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-797 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William H. Carter, Office of Disclosure Policy and Proceedings (202-272-2604), or Charles A. Oglebay, Office of Chief Accountant (202-272-3243), Division of Corporation Finance, Securities and Exchange Commission, 500 Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today requested public comments on the quality and desirability of disclosure made under the existing Guides 61 and 3, "Statistical Disclosure by Bank Holding Companies," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 [15 U.S.C. 77a et seq.] and of the Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.]. At the time Guides 61 and 3 (the "Guides") were published [1] the Commission stated that the experience of registrants and users of the information would be reviewed to see whether the new disclosures made under the Guides are necessary and appropriate. The purpose of this release is to implement that review function.

Background of Guides

Guides 61 and 3 are intended to provide registrants with a convenient reference to the statistical disclosures sought by the staff of the Division of Corporation Finance in registration statements and other disclosure documents filed by bank holding companies. They are not Commission rules nor do they bear the Commission's official approval.

In the preparation of the Guides, the staff was mindful of the investor's need to assess uncertainties and the investor's need for substantial and specific disclosure about changes in risk characteristics of loan portfolios. *See* Accounting Series Release No. 166 (December 24, 1974) [40 FR 2678, January 15, 1975]. Accordingly, the Guides call for extensive disclosure about loan portfolios and related items in filings by bank holding companies. In addition, many of the suggested disclosures are intended to provide information to facilitate analysis and comparison of sources of income and exposure to risks. Such information assists investors in evaluating the potential impact of future economic events upon a registrant's business and earnings and in assessing the ability of a bank holding company to move into or out of situations with favorable or unfavorable risk/return characteristics.

The Guides are intended to apply only to the description of business portion of a bank holding company registration statement, proxy statement or report. Although the Guides describe certain information that should be disclosed, they do not purport to be all inclusive and in no way limit the type of information required. Appropriate disclosure must always depend on the individual facts and circumstances concerning each registrant.

Inquiries

The Commission invites comments on all aspects of Guides 61 and 3. Comments are also requested on the following specific matters:

General

1. Recognizing that the Guides were designed to provide, in the Commission's judgment, both the minimum information needed for the protection of investors and the minimum needed to analyze bank holding companies on a comparative basis, what, if any, information could be deleted or simplified without impairing the Guides' utility?

2. What information, if any, could be added to the Guides to enhance their utility?

3. Should the provisions be expanded so that compliance with the Guides would result in full compliance with items 1 and 2 of Regulation SK which are concerned with "Description of business" and "Description of property," respectively?

4. In lieu of requiring information to be presented almost uniformly for a "reported period," what items under the Guides could be presented for shorter periods without loss of significance? [A "reported period" is defined as the latest five years and any interim period and any additional period which may be appropriate.]

5. What specific additional burdens and identifiable expenses are incurred by registrants in complying with the Guides? What particular benefits have been realized as a result of the promulgation of the Guides?

6. What changes, if any, have the Guides had on operating procedures and substantive business conduct of bank holding companies?

Specific

7. What benefits are derived from the five year average balance sheet provision of Item I (Distribution of Assets, Liabilities and Stockholders' Equity)? Is it necessary to provide both average dollar amounts and percentages? Could this requirement be combined with Item VII A (Interest Rates and Interest Differential)?

8. When discussing a tax equivalent presentation, should an explanation be furnished for material shifts in the tax-free investment portfolio where such material shifts have occurred during the period being discussed?

9. Should the 60 day past-due period for determining nonperforming loans, as found in Item III C (Loan Portfolio, Nonperforming Loans), be revised?

10. What changes, if any, could be made in Item III (Loan Portfolio) and Item IV (Summary of Loan Loss Experience) to better illustrate any risks or uncertainties in the loan portfolio? For example, would a narrative discussion of risks by type of loan in the portfolio be an appropriate alternative to the breakdown of the loan loss reserve by category of loan and, if so, what specific type of information should be included in the narrative discussion?

11. Should Item V (Deposits) be revised to include a separate category for time certificates of deposit which bear interest at a rate based upon the

[1] Securities Act of 1933 Release No. 5735 (August 31, 1976) (41 FR 39007).

weekly sale of Treasury bills or upon some other governmental rate or index?

12. Should there be any additions to or deletions from the ratios included under Item VI (Return on Equity or Assets)?

13. Would it be more appropriate to include the information under Item VII (Interest Rates and Interest Differentials) on a condensed basis as part of the management's discussion and analysis?

14. Should the use of tax equivalent adjusted information in connection with the presentation of information called for by the Guides or otherwise in a report or registration statement be limited to statements or schedules which present only adjusted net interest income after provision for loan losses?

The Commission is aware that differences in presentation currently exist between certain items of the Guides and Article 9 of Regulation S-X. Any future revision of the Guides is expected to resolve these differences by adopting the approach of Article 9. Accordingly, in commenting upon the Guides interested parties need not point out this type of problem. In addition, the Division of Corporation Finance is presently considering the requirements of Article 9 of Regulation S-X with respect to the reporting of loans to certain "insiders" as a separate issue from the reconsideration of Guide 61. Accordingly, the Commission is also not requesting comments on the reporting of loans to such persons at this time.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

August 30, 1979.

[FR Doc. 79-28046 Filed 9-7-79; 8:45 am]

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Reader Aids

Federal Register

Vol. 44, No. 176

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INFORMATION AND ASSISTANCE

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Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
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202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
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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

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

51549-51794.....4
51795-51964.....5
51965-52158.....6
52159-52668.....7
52669-52822.....10

CFR PARTS AFFECTED DURING SEPTEMBER

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.

3 CFR

Executive Orders:
12076 (Revoked by EO 12154).....51965
12154.....51965
Proclamations:
4679.....52159, 52669

5 CFR

540.....52161
Proposed Rules:
337.....52217
410.....52217
432.....52218

7 CFR

2.....51967
28.....52168
651.....52671
908.....51967
910.....52168
948.....52674
Proposed Rules:
Ch. IX.....52218
425.....51807
904.....52219
948.....52690
1030.....51991
1065.....51813
1280.....52226, 52243

8CFR

103.....52169

10 CFR

211.....52170
212.....52172
430.....52632
Proposed Rules:
475.....52140
486.....52642

11 CFR

Proposed Rules:
Ch. I.....51962

12 CFR

7.....51795
346.....52675
Proposed Rules:
Ch. I.....51813
301.....52691
305.....52691
306.....52691
307.....52692
325.....52691
327.....52692
330.....52691

13 CFR

120.....51549
Proposed Rules:
123.....51610

14 CFR

39.....51549-51551, 51968, 52676
71.....51552, 51553, 51968, 52677, 52678
73.....51968
95.....51969
97.....52678
223.....52173
298.....51797
325.....52661
385.....52174, 52666
398.....52646
1251.....52680
Proposed Rules:
Ch. I.....51612, 52076, 52694
71.....51610, 51991, 52694
75.....51611
207.....52253
208.....52253
212.....52253
214.....52253
233.....52246
302.....52246

15 CFR

30.....52174

16 CFR

13.....52175
1700.....52176
Proposed Rules:
13.....51817
419.....51826
440.....51992

17 CFR

230.....52816
Proposed Rules:
Ch. II.....52810
231.....52820
241.....52820

18 CFR

Sub. Ch. H.....52179
Sub. Ch. I.....52179
2.....51554, 52178
157.....52179
271.....51554, 52178
281.....52179
284.....52179
Proposed Rules:
271.....52253, 52702
274.....52253, 52702
275.....52702
281.....51993
284.....51612

19 CFR

10 51567

21 CFR

73 52189
177 52189
510 52190
520 52190
522 52190
882 51726–51778
1040 52191

Proposed Rules:

118 52257

24 CFR

236 51800
570 52685

Proposed Rules:

51 52695
290 51999
510 ..... 51999, 52000
3280 52696

26 CFR

1 52196
53 52196

Proposed Rules:

20 ..... 52696, 52698

30 CFR

Proposed Rules:

Ch. VII 52098
110 52258
705 52098
872 52698

31 CFR

211 51567

Proposed Rules:

103 52258

32 CFR

100 51568
205 51571
1201 52198
1203 52198
1214 52198
1216 52198
2400 51577
2700 51990

33 CFR

1 51584
109 51584
165 51586
209 51586

Proposed Rules:

110 51614
164 ..... 51620, 51622

36 CFR

922 51587
1152 52199

Proposed Rules:

1213 51829

37 CFR

Proposed Rules:

201 52260

38 CFR

Proposed Rules:

3 51829

39 CFR

Proposed Rules:

775 52262

40 CFR

52 51977
60 52792
65 ..... 51979, 52207
125 52207
180 51593
401 52685
413 52590

Proposed Rules:

51 51924
52 ..... 51830, 51924, 52000, 52001, 52263, 52271
65 51830
81 52263

41 CFR

1–4 52208
105–65 51593

Proposed Rules:

60–4 52283

43 CFR

Public Land Orders:

5680 52686
5682 52685

Proposed Rules:

429 52699

44 CFR

64 51594
67 ..... 51596, 51598

45 CFR

1061 ..... 51780, 52689

46 CFR

Proposed Rules:

254 52002
401 52010
402 52010

49 CFR

571 51603
1033 51607

Proposed Rules:

Ch. X 51830
213 52104
571 51623

50 CFR

17 51980
32 ..... 51982, 51984, 51985, 52209–52213, 52689
280 51608
285 51801
611 ..... 51801, 52214
672 ..... 51801, 52214
674 51988

Proposed Rules:

32 52011
33 52011
611 52284
672 52284
810 52289

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
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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/SLSDC	HEW/FDA		DOT/SLSDC	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

FEDERAL COMMUNICATIONS COMMISSION

45627 8–3–79 / Making restrictions governing use of frequency 157.425 MHz (channel 88) by aircraft consistent with restrictions applying to other marine VHF frequencies available to aircraft

FEDERAL HOME LOAN BANK BOARD

47761 8–15–79 / Investment in areas receiving concentrated development assistance

47764 8–15–79 / Investment in State housing corporation

47759 8–15–79 / Investment in State and local government obligations

47763 8–15–79 / Loans for alteration, improvement and repair

FEDERAL RESERVE SYSTEM

46432 8–8–79 / Electronic fund transfers; written notification of loss or theft of access device

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity—

47012 8–9–79 / Compliance procedures for affirmative fair housing marketing

LABOR DEPARTMENT

Employment and Training Administration—

47260 8–10–79 / Comprehensive Employment and Training Act; procedures for waivers of time limtations on public service employment

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

46778 8–9–79 / Exhibition, air-racing, and amateur built aircraft; airworthiness certificate and repairman certification

Listing of Public Laws

Last Listing Aug. 17, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H. J. Res. 244 / Pub. L. 96–62 "National Grandparents Day." (Sept. 6, 1979; 93 Stat. 410) Price $.75.

S. 1146 / Pub. L. 96–63 To extend for three fiscal years the authorizations for appropriations under the Safe Drinking Water Act. (Sept. 6, 1979; 93 Stat. 411) Price $.75.

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