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Tuesday
October 2, 1979

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56667 **Procurement in Nicaragua of rice, sorghum, beans and corn** Presidential determination

56669 **Thanksgiving Day** Presidential proclamation

56671 **Argentina-U.S. trade agreement** Presidential proclamation

56673 **Administration of Foreign Assistance and Related Functions** Executive order

56681 **Multilateral development institutions** Executive order

56900 **Anti-Inflationary Pay and Price Standards** Council on Wage and Price Stability publishes an interim rule for the second program year; comments by 10-17-79; effective 10-1-79 (Part VII of this issue)

56866 **Comprehensive Employment and Training** Labor/ETA publishes final rule for youth programs under the Act; effective 10-1-79 (Part IV of this issue)

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56725 **Age Discrimination** NFAH proposes rules of prohibition under the Act of 1975; comments by 11–15–79

56715 **Income Tax** Treasury/IRS proposes administrative review procedures for determination of a State tax agency's failure to safeguard Federal tax information; comments by 12–3–79

56892 **Impoundment Control** OMB reports four deferrals of budget authority totaling $61.9 million

56916 **Panama Canal** DOD/Army implements other provisions under the Treaty of 1977; effective 9–30–79

56888 **Diesel Fuel** DOE/ERA promotes activities involving surface passenger mass transportation; effective 10–1–79 (Part V of this issue)

56683 **Restoration to Duty** OPM deletes the 1-year requirement for compensably injured employees; effective 10–2–79

56856 **Toxic Substances Control** EPA solicits comments on a proposal regarding the procedures for submitting export notifications under the Act; comments by 12–31–79 (Part II of this issue)

56724 **Reports** EPA makes available information on hazardous waste and hazardous waste management; comments by 11–12–79

56692 **American Viticultural Areas** Treasury/ATF list approved appellations of origin; effective 11–1–79

56700 **Atlantic Herring** Commerce/NOAA finalizes emergency regulations that implement the fishery management plan; effective 9–28–79

56724 **Air Quality** EPA reviews criteria and standards for particulate matter and sulfur oxides

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Presidential Documents

Title 3—

The President

Executive Order 12161 of September 28, 1979

Second Year of Anti-Inflation Program

By the authority vested in me as President and as Commander in Chief of the Armed Forces by the Constitution and statutes of the United States of America, including the Council on Wage and Price Stability Act, as amended (12 U.S.C. 1904 note), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to supplement the anti-inflation program established on November 3, 1978, Section 1–102 of Executive Order No. 12092 is hereby amended to read as follows:

"1–102. Anti-inflationary wage and price behavior shall be measured by the following standards:

(a) For prices, anti-inflationary price behavior of a company is a current rate of average price increase no greater than its historical rate of price increase during 1976–1977, except where the company experiences uncontrollable increases in the prices of the goods and services it buys, and subject to the provisions of paragraphs (c) and (d).

(b) For pay, anti-inflationary pay behavior is the holding of pay increases to not more than 7 percent annually above their recent historical levels, subject to the provisions of paragraphs (c) and (d).

(c) These standards, which shall be further defined or modified by the Chairman of the Council on Wage and Price Stability, shall be subject to limitations and exceptions as determined by the Chairman and shall be administered so as to take into account any inequities that may have been created by the standards during the past year.

(d) The Council is directed to reconstitute in accordance with the Federal Advisory Committee Act, as amended, a Pay Advisory Committee and a Price Advisory Committee in order to provide greater participation by the public in the anti-inflation program. The Pay Advisory Committee and the Price Advisory Committee will advise the Council on developing policies that encourage anti-inflationary pay and price behavior by private industry, employers, and labor, that decelerate the rate of inflation and that provide for a fair and equitable distribution of the burden of restraint. To the extent permitted by law, the Council is directed to provide the Pay and Price Advisory Committees with all information required to perform their duties.".

Jimmy Carter

THE WHITE HOUSE,
September 28, 1979.

[FR Doc. 79–30594
Filed 9–28–79; 4:40 pm]
Billing code 3195–01–M

Presidential Documents

Executive Order 12162 of September 28, 1979

Amendment to Executive Order 12140

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), Executive Order No. 12140 is hereby amended by deleting the first sentence in Sec. 1–105.

Jimmy Carter

THE WHITE HOUSE,
September 28, 1979.

[FR Doc. 79–30633
Filed 9–28–79; 4:50 pm]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 79–17 of September 28, 1979

Determination and Authorization under Section 614(a) of the Foreign Assistance Act of 1961, as Amended, for Procurement in Nicaragua of Rice, Sorghum, Beans and Corn

Memorandum for the Administrator, Agency for International Development

Pursuant to the authority vested in me by section 614(a) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby

A. Determine that the use of approximately $5.0 million in funds available in FY 1979 for the procurement in Nicaragua of rice, sorghum, beans and corn, without regard to the requirements of section 604(e) of the Act, is important to the security of the United States; and

B. Authorize such use of approximately $5.0 million in funds for the procurement in Nicaragua of rice, sorghum, beans and corn.

This determination shall be published in the **Federal Register**, as required by law.

Jimmy Carter

THE WHITE HOUSE,
Washington, September 28, 1979.

[FR Doc. 79–30634
Filed 9–28–79; 4:51 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 4693 of September 28, 1979

Thanksgiving Day, 1979

By the President of the United States of America

A Proclamation

Thanksgiving Day was first celebrated in this land not in a moment of unbridled triumph, but in times of great adversity. The colonies of Massachusetts and Virginia had few material possessions to help them face the dangers of the wilderness. They had no certainty that the harvests for which they gave thanks would be sufficient to carry them through a long winter. Yet they gave thanks to God for what they had and for the hope of this new land.

In the darkest hour of the American Revolution, when the young Republic faced defeat by the strongest military power on Earth, our forefathers also saw fit to give thanks for their blessings. In the midst of a devastating Civil War, President Lincoln proclaimed a day to express gratitude for our "singular deliverances and blessings."

The ensuing years have multiplied our nation's blessings. We have been delivered from repeated perils, and we have been blessed with abundance beyond the imaginings of those who offered thanks in the chill of approaching winter more than three-and-one-half centuries ago.

Succeeding generations have broadened the freedom they cherished and the opportunity they sought, and built a mighty nation on the strong foundations they laid. In this two hundred and fourth year of our independence, we have good reasons for gratitude: for liberty in a world where repression is common, for peace in a world of threats and terror and war, for a bounteous harvest in a world where hunger and despair still stalk much of mankind.

Like those who came before us, we come to give thanks for our singular deliverances and blessings, in a time of both danger and great promise. May we be thankful in proportion to that which we have received, trusting not in our wealth and comforts, but in the strength of our purpose, that all nations might be similarly blessed with liberty and abundance and live in peace.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do proclaim Thursday, the 22nd of November, 1979 as Thanksgiving Day. I ask all Americans to give thanks on that day for the blessings Almighty God has bestowed upon us, and seek to be good stewards of what we have received.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 79-30714
Filed 10-1-79; 11:32 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4694 of September 29, 1979

Staged Reduction of Rates of Duty on Certain Products to Carry Out a Trade Agreement With Argentina

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 101(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)), that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes of the Trade Act would be promoted by entering into the trade agreement with Argentina identified in the third recital of this proclamation.

2. Sections 131(a), 132, and 133 of the Trade Act (19 U.S.C. 2151(a), 2153, and 2154) and section 4(c) of Executive Order No. 11846 of March 27, 1975, have been complied with.

3. Pursuant to Title I of the Trade Act (19 U.S.C. 2111 *et seq.*), I have, through my duly empowered representative, on August 10, 1979, entered into a trade agreement with Argentina, effective October 1, 1979, pursuant to which United States rates of duty on certain products would be modified as hereinafter proclaimed and as provided for in the annexes to this proclamation, in exchange for certain measures which will benefit United States interests.

4. In order to implement the trade agreement referred to in the third recital of this proclamation it is necessary to modify the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) as provided for in the annexes to this proclamation, attached hereto and made a part hereof.

5. Pursuant to the Trade Act, I determine that the modifications or continuance of existing duties hereinafter proclaimed are required or appropriate to carry out the trade agreement identified in the third recital of this proclamation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 101, 105, 109, and 604 of the Trade Act (19 U.S.C. 2111, 2115, 2119, and 2483), do proclaim that—

(1) Part 2B and part 5A of schedule 1 of the TSUS are modified as provided in Annexes I and II to this proclamation.

(2) Each of the modifications to the TSUS made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after October 1, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord, nineteen hundred and seventy-nine and of the Independence of the United States of America the two hundred and fourth.

ANNEX I

Notes:

1. A rate of duty specifically set forth in this annex which does not reflect a concession granted in the trade agreement with Argentina is enclosed in brackets. Additional bracket matter is included to assist in the understanding of proclaimed modifications.

2. The items and superior descriptions in this annex are set forth in columnar form, and material in such columns is inserted in the columns designated, "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively, in the TSUS.

Subject to the above notes and to the insertion, as indicated herein, of the appropriate rates of duty set forth in Annex II to this proclamation, the TSUS are modified as follows:

Part 5A of schedule 1 of the TSUS is modified by redesignating item 121.60 as "121.64" and by deleting item 121.59 and substituting the following new items in lieu thereof:

(Leather...:)		
(Other:)		
(Other:)		
(Not...:)		
"Other:		
121.61	Bovine....(See Annex II)	(25% ad val.)
121.63	Other.....(5% ad val.)	(25% ad val.)"

ANNEX II

Staged-rate Modifications of the Tariff Schedules of the United States

Each rate in the following table, for an item in the Tariff Schedules of the United States (TSUS) identified therein, is inserted in column numbered 1 in such item, effective for articles provided for therein which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of the column in which such rate is set forth and, except for rates in the final column, such rate shall be superseded by the rate for that item in the immediately following column, effective for articles which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of such latter column:

Item in TSUS as modified by Annex I	Rates of duty, effective on and after October 1, -- 1979	1980	1981
107.48	4.5% ad val.	3% ad val.	3% ad val.
121.61	2% ad val.	1% ad val.	Free

Jimmy Carter

[FR Doc. 79-30715
Filed 10-1-79; 11:33 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12163 of September 29, 1979

Administration of Foreign Assistance and Related Functions

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, Reorganization Plan No. 2 of 1979, the International Development Cooperation Act of 1979, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1–1. UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

1–101. *Establishment of the United States International Development Cooperation Agency.* Sections 1, 5, 6, and 8 of Reorganization Plan No. 2 of 1979 are declared effective and the United States International Development Cooperation Agency (hereinafter referred to as "IDCA") is hereby established.

1–102. *Delegation of Functions.* (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of IDCA (hereinafter referred to as the "Director") all functions conferred upon the President by:

(1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 *et seq.*); (hereinafter referred to as the "Act");

(2) the latin American Development Act (22 U.S.C. 1942 *et seq.*);

(3) section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922);

(4) section 413(b) of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2431); and

(5) title IV of the International Development Cooperation Act of 1979 (22 U.S.C. 3501 *et seq.*) (hereinafter referred to as the "IDC Act of 1979").

(b) The functions under sections 116(e), 491(b), 491(c), 607, 627, 628, 630(3), and 666 of the Act, and section 403(e) of the IDC Act of 1979, delegated to the Director shall be exercised in consultation with the Secretary of State.

(c) The functions under section 125(b) of the Act delegated to the Director shall be exercised in consultation with the Secretary of the Treasury and, with regard to the United Nations Development Program, in consultation with the Secretary of State.

(d) The Director shall exercise the functions of the President under sections 301(a), 301(e)(1), 301(e)(3), and 305 of the Act only insofar as they pertain to the United Nations Development Program, UNICEF, the Organization of American States Technical Assistance Funds, the United Nations Capital Development Fund, the United Nations Educational and Training Program for Southern Africa, the United Nations/Food and Agriculture Organization World Food Program, the Food and Agriculture Organization Post-Harvest Losses Fund, the United Nations Disaster Relief Organization, and any other international programs whose purpose is primarily developmental.

(e) In carrying out the functions under section 653 of the Act that are delegated to the Director, the Director shall consult with the Director of the Office of Management and Budget.

(f) To the extent practicable, the Director will exercise functions relating to Foreign Service personnel in a manner that will assure maximum compatibil-

ity among agencies authorizied by law to utilize the Foreign Service personnel system. To this end he shall consult regularly with the Secretary of State.

(g) In exercising functions under the Act arising from later-enacted amendments to any law specified in subsection (a) of this section that relate directly to matters of foreign policy, the Director shall consult with the Secretary of State to determine whether such function should more appropriately be exercised by the Secretary or reserved to the President.

1–103. *Agency for International Development.*

(a) The Director shall continue within IDCA the Agency for International Development, heretofore established in the Department of State.

(b) The Agency for International Development shall be headed by an Administrator appointed pursuant to section 624(a) of the Act.

(c) The officers provided for in section 624(a) of the Act shall serve in the Agency for International Development.

1–104. *Office of Small Business.* The Office of Small Business provided for in section 602(b) of the Act shall be in the Agency for International Development.

1–2. DEPARTMENT OF STATE

1–201. *Delegation of Functions.*(a) Subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the "Secretary") all functions conferred upon the President by:

(1) sections 239(g), 301(a), 301(b), 301(c), 301(e)(1), 301(e)(3), 302(a)(1) as it relates to the Presidential certification concerning the United Nations Relief and Works Agency, 302(a)(3), 305, 481, and 502B of the Act;

(2) section 495F of the Act, insofar as they relate to policy decisions pertaining to refugee programs under such section;

(3) sections 504(a), 505(a) relating to other provisions required by the President, and 505 (d), (e), and (g) of the Act;

(4) sections 505(a) (1) and (4) of the Act relating to consent;

(5) section 505(b) of the Act to the extent that it pertains to countries that agree to the conditions set forth therein;

(6) chapter 4 of Part II of the Act, insofar as they relate to policy decisions and justifications for economic support programs under such chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. Such functions shall be exercised in cooperation with the Director.

(7) section 533(b) of the Act;

(8) chapter 6 of part II of the Act;

(9) section 601(b)(3), (4), and (6) of the Act;

(10) section 614(b) of the Act, except that the function of determining which provisions of law should be disregarded to achieve the purpose of the provision is reserved to the President;

(11) section 620(b), (c), (e), (f), (g), (i), (j), (q), and (s) of the Act;

(12) section 620C(d) of the Act;

(13) section 625(d) of the Act, insofar as it relates to personnel in the Department of State;

(14) section 625(k)(1) of the Act;

(15) section 634B of the Act, insofar as it relates to functions delegated to the Secretary under this order;

(16) section 617 and 653 of the Act, insofar as they relate to chapter 8 of part I and part II of the Act (other than chapter 4 thereof);

(17) section 657 and 668 of the Act;

(18) other provisions of the Act that relate directly and necessarily to the conduct of programs and activities vested in or delegated to the Secretary;

(19) the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 *et seq.*);

(20) section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b (d)); and

(21) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a).

(b) The functions under sections 239(g), 620(e), 620(g), 620(i), 620(j), 620(q), 620(s), and 625(k)(1) of the Act delegated to the Secretary shall be exercised in consultation with the Director.

(c) The functions under section 653 of the Act delegated to the Secretary shall be exercised in consultation with the Secretary of Defense, insofar as they relate to functions under the Act administered by the Department of Defense, and the Director of the Office of Management and Budget.

(d) The Secretary may redelegate to the Director or to any other officer or agency of the Executive branch functions delegated to the Secretary by this order.

1–3. DEPARTMENT OF DEFENSE

1–301. *Delegation of Functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the president by Part II (except chapters 4 and 6 thereof) of the Act not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634B, 635(b) (except with respect to negotiation, conclusion, and termination of international agreements), 635(d), and 635(g) of the Act.

(c) Those functions under section 634A of the Act, to the extent they relate to notifications to the Congress concerning changes in programs under part II of the Act (except chapters 4 and 6 thereof), subject to prior consultation with the Secretary of State.

(d) The functions under sections 627, 628, and 630(3) of the Act delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

1–302. *Reports and Information.* In carrying out the functions under section 514 of the Act delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1–4. INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

1–401. *Establishment of Institute for Scientific and Technological Cooperation.* There is established within IDCA the Institute for Scientific and Technological Cooperation (hereinafter referred to as the Institute).

1–402. *Establishment of the Council on International Scientific and Technological Cooperation.* There is established the Council on International Scientific and Technological Cooperation pursuant to section 407(a) of the IDC Act of 1979.

1–403. There are hereby established two additional positions in the Institute pursuant to section 406(c) of the IDC Act of 1979. The officers appointed to these positions shall perform such duties and exercise such powers as the Director of the Institute may prescribe.

1–5. OTHER AGENCIES

1–501. *Department of the Treasury.* (a) There are delegated to the Secretary of the Treasury the functions conferred upon the President by:

(1) section 301(e)(3) of the Act as it relates to organizations referred to in section 301(e)(2) of the Act;

(2) section 305, insofar as it relates to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, and the International Monetary Fund;

(3) the second sentence of section 612(a) of the Act; and

(4) section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(b) The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act as enacted by section 201(f) of Public Law 92–226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93–189 (87 Stat. 722).

(c) The functions under section 305 of the Act delegated to the Secretary of the Treasury shall be exercised in consultation with the Director, as provided in Executive Order No. 11269 of February 14, 1966, as amended.

1–502. *Department of Commerce.* There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1–503. *Office of Personnel Management.* There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act.

1–504. *International Communication Agency.* The International Communication Agency shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government.

1–505. *Development Loan Committee.* There is hereby established a Development Loan Committee in accordance with section 122(e) of the Act which shall consist of the Director of IDCA, who shall be Chair, the Administrator of the Agency for International Development, the Chairman of the Board of Directors of the Export-Import Bank of the United States, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, the Assistant Secretary of Commerce for Industry and Trade, and the officer of the Agency for International Development dealing with development financing.

1–506. *Development Coordination Committee.* (a) In accordance with section 640B of the Act, there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Director of IDCA, who shall be Chair; the Administrator of the Agency for International Development, the Director of the Institute for Scientific and Technological Cooperation; the Under Secretary of State for Economic Affairs; the Under Secretary of the Treasury for Monetary Affairs; the Under Secretary of Commerce; the Under Secretary of Agriculture; the Under Secretary of Labor; the Under Secretary of Energy; a Deputy Special Representative for Trade Negotiations; an Associate Director of the Office of Management and Budget; a representative of the Assistant to the President for National Security Affairs; the President of the Export-Import Bank of the United States; and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under subsection (a) of this section, the Chair of the Committee may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Committee.

(c) The Chair of the Committee may establish subcommittees of the Committee and designate the chairs thereof.

(d) Subject to the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policy and programs affecting the development of developing countries, including programs of bilateral and multilateral development assistance.

(e) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs and activities referred to in subsection (d) of this section.

(f) Nothing herein shall be deemed to derogate from the responsibilities of the Secretary of State or the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

1-6. ADDITIONAL DELEGATIONS AND LIMITATIONS OF AUTHORITY; CONSULTATION

1-601. *General Delegation of Functions.* There are hereby delegated to the heads of agencies having responsibilities for carrying out the provisions of the Act all functions conferred upon the President by:

(a) section 654 (except as reserved to the President); and

(b) those provisions of acts appropriating funds under the authority of the Act that relate to the Act, or other acts authorizing such funds, insofar as they relate to the functions delegated by this order.

1-602. *Personnel.* (a) In carrying out the functions conferred upon the President by the provisions of section 625(d)(1) of the Act, and by this order delegated to the Director of IDCA, the Director shall authorize such of the agencies that administer programs under the Act as he may deem appropriate to perform any of the functions under section 625(d)(1) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 or section 625(d) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-603. *Special Missions and Staffs Abroad.* The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*), all under section 631 of the Act, shall be subject to the approval of the Secretary of State.

1-604. *International Agreements.* The negotiation, conclusion, and termination of international agreements pursuant to the Act, title IV of the IDC Act of 1979, or section 402 of the Mutual Security Act of 1954 shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1-605. *Interagency Consultation.* Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other departments and agencies, including the Director of the Office of Management and Budget, on matters pertaining to the responsibilities of departments and agencies other than his or her own.

1-7. RESERVED FUNCTIONS

1-701. *Reservation of Functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 122(e), 298(a), 451, 504(b), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 620C(c), 621(a), 622(b), 622(c), 633(a), 633(b), 640B, 662(a), and 663(b) of the Act.

(b) The functions conferred upon the President by sections 402, 405(a), 406 and 407 of the IDC Act of 1979.

(c) The functions conferred upon the President by the Act and section 408(b) of the Mutual Security Act of 1954 with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 233(b) and 624(c) of the Act.

(d) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 303, 481(a), 505(d)(2)(A), 505(d)(3), 506(a), 515(f), 604(a), 610, 614(c), 632(b), 633A, 659, 663(a), 669(b)(1) and 670(b)(1) of the Act.

(e) The following-described functions conferred upon the President:

(1) Those under section 503(a) that relate to findings: *Provided,* that the Secretary of State, in the implementation of the functions delegated to him under section 505(a)(1), (a)(4), and (e) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(2) Those under section 505(b) in respect of countries that do not agree to the conditions set forth therein.

(3) That under section 614(b) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(4) That under the second sentence of section 654(c) with respect to the publication in the **Federal Register** of any findings or determination reserved to the President: *Provided,* that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) is also authorized to reach the conclusion specified in performance of the function delegated to him.

(f) Those with respect to determinations under sections 103(b) (first proviso), 104, and 203 of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611b(b), 1611c, and 1612b).

(g) That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 1783(d)).

(h) Those under section 607 of the Foreign Assistance and Related Programs Appropriations Act, 1979 (92 Stat. 1591, 1601), with respect to findings.

1–702. *Subsequent Amendments.* Functions conferred upon the President by subsequent amendments to the Act are delegated to the Director only insofar as they do not relate directly and necessarily to the conduct of programs and activities that either the President or an agency other than IDCA is authorized to administer pursuant to express reservation or delegation of authorities in a statute or in this or another Executive order.

1–8. FUNDS

1–801. *Allocation of Funds.* Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Director (1) all funds made available for carrying out the Act except those made available for carrying out Part II of the Act (other than chapter 4 thereof), section 481 of the Act, and section 637(b) of the Act, and (2) all funds made available for carrying out title IV of the IDC Act of 1979.

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act (except chapters 4 and 6 thereof).

(c) There are allocated to the Secretary of State funds made available for carrying out sections 481 and 637(b) and chapter 6 of Part II of the Act.

1–802. *Reallocation of Funds.* The Director of IDCA, the Secretary of Defense, and the Secretary of State may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c), respectively of section 1–801 of this order, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

1–9. GENERAL PROVISIONS

1–901. Definition. As used in this order, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1–902. *References to Orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954, or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any appropriation Act, and references in any other Executive order to provisions of any appropriation Act related to the subject of this order shall be deemed to include references to any hereafter-enacted provisions of law that are the same or substantially the same as such appropriation Act provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1–903. *Prior Executive Orders.* (a) The following are revoked:

(1) Executive Order No. 10973 of November 3, 1961, as amended;

(2) section 2(a) of Executive Order No. 11579 of January 19, 1971; and

(3) Executive Order No. 10893 of November 8, 1960.

(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended, by adding the following new paragraph (12) after paragraph (11):

"(12) The Director of the United States International Development Cooperation Agency";

(2) section 1–202 of Executive Order 12065 of June 28, 1978, by striking out "The Administrator, Agency for International Development" and inserting in lieu thereof "The Director of the United States International Development Cooperation Agency";

(3) section 2(a) of Executive Order No. 11958 of January 18, 1977, by striking out "the Administrator of the Agency for International Development" and inserting in lieu thereof "the Director of the United States International Development Cooperation Agency";

(4) section 3 of Executive Order 10900 of January 5, 1961, by adding thereto the following new subsection:

"(d) The Secretary of State may redelegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order.";

(5) section 4 of Executive Order 11223 of May 12, 1965, by inserting immediately following "the Secretary of State" the words "or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)"; and

(6) the President's memorandum of October 18, 1961, entitled "Determination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 FR 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)".

(c) Any reference in any other Executive order to the Agency for International Development or the Administrator thereof shall be deemed to refer also to the International Development Cooperation Agency or the Director thereof, respectively.

(d) As authorized by section 403(c) of the IDC Act of 1979, the reference in Executive Order No. 11223 of May 12, 1965 to "the performance of functions authorized by this Act" shall be deemed to include the performance of functions authorized by section 403 of the IDC Act of 1979.

1–904. *Saving Provisions.* Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–905. *Effective Date.* The provisions of this order shall become effective as of October 1, 1979.

Jimmy Carter

THE WHITE HOUSE,
September 29, 1979.

[FR Doc. 79-30716
Filed 10-1-79; 11:34 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12164 of September 29, 1979

Multilateral Development Institutions

By the authority vested in me as President of the United States of America by the Bretton Woods Agreements Act, the International Finance Corporation Act, the Inter-American Development Bank Act, the International Development Association Act, the Asian Development Bank Act, Public Law 95–118, Reorganization Plan No. 2 of 1979, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1–101. Executive Order No. 11269, as amended, is further amended in Section 1(b) by adding "the Director of the International Development Cooperation Agency," after "the Chairman of the Board of Governors of the Federal Reserve System,".

1–102. Executive Order No. 11269, as amended, is further amended as follows:

(a) In Section 3(a)(1) insert ", subject to the provisions of Section 7 of this Order," after "Authority".

(b) Add at the end of Section 3(a)(2) the following new sentence: "Such authority, insofar as it relates to the development aspects of the policies, programs, or projects of the International Bank for Reconstruction and Development shall be exercised subject to the provisions of Section 7 of this Order.".

(c) In Section 3(e), add ", subject to the provisions of Section 7 of this Order" before the period.

1–103. Executive Order No. 11269, as amended, is further amended in Section 4(a)(2) by adding: ", the Director of the International Development Cooperation Agency," after "the Council" each time it appears.

1–104. Executive Order No. 11269, as amended, is further amended by adding the following new Section 7:

"Section 7. Functions of the Director of the International Development Cooperation Agency. As the principal international development advisor to the President, the Director of the International Development Cooperation Agency shall advise both the Secretary of the Treasury and the appropriate United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund on the development aspects of matters relating to those institutions and their activities.".

1–105. This Order shall be effective as of October 1, 1979.

Jimmy Carter

THE WHITE HOUSE,
September 29, 1979.

[FR Doc. 79–30717
Filed 10–1–79; 11:35 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 44, No. 192
Tuesday, October 2, 1979

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 353

Restoration To Duty

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This amendment to the Office of Personnel Management's regulations governing the restoration to duty of compensably injured employees deletes the 1-year requirement during which agencies are required to "make every effort" to restore partially recovered employees. Henceforth, agencies will be required to consider partially recovered employees or former employees, without time limit just as they are now required to consider without time limit those who fully recover from a job-related injury. This document is in furtherance of the President's budget message to Congress on the restoration to duty of injured employees and the intent of Congress in its enactment of the Rehabilitation Act of 1973, and the Injury Compensation Amendments of 1974.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT: Raleigh M. Neville, Office of Policy Analysis and Development, Office of Personnel Management, Room 6526, 1900 E Street, NW., Washington, D.C. 20415, (202) 632-6817.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Personnel Management published this proposed amendment to § 353.306 of its regulations and invited comments from the public (44 FR 35230). Written comments were received from six agencies, unions, and individuals. Most were very supportive of the proposal. Only one agency questioned whether partially recovered employees should be considered for reemployment without time limit. However, since the concept of reemployment for job-incurred disabilities is in furtherance of administration and congressional policy, a requirement to consider without time limit partially recovered individuals seems appropriate and should not be particularly burdensome to agencies. Guidance on providing such consideration will be published in the Federal Personnel Manual to supplement the regulation.

The Director of OPM finds that good cause exists for suspending the 30-day delay of effectiveness of final regulations required by 5 U.S.C. 553(d).

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, § 353.306 of Part 353, Title 5, Code of Federal Regulations, is amended to read as follows:

§353.306. Partially recovered injured employees.

Agencies must make every effort to restore, according to the circumstances in each case, an employee or former employee who has partially recovered from a compensable injury and who is able to return to limited duty.

(38 U.S.C. 2021, et seq., and 5 U.S.C. 8151.)

[FR Doc. 79-30459 Filed 10-1-79; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York: Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1979–80 fiscal period, to be collected from handlers to support activities of the Cranberry Marketing Committee which locally administers the Federal marketing order covering cranberries.

DATES: Effective September 1, 1979, through August 31, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This document is issued under Marketing Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in certain specified States. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Cranberry Marketing Committee, and upon other information. It is hereby found that the expenses and rate of assessment, as hereafter provided, 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, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal year shall apply to all assessable cranberries handled from the beginning of such year which began September 1, 1979. To enable the committee to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee. It is necessary to effectuate the declared purpose of the act to make these provisions effective as specified.

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

§ 929.220 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the period September 1, 1979, through August 31, 1980, will amount to $87,640.

(b) The rate of assessment for said period payable by each handler in accordance with § 929.41 is fixed at $0.03 per barrel or equivalent quantity of cranberries.

(c) Unexpended funds in excess of expenses incurred during the fiscal period ended August 31, 1979, shall be carried over as a reserve in accordance with the applicable provisions of § 929.42.

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

Dated: September 26, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-30428 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 979

Melons Grown in South Texas; Change in Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule changes the South Texas Melon Committee's fiscal period to October 1 through September 30 of the following year. This will improve the committee's operations by providing sufficient time after shipments are completed to update their records and have an audit performed.

EFFECTIVE DATE: October 1, 1979.

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 156 and Order No. 979 (44 FR 22038) regulate the handling of melons grown in 19 designated counties in South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Melon Committee, established under the order, is responsible for its local administration. Although April 1 was originally set as the beginning date for the committee's fiscal period, the initial fiscal period did not begin until May 17 due to insufficient lead time in which to promulgate this marketing order program, appoint the committee and process rules and regulations. However, after further consideration, the South Texas Melon Committee recommended at a public meeting on July 12 that the fiscal period be changed. Section 979.43 of the order requires that an audit of the committee's finances be conducted at the end of the fiscal period by a competent accountant. The committee anticipates problems in obtaining the services of an accounting firm to perform an audit of the committee's books during April and May, the peak period for income tax preparation. This potential problem should be alleviated by changing the fiscal period to end on September 30.

The current fiscal period would be the period of May 17, 1979, through September 30, 1979, and the initial audit of the committee's finances would be required at the end of that period.

Notice of rulemaking was published in the August 8, 1979, **Federal Register** (44 FR 46474). The notice afforded interested persons through September 14, 1979, to file written data, views or arguments pertaining to that proposal.

After consideration of all relevant matters, including the proposal set forth in the notice it is hereby found that this change will tend to effectuate the declared purpose of the act. It is further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1), there is insufficient time if the rule is to become effective on October 1, (2) information regarding its provisions has been made available to producers and handlers in the production area, (3) the change will have no direct effect on growers or handlers but only on committee administrative procedures, and (4) compliance with this regulation will not require any special preparation which cannot be completed by the effective date.

§ 979.110 is amended to read as follows:

§ 979.110 Fiscal period.

The fiscal period which began on May 17, 1979 (44 FR 28780) shall end September 30, 1979. Thereafter, each fiscal period shall begin on October 1 of each year and end on September 30 of the following year.

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

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

Dated: September 27, 1979, to become effective October 1, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-30455 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1942

Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding development grants for community domestic water and waste disposal systems. The purpose of this action is to clarify that grant applications are to be filed in District Offices, the multiple advances method will be used to disperse all grant funds, the announcement procedure is not applicable to regional commission grants, and the FmHA supervision will include the assurance that funds are expended for approved purposes. This action is taken as a result of an administrative decision.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT: Byron E. Ross, telephone (202) 447–5717.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends various sections of Subpart H of Part 1942, Subpart H, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action involves the following editorial revisions:

1. Section 1942.351(b) has been revised by deleting the words "and applications" from the first sentence and adding the words "applications will be filed and" in the second sentence after "However,".

2. Section 1942.362(b) has been revised by the deletion of "When FmHA is not making a loan," from the beginning of the paragraph.

3. Section 1942.368(c) has been revised by creating a second sentence starting with "Regional commissions grants will * * *" and adding, "except that the announcement procedure referred to in § 1942.5(d)(8) is not applicable" to the end of the first sentence.

4. Section 1942.369 has been revised by adding the word "and" so that the paragraph reads "and to assure that funds are expended for approved purposes."

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comments notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to make

editorial corrections of errors and omissions. Therefore, publication for proposed rulemaking is unnecessary. This determination was made by James E. Thornton, Associate Administrator.

Accordingly, §§ 1942.351 (b) and (c), 1942.362(b), § 1942.368(c), and § 1942.369 of Subpart H of Part 1942 are amended as follows:

§ 1942.351 General.

* * * * *

(b) It is the policy that the County Office will normally be the entry point for preapplications and serve as the local contact point. However, applications will be filed and grants will be processed to the maximum extent possible by the District Office staff. The State Office staff will monitor grant making and servicing and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on grant activity within the County Office service area to the County Supervisor at key points throughout the grant making process.

(c) It is the policy of FmHA to extend its financial program without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (possess capacity to enter into legal contract.)

* * * * *

§ 1942.362 Grant closing and delivery of funds.

* * * * *

(b) FmHA grant funds will be disbursed by using multiple advances in accordance with § 1942.17(p)(2) of Subpart A of Part 1942.

* * * * *

§ 1942.368 Regional Commission Grants.

* * * * *

(c) Regional commission grants should be obligated as soon as possible in accordance with § 1942.5(d) of Subpart A of Part 1942, except that the announcement procedure referred to in § 1942.5(d)(8) is not applicable. Regional commission grants will be obtained from the Finance Office in the same manner as FmHA funds are obtained.

§ 1942.369 Management assistance.

Grant recipients will be supervised to the extent necessary to assure that facilities are constructed in accordance with approved plans and specifications and to assure that funds are expended for approved purposes.

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

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

(7 U.S.C 1989; delegation of authority by the Section of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: September 12, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-30429 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL RESERVE SYSTEM

12 CFR Part 263

Rules of Practice for Hearings

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System has amended its formerly entitled "Rules of Practice for Formal Hearings," 12 CFR Part 263, to incorporate certain changes in the Board's hearing procedures. These amendments were necessary because of the expansion in the Board's supervisory and enforcement authority made by Titles I, VI, and VIII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 ("FIRA"), (Pub. L. 95-630).

The amendments establish procedures to implement the Board's new authority to assess and collect civil money penalties for violations of certain provisions of law or the terms of a final cease-and-desist order issued under the Financial Institutions Supervisory Act of 1966, as amended, 12 U.S.C. 1818(b). The amendments also establish procedures governing informal hearings ordered by the Board in connection with the suspension or removal, under 12 U.S.C. 1818(g), of bank officials charged with or convicted of a felony. The amendments include in the Board's formal hearing procedures the rules of 5 U.S.C. 556(d) and 557 regarding *ex parte* communications and make certain minor and technical corrections to the Board's procedures for formal hearings.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: James V. Mattingly, Jr., Assistant General Counsel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3430).

SUPPLEMENTARY INFORMATION: The Board's "Rules of Practice for Hearings," formerly entitled "Rules of Practice for Formal Hearings," is divided into Subparts A through C. Subpart A prescribes the general rules of practice applicable to all formal administrative hearings ordered by the Board. The Board has eliminated from its Rules of Practice the text of former Subparts B and C, which merely repeated the text of 12 U.S.C. 1818(b), (c), and (e) regarding cease and desist and removal proceedings. Subparts B and C of the new Rules of Practice establish procedures that relate, respectively, to proceedings for the assessment and collection of civil money penalties and proceedings for the suspension or removal from office of a bank official charged with the commission or convicted of a felony.

Section 263.1 of Subpart A has been amended to incorporate reference to the formal hearings required by Titles I, VI, and VIII of FIRA to be held in connection with: (1) The administrative assessment of a civil money penalty for violation of certain provisions of law, (2) The issuance of a divestiture order against a bank holding company under 12 U.S.C. 1844(e), or (3) The disapproval of a change in control of a State member bank or a bank holding company under 12 U.S.C. 1817(j). The rules of practice set forth in Subpart A shall govern all these formal proceedings.

The Board has also incorporated into § 263.6 of Subpart A the rules of section 4 of the Government in the Sunshine Act (Pub. L. 94-409), codified at 5 U.S.C. 551, 556(d), and 557(d), regarding *ex parte* communications in formal proceedings. The Board has revised § 263.3(b) of Subpart A to require that persons participating in hearings ordered by the Board conduct themselves in an orderly fashion and to authorize the presiding officer to exclude a person from a hearing for improper conduct. The Board has also amended § 263.7(c) of Subpart A to provide that, except as otherwise required by law, service of a subpena

may be accomplished by registered mail (as authorized in several provisions of FIRA) as well as by personal service. Section 263.8(c) of Subpart A has been amended to clarify that evidence objected to during the course of a deposition shall be taken subject to the objection.

Subpart B of the Rules of Practice for Hearings implements the Board's authority under sections 101, 102, 106, 107, and 801 of FIRA to assess civil money penalties. Under this authority, the Board may assess a civil money penalty against a State member bank and/or the officers, directors, employees, or agents of the bank or other persons participating in the conduct of its affairs for a violation of the provisions of sections 19,[1] 22, or 23A of the Federal Reserve Act, as amended, or the provisions of Title VIII of FIRA relating to preferential lending to executive officers, directors, or principal shareholders of banks based upon a correspondent account relationship (12 U.S.C. 1972(2)). The Board may assess a civil penalty for violation of a final cease and desist order issued under 12 U.S.C. 1818(b) or (c) against a bank holding company, any subsidiary thereof (except a bank), the other institutions specified in 12 U.S.C. 1818(b)(3) and (4) over which the Board exercises supervisory authority, and/or the officers, directors, employees, agents of the institution or other persons participating in its affairs. The Board is also authorized to assess a civil penalty against a company that violates, or an individual who participates in a violation, of any provision of the Bank Holding Company Act, or any regulation or order issued thereunder.

The procedures of Subpart A and B do not apply to the assessment of a civil money penalty for a violation of the Change in Bank Control Act, 12 U.S.C. 1817(j). A civil money penalty for a violation of that statute is assessed in accordance with the procedures set forth in 12 U.S.C. 1817(j)(15). Under those procedures, the person assessed is not entitled to a formal hearing before the Board with respect to the assessment. The person assessed does, however, have the right to submit data, views and argument to the Board regarding the assessment and to a trial *de novo* on the assessment in an appropriate United States district court.

The procedures spelled out in Subpart B require the Board to provide the person being assessed with a notice of assessment of civil penalty. The notice is required to state the amount of the penalty, the legal authority under which the civil penalty is being assessed, the legal and factual grounds for the assessment, and the period within which the penalty is payable. The notice will also inform the person being assessed of the right to request a formal hearing on the assessment and the time limits for filing such a request.

A request for hearing on a notice of assessment must be made within ten days after issuance of the notice. If the person being assessed does not request a hearing within this ten day period, the notice of assessment becomes a final and unappealable order. If a hearing is requested within the ten day period, the Board's Secretary will promptly issue an order directing a formal administrative hearing to commence within 30 days of the date of the order. If the grounds for having assessed the penalty are established on the record of that hearing, the Board will issue an order of assessment of civil penalty. The order shall specify the amount of the penalty that has been assessed and the date the penalty is payable. An assessment order may also be issued with the consent of the person being assessed in much the same manner as a cease and desist order issued upon consent under 12 U.S.C. 1818(b). A consent assessment order may be issued whether or not a notice of assessment has been issued.

Subpart B also specifies the relevant considerations that the Board will take into account in determining the amount of the penalty. These considerations include the gravity of the violation, any history of previous violations, the financial resources and good faith of the person or persons charged, the economic benefit derived by the person or persons from the violation, and such other matters as justice may require. The economic benefit derived from the violation is not a consideration that is specified in the civil penalty statutes. The Board, however, believes that the economic benefit derived from the violation should as a matter of justice be considered in assessing a civil money penalty, and, for this reason, has identified this factor in the regulation.

In § 263.24 of Subpart B, the Board has authorized its General Counsel, in appropriate cases, to advise the person concerned that the assessment of a civil penalty is being considered and to provide the person with an opportunity to present written materials or to request a conference with members of the Board's staff to show why the penalty should not be assessed or, if assessed, should be reduced in amount. This informal procedure will precede the issuance of a formal notice of assessment and will afford the person concerned an opportunity to contest the assessment without the necessity (and ensuing time and expense) of a formal hearing. The Board has incorporated this procedure into its Rules in the belief that the procedure, in many cases, may provide a simple, efficient and fair procedure to resolve controversies regarding the appropriateness or amount of a proposed civil penalty.

Subpart C of the Rules of Practice for Hearings governs informal hearings ordered by the Board upon the request of an officer, director or other person participating in the conduct of the affairs of a State member bank, whom the Board has suspended or removed from office, or prohibited from further participation in any manner in the conduct of the bank's affairs, pursuant to 12 U.S.C. 1818(g). The Board may suspend a person from office or prohibit a person from further participation in any manner in the conduct of the affairs of a State member bank where the person is charged with the commission of a crime involving dishonesty or breach of trust that is punishable by imprisonment for a term exceeding one year. If the person is convicted of such an offense and the conviction is not subject to further appellate review, the Board may remove the person from office or prohibit the person from further participation in any manner in the conduct of the bank's affairs. The Board may issue a notice of suspension or order of removal only upon a finding that the individual's continued service to the bank or participation in its affairs may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank.

Under Subpart C, the Board must serve the notice of suspension or order of removal upon the officer, director or other person, and upon the bank concerned, whereupon the officer, director or other person shall immediately cease service to the bank or further participation in the bank's affairs. An individual against whom a notice of suspension or order of removal has been issued has 30 days from service of the notice or order to request an informal hearing on the suspension or removal. Upon receipt of a timely request for hearing, the Board's Secretary will order an informal hearing to be held, normally before representatives of the Board's staff and of the appropriate Federal Reserve Bank. The hearing must be scheduled to commence not more than 30 days from receipt of the hearing request. The

[1] The Board is authorized to assess a civil penalty for a violation of section 19 of the Federal Reserve Act against all member banks, national banks as well as State member banks. (12 U.S.C. 505).

purpose of the hearing is to afford the person concerned an opportunity to show that continued service to, or participation in the affairs of, the bank does not, and is not likely to, pose a threat to the interests of the bank's depositors or threaten to impair public confidence in the bank.

The director, officer, or other person concerned may be represented by counsel and may introduce relevant written materials and present oral argument at the hearing. The presentation of oral testimony and witnesses will be allowed only if expressly authorized by the Board or the Board's Secretary. A request to present witnesses at the hearing must be included with the request for a hearing and should specify the names of the witnesses and the general nature of their anticipated testimony. The presiding officers at the hearing are required to submit a recommendation to the Board, normally within 15 calendar days of the close of the record on the hearing. Within 60 days of the close of the record on the hearing, the Board shall notify the person concerned as to whether the suspension, removal, or prohibition will be continued, terminated, or otherwise modified. The notification must contain a statement of the basis for the Board's decision, if adverse to the officer, director, or other person concerned.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with this amendment because the changes involved therein are procedural in nature and do not constitute a substantive rule subject to the requirements of that section.

Effective September 24, 1979: (1) The title of the Board's Rules of Practice for Formal Hearings (12 CFR Part 263) is revised to read "Part 263—Rules of Practice for Hearings", and (2) Part 263 is amended as follows:

1. The title of Subpart A is revised.

2. Sections 263.1, 263.2 and 263.3(b) are revised.

3. Section 263.6(a) is revised and a new paragraph (h) is added.

4. Section 263.7 (c) and (d) and § 263.8(c) are revised.

5. Subparts B and C are revised.

Such sections read as follows:

PART 263—RULES OF PRACTICE FOR HEARINGS

Subpart A—Rules of Practice for Formal Hearings

Sec.

263.1 Authority, purpose and scope.
* * * * *

Subpart B—Rules and Procedures for Assessment and Collection of Civil Penalties

263.22 Purpose and scope.
263.23 Notice of assessment of civil penalty.
263.24 Opportunity for informal proceeding.
263.25 Relevant considerations for assessment of civil penalty.
263.26 Request for formal hearing on assessment.
263.27 Hearing order on assessment.
263.28 Assessment order.
263.29 Payment of civil penalty.

Subpart C—Rules and Procedures Applicable to Suspension or Removal of a Bank Official Where a Felony Is Charged or Proven

263.30 Purpose and scope.
263.31 Notice or order of suspension, removal or prohibition.
263.32 Request for informal hearing.
263.33 Order for informal hearing.
263.34 Decision of the Board.

Subpart A—Rules of Practice for Formal Hearings

§ 263.1 Authority, purpose, and scope.

(a) *Authority.* This Part is issued under sections 11(i), 19, and 29 of the Federal Reserve Act, as amended (12 U.S.C. 248(i), 504, and 505); sections 5(b) and 8(b) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1844(b) and 1847(b)); section 106(b)(2)(F) of the Bank Holding Company Act Amendments of 1970, as amended (12 U.S.C. 1972(2)(F)); sections 7(j) and 8 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(j) and 1818); section 13 of the International Banking Act of 1978 (12 U.S.C. 3108); and section 15B(c)(5) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78o–4).

(b) *Purpose and scope.* This subpart prescribes rules of practice and procedure governing adjudications as to which a formal hearing is required by law or is for other reason ordered by the Board. These adjudications include:

(1) Suspension of a member bank from the use of credit facilities of the Federal Reserve System under section 4 of the Federal Reserve Act (12 U.S.C. 301);

(2) Termination of a bank's membership in the Federal Reserve System under section 9 of the Federal Reserve Act (12 U.S.C. 327);

(3) Issuance of a cease-and-desist order under section 11 of the Clayton Act (15 U.S.C. 21);

(4) Issuance of a cease-and-desist order or a removal or suspension order under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818);

(5) Adjudications under sections 2, 3 or 4 of the Bank Holding Company Act (12 U.S.C. 1841, 1842, or 1843);

(6) Issuance of a divestiture order against a bank holding company under section 5(e) of the Bank Holding Company Act (12 U.S.C. 1844(e));

(7) Disapproval of a proposed acquisition of control of a State member bank or a bank holding company under section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j));

(8) Imposition of sanctions upon any municipal securities dealer for which the Board is the appropriate regulatory agency, or upon any person associated or seeking to become associated with such a municipal securities dealer, under section 15B(c)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4);

(9) Formal adjudications on bank merger applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)); and

(10) Assessment of a civil money penalty for a violation of any provision of: the Bank Holding Company Act of 1956, as amended, or any order or regulation issued thereunder (12 U.S.C. 1847(b)); sections 19, 22, or 23A of the Federal Reserve Act, or any order or regulation issued thereunder (12 U.S.C. 504, 505); the terms of a final cease-and-desist order issued under the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)); or the provisions of 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended (12 U.S.C. 1972(2)(F)).

§ 263.2 Definitions.

As used in this Part:

(a) "Member bank" means any bank that is a member of the Federal Reserve System.

(b) "Party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party. A person or agency may be admitted for a limited purpose without being regarded as a party.

(c) "Secretary" means the Secretary of the Board of Governors of the Federal Reserve System.

§ 263.3 Appearance and practice before the Board.

* * * * *

(b) *Conduct during hearings.* All participants in a hearing, or a conference held in connection therewith, shall conduct themselves with dignity and in an orderly and ethical manner. The attorney or other representative of a party shall make every effort to restrain a client from improper conduct in connection with a proceeding. Improper language or conduct, refusal to comply with directions, continued use of dilatory tactics, or refusal to adhere to reasonable standards of orderly and ethical conduct constitute grounds for immediate exclusion from the

proceeding at the direction of the presiding officer.

§ 263.6 Conduct of hearings.

(a) *Designation of presiding officer.*

(1) When evidence is to be taken in a hearing, the Board or, when duly designated by the Board for that purpose, one or more of its members, an administrative law judge, or other hearing officer(s) lawfully appointed by the Board may preside at the hearing. Unless otherwise provided in the notice of hearing, all hearings for the taking of evidence shall be conducted as hereinafter provided.

(2) Except as authorized by law, the presiding officer shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of the Board engaged in the performance of investigative or prosecuting functions.

(3) A designated presiding officer who deems himself disqualified may at any time withdraw. Upon receipt of a timely and sufficient affidavit of personal bias or disqualification of such presiding officer, the Board will rule on the matter as a part of the record and decision in the case.

* * * * *

(h) *Ex parte communications.* For the purposes of this section, "ex parte communication" means an oral or written communication that is not on the public record and for which reasonable prior notice to all parties has not been given, but does not include requests for status reports. The following prohibitions against any ex parte communication apply from the time of issuance of a notice for a formal hearing in the proceeding or from the time the person responsible for the communication has knowledge that a notice for a hearing will be issued.

(1) No member of the Board nor the presiding officer nor any other person who is, or may reasonably be expected to be, involved in the decisional process in a proceeding conducted under this subpart shall make, or knowingly cause to be made, an ex parte communication relevant to the merits of the proceeding to any interested person outside the Federal Reserve System. Any member of the Board, the presiding officer, or other person who receives, makes, or knowingly causes to be made any ex parte communication prohibited by this paragraph shall place on the public record of the proceeding:

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraph (h)(1) (i) and (ii) of this section.

(2) No interested person outside the Federal Reserve System shall make, or knowingly cause to be made, an ex parte communication relevant to the merits of a proceeding conducted under this subpart to any member of the Board, to the presiding officer or to anyone who is, or may reasonably be expected to be, involved in the decisional process in the proceeding. Upon receipt of a communication in violation of this paragraph, the Board or the presiding officer may require the party responsible for the ex parte communication to show cause why that party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of the violation. To the extent consistent with the interests of justice and the policy of the statute under which the hearing is being held, a knowing violation of this paragraph may constitute sufficient grounds for a decision adverse to the responsible party.

(3) Except as authorized by law, the presiding officer shall not consult any person or party on any fact in issue unless notice and opportunity is given for all parties to participate.

§ 263.7 Subpenas.

* * * * *

(c) *Service of subpena.*

(1) Service of a subpena may be made by personal service or, except as otherwise required by law, by registered mail addressed to the last known address of the person named in the subpena and by tendering the fees for one day's attendance and mileage as specified in paragraph (d) of this section. In making personal service of a subpena, the original shall be exhibited to, and a copy thereof left with, the person named in the subpena. Service of the subpena and tender of fees to a natural person may also be made by leaving a copy of the subpena and fees at the person's dwelling place or usual place of abode with someone of suitable age or discretion. When the person to be served is not a natural person, delivery of a copy of the subpena and tender of the fees may be effected by handing them to a registered agent for service or to an officer, director, or agent in charge of any office of the person, or by mailing them by registered mail to such representative at that person's last known address.

(2) Service made by a United States marshal or his deputy shall be evidenced by that person's return on the original subpena. If made by any other person, that person shall make affidavit thereto, describing the manner in which service was made, and return the affidavit on or with the original subpena. In case of failure to make service, the reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit, or statement, shall be returned without delay to the Secretary or, if so directed on the subpena, to the presiding officer before whom the person named in the subpena is required to appear.

(d) *Attendance of witnesses.*

(1) The attendance of witnesses and the production of documents pursuant to a subpena issued in connection with a hearing under this subpart may be required from any State or territory or any other place subject to the jurisdiction of the United States at any designated place where the hearing is being conducted. Any person who is compelled to appear and testify, or who appears and testifies by request or permission, may be accompanied, represented, or advised by counsel.

(2) Subpenaed witnesses shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. When a subpena is issued upon the Board's own motion or at the request of Board counsel, fees and mileage need not be tendered at the time of service of the subpena. Fees required by this paragraph shall be paid by the person upon whose application the subpena is issued.

§ 263.8 Depositions.

* * * * *

(c) *Procedure on deposition; objections.*

(1) Each witness testifying upon oral deposition shall be duly sworn or shall affirm, and Board counsel and any adverse party shall have the right to cross-examine the witness. Objections to questions or documents shall be in short form, stating the grounds of objection relied upon. The person recording the deposition shall not have any authority to rule upon questions of competency, materiality, or relevancy of evidence. Evidence objected to shall be taken subject to the objection. Failure to object to questions or evidence shall not be deemed a waiver unless the ground of the objection is one which might have been obviated or removed if presented at the time of the question or submission of evidence.

(2) All questions, answers, and objections (but not including argument or debate) shall be recorded by, or under the direction of, the officer before whom the deposition is taken. The deposition shall be subscribed to by the witness, unless the parties by stipulation

waive the signing or unless the witness is physically unable to sign, cannot be found, or refuses to sign. The person recording the deposition shall certify the transcript of the deposition as true and complete. If the deposition is not subscribed to by the witness, the person recording the testimony shall state this fact and the reason therefor on the record.

(3) The officer before whom the deposition is taken shall promptly deliver, or send by registered mail, the original of the deposition, together with the original of all exhibits, to the Secretary of the Board unless otherwise directed in the order authorizing the taking of the deposition or in the notice of its issuance. Interested parties shall make their own arrangements with the person recording the testimony for copies of the deposition and exhibits.

* * * * *

Subpart B—Rules and Procedures for Assessment and Collection of Civil Penalties

§ 263.22 Purpose and scope.

The rules and procedures specified in this subpart and in Subpart A are applicable to proceedings by the Board to assess and collect civil money penalties for a violation of: (a) The terms of a final cease-and-desist order issued under the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)); (b) The provisions of sections 19, 22, or 23A of the Federal Reserve Act, or any regulation or order issued thereunder, (12 U.S.C. 504 and 505); (c) Any provision of the Bank Holding Company Act of 1956, as amended, or any regulation or order issued thereunder, (12 U.S.C. 1847(b); or (d) The provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended (12 U.S.C. 1972(2)(F)). The rules and procedures of this subpart do not apply to the assessment of a civil penalty for a violation of the Change in Bank Control Act, 12 U.S.C. 1817(j). A civil money penalty for a violation of that statute may be assessed in accordance with the procedures set forth in 12 U.S.C. 1817(j)(15).

§ 263.23 Notice of assessment of civil penalty.

Civil penalty proceedings commence with the issuance by the Board of a notice of assessment of civil penalty. The notice of assessment shall state: (a) The legal authority for the assessment; (b) The amount of the civil penalty being assessed; (c) The date by which the civil penalty shall be paid; (d) The matters of fact or law constituting the grounds for assessment of the civil penalty; (e) The right of the person being assessed to a formal hearing to challenge the assessment; and (f) The time limit to request such a formal hearing. The notice of assessment may be served upon the person being assessed by personal service, by registered or certified mail to the person's last known address, or by other appropriate means. Such service constitutes issuance of the notice.

§ 263.24 Opportunity for informal proceeding.

In the sole discretion of the Board's General Counsel, the General Counsel may, prior to the issuance by the Board of a notice of assessment of civil penalty, advise the affected person that the issuance of a notice of assessment of civil penalty is being considered and the reasons and authority for the proposed assessment. The General Counsel may provide the person an opportunity to present written materials or request a conference with members of the Board's staff to show that the penalty should not be assessed or, if assessed, should be reduced in amount.

§ 263.25 Relevant considerations for assessment of civil penalty.

In determining the amount of the penalty to be assessed, the Board will take into account the appropriateness of the penalty with respect to the financial resources and good faith of the person charged, the gravity of the violation, the history of previous violations, the economic benefit derived by the person from the violation, and such other matters as justice may require.

§ 263.26 Request for formal hearing on assessment.

A person being assessed may request a formal hearing to challenge the assessment of a civil penalty. The request must be made within ten business days after issuance of the notice of assessment, and any such request must be filed in writing with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. If a request for a formal hearing is not filed within this ten-day period, the person being assessed shall be deemed to have waived the right to a formal hearing, and the notice of assessment shall constitute a final and unappealable assessment order.

§ 263.27 Hearing order on assessment.

After the receipt of a timely request for a hearing with respect to the assessment of a civil penalty, the Secretary will promptly issue an order directing a hearing to commence within 30 days from the date of the hearing order at such place as the Secretary may designate with due regard for the interests of all parties. The hearing order may require the person requesting the hearing to file an answer as prescribed in section 263.5 of Subpart A. The procedures of the Administrative Procedure Act (5 U.S.C. 554–557) and Subpart A of these Rules shall apply to the hearing.

§ 263.28 Assessment order.

(a) In the event of consent of the parties concerned to an assessment, or if, upon the record made at a hearing ordered under this subpart, the Board finds that the grounds for having assessed the penalty have been established, the Board may issue an order of assessment of civil penalty. In its order, the Board may reduce the amount of the penalty specified in the notice of assessment. Any party afforded a hearing under this subpart who does not appear at the hearing (personally or by a duly authorized representative) shall be considered to have waived the right to a formal hearing and to have consented to the assessment of the civil penalty specified in the notice of assessment.

(b) An assessment order is effective immediately upon issuance, or upon such other date as may be specified therein, and shall remain effective and enforceable until it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

(c) An assessment order may be served by personal service, by registered or certified mail to the last known address of the person being assessed, or by other appropriate means.

§ 263.29 Payment of civil penalty.

(a) The date designated in the notice of assessment for payment of the civil penalty will normally be 60 days from the issuance of the notice. If, however, the Board finds, in a specific case, that the purposes of the authorizing statute would be better served if the 60 day period is changed, the Board may shorten or lengthen the period or make the civil penalty payable immediately upon receipt of the notice of assessment. If a timely request for a formal hearing to challenge an assessment of civil penalty is filed, payment of the penalty shall not be required unless and until the board issues a final order of assessment following the hearing. If an assessment order is issued, it will specify the date by which the civil penalty should be paid or collected.

(b) Checks in payment of civil penalties should be made payable to the "Board of Governors of the Federal Reserve System." Upon collection, the

board shall forward the amount of the penalty to the Treasury of the United States.

Subpart C—Rules and Procedures Applicable to Suspension or Removal of a Bank Official Where a Felony is Charged or Proven

§ 263.30 Purpose and scope.

The rules and procedures set forth in this subpart apply to informal hearings afforded to any officer, director, or other person participating in the conduct of the affairs of a State member bank ("bank official"), who has been suspended or removed from office or prohibited from further participation in any manner in the conduct of the bank's affairs by a notice or order issued by the Board upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)).

§ 263.31 Notice or order of suspension, removal, or prohibition.

(a) *Grounds.* The Board may suspend a bank official from office or prohibit a bank official from further participation in any manner in the conduct of a bank's affairs when the person is charged in any information, indictment, or complaint authorized by a United States attorney with the commission of, or participation in, a crime involving dishonesty or breach of trust that is punishable by imprisonment for a term exceeding one year under State or Federal law. The Board may remove a bank official from office or prohibit a bank official from further participation in any manner in the conduct of a bank's affairs when the person is convicted of such an offense and the conviction is not subject to further direct appellate review. The Board may suspend or remove a bank official or prohibit a bank official from participation in a bank's affairs in these circumstances if the Board finds that continued service to the bank or participation in its affairs by the bank official may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank.

(b) *Contents.* The Board commences a suspension, removal, or prohibition action with the issuance, and service upon a bank official, of a notice of suspension from office, or order of removal from office, or notice or order of prohibition from participation in the bank's affairs. Such a notice or order shall indicate the basis for the suspension, removal, or prohibition and shall inform the bank official of the right to request in writing, within 30 days of service of the notice or order, an opportunity to show at an informal hearing that continued service to, or participation in the conduct of the affairs of, the bank does not and is not likely to pose a threat to the interests of the bank's depositors or threaten to impair public confidence in the bank. A notice of suspension or prohibition shall remain in effect until the criminal charge upon which the notice is based is finally disposed of or until the notice is terminated by the Board.

(c) *Service.* The notice or order shall be served upon the bank concerned, whereupon the bank official shall immediately cease service to the bank or further participation in any manner in the conduct of the affairs of the bank. A notice or order of suspension, removal, or prohibition may be served by personal service, by registered or certified mail to the last known address of the person being served, or by other appropriate means.

§ 263.32 Request for informal hearing.

A bank official who is suspended or removed from office or prohibited from participation in the bank's affairs may request an informal hearing. The request shall be filed in writing with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The request shall state with particularity the relief desired and the grounds therefor and shall include, when available, supporting evidence. If the bank official desires to present oral testimony or witnesses at the hearing, the bank official must include a request to do so with the request for informal hearing. The request to present oral testimony or witnesses should specify the names of the witnesses and the general nature of their expected testimony.

§ 263.33 Order for informal hearing.

(a) *Issuance of hearing order.* Upon receipt of a timely request for an informal hearing, the Secretary will promptly issue an order directing an informal hearing to commence within 30 days of the receipt of the request. At the request of the bank official, the Secretary may order the hearing to commence at a time more than 30 days after the receipt of the request for hearing. The hearing shall be held in Washington, D.C., or at such other place as may be designated by the Secretary, before presiding officers designated by the Secretary to conduct the hearing. The presiding officers normally will include representatives from the Board's Legal Division and Banking Supervision and Regulation Division and from the appropriate Federal Reserve Bank.

(b) *Waiver of oral hearing.* A bank official may waive in writing the official's right to an oral hearing and instead elect to have the matter determined by the Board solely on the basis of written submissions.

(c) *Hearing procedures.*

(1) The bank official may appear at the hearing personally, through counsel, or personally with counsel. The bank official shall have the right to introduce relevant written materials and to present an oral argument. The bank official may introduce oral testimony and present witnesses only if expressly authorized by the Board or the Secretary. Neither the formal rules of evidence nor the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557) or Subpart A of these Rules shall apply to the informal hearing ordered under this subpart unless the Board orders that they apply.

(2) The proceedings shall be recorded and a transcript shall be furnished to the bank official upon request and after the payment of the cost thereof. Witnesses need not be sworn, unless specifically requested by a party or the presiding officers. The presiding officers may ask questions of any witness.

(3) The presiding officers may order the record to be kept open for a reasonable period following the hearing (normally 5 business days), during which time additional submissions to the record may be made. Thereafter, the record shall be closed.

(d) *Authority of presiding officers.* In the course of or in connection with any proceeding under this subpart, the Board or the presiding officers are authorized to administer oaths and affirmations, to take or cause to be taken depositions, to issue, revoke, quash, or modify subpenas and subpenas duces tecum, and, for the enforcement thereof, to apply to an appropriate United States district court. All action relating to depositions and subpenas shall be in accordance with the rules provided in §§ 263.7 and 263.8 of Subpart A of these Rules.

(e) *Recommendation of presiding officers.* The presiding officers shall make a recommendation to the Board concerning the notice or order of suspension, removal, or prohibition within 20 calendar days following the close of the record on the hearing.

§ 263.34 Decision of the Board.

(a) Within 60 calendar days following the close of the record on the hearing, or receipt of written submissions where a hearing has been waived, the Board shall notify the bank official whether the notice of suspension or prohibition will be continued, terminated, or otherwise modified, or whether the order of

removal or prohibition will be rescinded or otherwise modified. The notification shall contain a statement of the basis for any adverse decision by the Board. In the case of a decision favorable to the bank official, the Board shall take prompt action to rescind or otherwise modify the order of suspension, removal or prohibition.

(b) In deciding the question of suspension, removal, or prohibition under this subpart, the Board will not rule on the question of the guilt or innocence of the individual with respect to the crime with which the individual has been charged.

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

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-30339 Filed 10-1-79; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Interpretive Ruling—Donations/ Contributions

AGENCY: National Credit Union Administration.

ACTION: Interpretation of General Applicability.

SUMMARY: This statement sets forth the National Credit Union Administration's interpretation of the incidental power a Federal credit union possesses to make donations. The Administration interprets the incidental powers clause of the Federal Credit Union Act (§ 107(15)) to permit a Federal credit union to make reasonable donations to tax exempt organizations under Section 501(c)(3) of the Internal Revenue Code. This interpretation should result in an increase in community funds that are used for diverse charitable and educational needs of the public.

EFFECTIVE DATE: October 2, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, D.C., 20456.

FOR FURTHER INFORMATION CONTACT: Edward J. Dobranski, Senior Attorney, Office of General Counsel, National Credit Union Administration, at the above address. Phone (202) 632-4870.

SUPPLEMENTARY INFORMATION: The Administration is frequently asked whether Federal credit unions (FCU's) may make contributions or donate funds to various organizations. In the past, the Administration held that an FCU may donate its funds only if the FCU would derive a direct benefit from such donation or contribution.

The Administration, in accord with an increasing number of jurisdictions, realizes that a cooperative (e.g., a FCU), like a corporation for profit, has an obligation to contribute its fair share toward community funds that are used for diverse charitable, recreational, and educational needs of the public. The Administration views donations meeting this obligation as an activity incidental to a FCU's business within the scope of powers set forth in Section 107(15) of the Federal Credit Union Act. Consequently, FCU's may make contributions to community organizations that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

Finally, FCU's should be aware of the following: that contributions, either direct or indirect, to candidates for a trade association or credit union league office do not fall within the scope of this interpretation; that FCU contributions and expenditures in connection with any election to any political office are prohibited by the Federal Election Campaign Act (2 U.S.C. 441b); that Article XIX, Section 4 of the Federal Credit Union Bylaws, concerning conflicts of interest by officials and employees of an FCU, is applicable to the activities covered by this interpretation; and that, pursuant to Article VIII, Section 8 of the Federal Credit Union Bylaws, the minutes of the board of directors meeting at which any donation is authorized shall reflect both the amount and the recipient of such donation.

Interpretation

[IRPS No. 79-6]

A Federal credit union (FCU) may make contributions or donate funds to:

(1) An organization that is a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, if such organization is located or conducts its activities in the community in which the FCU has a principal place of business;

(2) An organization that is a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, if such organization operates primarily to promote and develop credit unions (including FCU's).

Any such contribution or donation must be approved by the FCU's board of directors, in such sum as the board deems to be in the best interest of the FCU, provided that such sum is sound given the financial condition of the FCU.

Lawrence Connell,

Chairman.

September 21, 1979.

[FR Doc. 79-30401 Filed 10-1-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

Correction

In FR Doc. 79-18763, published at page 34479, on Friday, June 15, 1979, the following corrections are made:

1. On page 34483, in the third column, under § 404.330, in the first paragraph, in the fourth line, "If" should be corrected to read "if";

2. On page 34486, in the second column, in the eighth line, ". . . you entitlement" should be corrected to read ". . . your entitlement";

3. On page 34486, in the second column, under § 404.348, in paragraph (c), in the fourth line ". . . important decision" should be corrected to read ". . . important decisions";

4. On page 34486, in the third column, in the second line "services are service such as dressing," should be corrected to read "services are services such as dressing,";

5. On page 34486, in the third column, in the third line "feeding and managing" should be corrected to read "feeding, and managing";

6. On page 34487, in the second column, in the second line "entitlements will . . ." should be corrected to read "entitlement will . . ."

7. On page 34487, in the second column, under § 404.353, in paragraph (b), in the seventeenth line "can receive on the highest of the" should be corrected to read "can receive only the highest of the";

8. On page 34488, in the third column, in paragraph "(2)", in the second line ". . . If you legally adopted" should be corrected to read ". . . If you are legally adopted";

9. On page 34490, in the first column, in paragraph "(c)", in the fifteenth line "However you are . . ." should be corrected to read "However, you are. . .";

10. On page 34492, in the second column, in paragraph "(d)", in the first line "If any part of the lum-sum death"

should be corrected to read "If any part of the lump-sum death";

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 9

[T.D. ATF-60]

American Viticultural Areas

AGENCY: The Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule; Treasury decision.

SUMMARY: A new Part 9 is added to Title 27, listing the approved American viticultural areas to be used as American appellations of origin. After an American viticultural area has been listed in Part 9, the name of the American viticultural area may then be used to label an American wine under the requirements of 27 CFR Part 4.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Teri K. Haupt or Armida N. Stickney, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 12th and Pennsylvania Avenue, NW., Washington, DC 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

This final rule is based on Treasury Decision ATF-53 (43 FR 37672), which amended the regulations on labeling and advertising of wine to include a system for appellation of origin labeling.

Specifically, § 4.25a(e)(2) states that petitions for the establishment of American viticultural areas may be made to the Director; and § 4.25a(e)(3) provides, in part, that a viticultural area must have been approved under 27 CFR Part 9 before an American wine can be labeled with a viticultural area appellation. As a result, 27 CFR Part 9, American Viticultural Areas, is assigned for all future designations of American viticultural areas.

Part 9 is divided into three subparts. Subpart A contains general provisions; Subpart B is reserved in anticipation of new material; and Subpart C will list all approved American viticultural areas.

Drafting Information

The principal author of this final rule is Armida N. Stickney of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Officials from ATF and from the Department of the Treasury, however, participated in developing this final rule, both on matters of substance and style.

Authority and Issuance

Because this final rule is administrative in nature and merely establishes a part, it is unnecessary and impractical to issue it with notice and public procedure under 5 U.S.C. 553.

This final rule is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended).

Accordingly, Part 9, American Viticultural Areas, is added to Subchapter A of 27 CFR Chapter I and reads as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Subpart A—General Provisions

Sec.
9.1 Scope.
9.2 Territorial extent.
9.3 Relation to Parts 4 and 71 of this chapter.
9.4–9.10 [Reserved]
9.11 Meaning of terms.

Subpart B—[Reserved]

Subpart C—Approved American Viticultural Areas

9.21 General.

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

Subpart A—General Provisions

§ 9.1 Scope.

The regulations in this part relate to American viticultural areas.

§ 9.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 9.3 Relation to Parts 4 and 71 of this chapter.

(a) *Procedure.* In accordance with §§ 4.25a(e)(2) and 71.41(c) of this chapter, the Director shall receive petitions to establish American viticultural areas and shall use the informal rulemaking process, under 5 U.S.C. 553, in establishing viticultural areas in this part.

(b) *Information to establish an American viticultural area.* A petition, made in writing, shall contain the following information:

(1) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the application;

(2) Historical or current evidence that the boundaries of the viticultural area are as specified in the application;

(3) Evidence relating to the geographical features (climate, soil, elevation, physical features, and the like) which distinguish the viticultural features of the proposed area from surrounding areas;

(4) The specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(5) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

§ 9.4–9.10 [Reserved]

§ 9.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this section.

American. Of or relating to the several States, the District of Columbia, and Puerto Rico; "State" includes the District of Columbia and Puerto Rico.

Approved map. The map used to define the boundaries of an approved viticultural area.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Use of other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

U.S.G.S. The United States Geological Survey.

Viticultural area. A delimited, grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of this part.

Subpart B [Reserved]

Subpart C—Approved American Viticultural Areas

§ 9.21 General.

The viticultural areas listed in this subpart are approved for use as appellations of origin in accordance with Part 4 of this chapter.

Signed: July 30, 1979.

J. R. Dickerson,

Director.

Approved: September 11, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-30471 Filed 10-1-79; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army

35 CFR Part 253

Regulations of the Secretary of the Army; Compensation and Allowances

AGENCY: Secretary of the Army.

ACTION: Final rule.

SUMMARY: The Panama Canal Treaty of 1977 enters into force on October 1, 1979. In connection with the implementation of the treaty, three provisions of Chapter 253 of title 35, Code of Federal Regulations, are amended. These amendments will (1) authorize the Canal Zone Civilian Personnel Policy Coordinating Board to establish a system of preference in hiring for Panamanian nationals (2) eliminate the tax allowance for employees of Federal agencies subject to the Secretary of the Army's regulations who are hired after September 30, 1979, and (3) permit the establishment of a wage system for employees hired after September 30, 1979, wherein the rates of pay differ from those in effect for current employees.

EFFECTIVE DATE: September 30, 1979.

ADDRESS: Department of the Army, Washington, DC 20310.

FOR FURTHER INFORMATION CONTACT: Colonel Michael Rhode, Jr. Office of the Assistant Secretary of the Army (CW), Washington, DC 20310; telephone (202) 695–1370.

SUPPLEMENTARY INFORMATION: Paragraph 2(a) of Article X of the Panama Canal Treaty of 1977 and paragraph 2 of Article VII of the Agreement in Implementation of Article IV of the Treaty require than when hiring civilian employees for the Panama Canal Commission and the United States Forces in the Republic of Panama, the United States establish a system of preference for Panamanian applicants possessing the requisite skills and qualifications. The Panama Canal Act of 1979, which implements the Treaty, provides for the establishment of the Panama Canal Employment System that conforms with the Treaty, related agreements, and other applicable laws. The Act further provides, however, that pending establishment of the Employment System, the provisions of subchapter III of chapter 7 of title 2, Canal Zone Code, and the regulations promulgated thereunder and in effect on September 30, 1979, shall continue in effect.

The provisions of subchapter III and the implementing regulations presently preclude treating prospective applicants differently on the basis of citizenship. More specifically, 2 C.Z.C. section 149(b) provides that the existing Canal Zone Merit System shall be based solely upon merit, irrespective of whether the employees or applicants are citizens of Panama or the United States. Similarly, 2 C.Z.C. section 142(a)(1) incorporates by reference Item 1 of the Memorandum of Understandings Reached Ancillary to the 1955 Treaty of Mutual Understandings and Cooperation with Panama, which requires that the United States afford Panamanian and United States citizens equal employment opportunity.

Pursuant to 2 C.Z.C. section 142(b)(1) and section 2(a)(1) of Executive Order 11171, 35 C.F.R. 251.1(a)(1), however, the Secretary of the Army can exclude any employee or position from any provision of subchapter III. This amendment excludes all positions subject to subchapter III from the citizenship nondiscrimination provisions to the extent necessary to implement the required system of preference in hiring for Panamanians. The amendment also authorizes the Canal Zone Civilian Personnel Policy Coordinating Board to establish such a system of preference.

The second amendment eliminates the tax allowance established pursuant to 2 C.Z.C. section 146 for persons hired after September 30, 1979. The tax allowance will continue for present employees. The Board is authorized to promulgate regulations to implement this amendment.

The third amendment permits the establishment of a pay system for employees hired after September 30, 1979 with rates of pay that are different from the rates paid to employees in similar positions who were hired on or before that date. The new pay system will be established by the Board in accordance with the Treaty and the Panama Canal Act of 1979.

ADOPTION OF AMENDMENTS:

Accordingly, effective September 30, 1979, the following amendments to Title 35, Code of Federal Regulations, are adopted:

1. Section 253.8(a) is amended by striking the phrase "and (g)" and substituting therefor the phrase "(g), and (h)". Section 253.8 is further amended by adding a new paragraph (h) to read as follows:

§ 253.8 Exclusions.

* * * * *

(h) To the extent necessary to implement a system of preference in hiring for Panamanian nationals, in accordance with Article X, paragraph 2(a) of the Panama Canal Treaty of 1977 and Article VII, paragraph (2) of the Agreement in Implementation of Article IV of the said Treaty, all positions are excluded from the provisions of Sections 142(a)(1) and 149(b) of Title 2, Canal Zone Code, which provide for equality of opportunity in employment for Panamanian and United States citizens. The Board is authorized to establish a system of hiring preference for Panamanian nationals in accordance with the Panama Canal Treaty of 1977 and its implementing agreements. Except as provided in this section and the Board's implementing regulations, the provisions of sections 142(a)(1) and 149(b) of Title 2, Canal Zone Code, shall continue to apply to all employees.

2. Section 253.134 is amended by redesignating the existing section as subsection (a) and adding a new subsection (b) to read as follows:

§ 253.134 Tax allowance.

* * * * *

(b) An employee appointed to a position after September 30, 1979 is not entitled to the tax allowance authorized by subsection (a) of this section. The Board may adopt additional regulations as may be necessary to carry out the provisions of this subsection and may establish different base rates (i) for employees who occupy a position on September 30, 1979 and continuously occupy a position after that date and (ii) employees appointed to a position after September 30, 1979.

3. Section 253.131(b) is amended by adding a new sentence at the end thereof, to read as follows:

§ 253.131 Derivation of base rates of pay.

* * * * *

(b) * * *

Notwithstanding Section 253.102, different rates may be established (i) for employees who occupy a position on September 30, 1979 and continuously occupy a position after that date, or who are separated by reason of a reduction in force on September 30, 1979 and are appointed to a position in the Panama Canal Commission before April 1, 1980, and (ii) for other employees.

* * * * *

(2 C.Z.C. Section 142(b) (1), 155(a), 35 CFR 251.2(a) (1), (3))

Clifford L. Alexander, Jr.,

Secretary of the Army.

[FR Doc. 79-30480 Filed 10-1-79; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL1324-8]

Approval and Promulgation of Implementation Plans; Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 21, 1979 (44 FR 29453), EPA approved four revisions to the Massachusetts State Implementation Plan (SIP) permanently extending Massachusetts Regulation 310 CMR 7.05(1), "Sulfur Content of Fuels and Control Thereof" for four Air Pollution Control Districts (APCDs). In addition on July 16, 1979 (44 FR 41178), EPA published a SIP revision permanently extending the Regulation in a fifth APCD.

These SIP revisions allow certain sources in the five APCDs to burn higher sulfur content fuels permanently. In this notice, EPA is approving a number of additional sources in four of the APCDs to burn the higher sulfur content fuel, disapproving other sources with potential to exceed the National Ambient Air Quality Standards (NAAQS), and withholding action on certain sources pending further investigation.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT: Linda Murphy, Chief, Stationary Source Section, Air Branch, EPA, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, 617/223-5609.

SUPPLEMENTARY INFORMATION: The original Massachusetts SIP was approved by EPA on May 31, 1972 (37 FR 10842). This SIP established specific limits for the sulfur content of fuels. Pursuant to the enactment of Chapter 494 of the Acts of 1974, the Massachusetts Department of Environmental Quality Engineering (the Department) was required to periodically review the control strategies and to relax any regulation which was more stringent than necessary to attain the NAAQS. The Department reviewed the sulfur-in-fuel regulations for each of its Air Pollution Control Districts (APDCs) and as a result the Department submitted initial revisions to its SIP to permit certain sources to burn higher sulfur content fuels. With exceptions, the SIP revisions were temporarily approved.

On May 21, 1979 (44 FR 29453), the Administrator approved four revisions to the Massachusetts SIP permanently extending Massachusetts Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" for the Pioneer Valley APCD, (the Massachusetts portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region (AQCR), the Metropolitan Boston APCD (the same geographical boundaries as the Metropolitan Boston Intrastate AQCR), the Southeastern Massachusetts APCD (the Massachusetts portion of the Metropolitan Providence Interstate AQCR), and the Merrimack Valley APCD (the Massachusetts portion of the Merrimack Valley-Southern New Hampshire Interstate AQCR). On July 16, 1979 (44 FR 41178), EPA also approved a SIP revision permanently extending the Regulation for the Central Massachusetts APCD (the same geographic boundaries as the Central Massachusetts Intrastate AQCR). The revisions allow certain fossil fuel burning facilities in the APCDs to burn fuel with a maximum sulfur content of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual oil by weigh) permanently.

On June 27, 1979 the Regional Administrator published a **Federal Register** notice (44 FR 37513) proposing approval for a number of additional sources in four of the APCDs to burn higher sulfur content fuels and disapproval of various other sources with potential to exceed the NAAQS. The APCDs affected were: Metropolitan Boston, Southeastern Massachusetts, Pioneer Valley, and Central Massachusetts. Today, EPA is taking final action on these sources.

The entire State of Massachusetts is designated attainment for sulfur dioxide (SO_2) standards (43 FR 8962). The Department has analyzed the impact of use of higher sulfur fuels to ensure that NAAQS will not be violated and has submitted dispersion modeling in support of the revisions. EPA reviewed the modeling and found it consistent with EPA procedures and guidelines for modeling. With one exception (discussed below), no violations were predicted for the approved sources. In addition, EPA has reviewed the SO_2 levels recorded by State and private monitoring networks. No violations or exceedances of the SO_2 NAAQS were observed.

Several Massachusetts cities and towns have been designated as nonattainment for total suspended particulates (TSP) NAAQS. In accordance with the requirements of the Clean Air Act, the Department, on March 30, 1979, submitted a SIP revision for the attainment of primary TSP NAAQS by December 31, 1982. In addition, an 18-month extension was requested to submit a SIP revision to attain the secondary TSP NAAQS in Massachusetts. The secondary standard attainment plan will address the TSP impact of higher sulfur fuels from the approved sources. EPA is presently evaluating the proposed SIP revision and extension requests.

Upon approval of this revision, eligible sources would apply to the Department and must be granted approval prior to burning higher sulfur fuel. The Department analyzes the request to ensure that the source can burn higher sulfur fuel without violating other State regulations including the particulate matter emission limitations and the opacity requirement. The Department may also require stack testing. Some sources may be further required by the Department to establish and operate an ambient air quality monitoring network in their vicinity. The data from these networks are submitted to the Department regularly and are used to evaluate the effects of burning higher sulfur fuels.

Since the approved revisions are permanent, the Department has established a procedure to review and reanalyze the burning of higher sulfur content fuels by the sources not later than July 1, 1982, and at least every three years thereafter.

The additional sources that EPA is approving to burn fossil fuel with a maximum sulfur content of 1.21 pounds per million Btu heat release potential are:

Metropolitan Boston APCD

General Motors, Framingham
Polaroid Corporation, Norwood
Bird and Son, East Walpole
Massachusetts Correctional Institute, South Walpole
Bridgewater State College, Bridgewater
Hanscom Field, Bedford
Wellesley College, Wellesley
National Tanning and Trading, Peabody
General Tire, Reading
General Food Corporation, Atlantic Gelatin, Woburn
Massachusetts Correctional Institute, Bridgewater
W.R. Grace, Action
Massachusetts Correctional Institute, Concord
Danvers State Hospital, Danvers

Pioneer Valley APCD

Belchertown State School, Belchertown
James River Graphics (formerly Scott Graphics), South Hadley—(conditioned upon operation of the boilers on only one of the two stacks at any given time, and operation being so restricted in the source's operating permit granted by the

Massachusetts Department of Environmental Quality Engineering.)
Massachusetts Mutual Life Insurance Company, Springfield
Northampton State Hospital, Northampton
Springfield Technical Community College, Springfield
Stanley Home Products, Easthampton
Stevens Elastomeric Industries, Easthampton
Ware Industries, Ware
Westfield State College, Westfield
Westover Air Force Base (Building 1411), Chicopee
University of Massachusetts, Amherst
Mount Tom Generating Station, Holyoke

Southeastern Massachusetts APCD

L&O Realty Trust, Taunton
New Bedford Gas and Electric, New Bedford
Texas Instruments, Attleboro
Arkwright Finishing Incorporated, Fall River
Foster Forbes Glass Company, Milford
Owens Illinois Inc., Mansfield
Harodite Finishing Corporation, Dighton—(conditioned upon prior removal of raincaps from stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Polaroid Corporation, New Bedford

Central Massachusetts APCD

Borden, Inc., Chemical Division, Leominster—(conditioned upon first completing construction of new stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Gardner State Hospital, Gardner
Grafton State Hospital, Grafton
Haywood-Shuster Woolen, E. Douglas
Cranston Prints Works, Webster
Baldwinville Products, Templeton—(conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)

EPA reviewed extensive air quality data submitted by Northeast Utilities Service Company (NUSCO) and the Department in support of Mount Tom Generating Station, Holyoke (Pioneer Valley APCD) burning the higher sulfur content fuel. The monitored data was collected as a result of EPA's disapproval of the source to burn higher sulfur fuel in the February 1, 1977 **Federal Register** (42 FR 5975) based on Valley Model violations. Nonetheless, EPA was willing to review real data supporting the claim that the Valley Model was overly conservative in a specific instance. The source implemented an EPA approved monitoring program and EPA has concluded that during the monitored period of one year, the only high SO_2 levels recorded were the result of high background concentrations caused by unfavorable meteorological conditions. Despite the high background levels, the plant's impact was sufficiently low to meet the NAAQS. Therefore, EPA is approving Mount Tom Generating Station to burn fossil fuel with a maximum sulfur content of 1.21 pounds per million Btu heat release potential.

Several sources listed above are approved subject to satisfactory compliance with specified conditions. One (1) source, Baldwinville Products in Templeton, located in the Central Massachusetts APCD, is presently replacing two short stacks, with a single one that conforms with EPA's Good Engineering Practice Guidelines. The height of the stack is being increased to eliminate fumigation problems caused by the surrounding buildings that occurred with the short stacks. A second source, Harodite Finishing Corporation in Dighton, located in the Southeastern Massachusetts APCD, is being required to remove existing rain caps from the stack to avoid downwash problems. EPA is approving the two sources to burn higher sulfur fuel conditioned upon prior completion of these corrective measures to the satisfaction of the Department, and certification of completion to EPA by the Department. In addition, in the **Federal Register** proposal, EPA listed Cranston Prints Works, Webster (Central Massachusetts APCD) for approval conditioned on correction of a localized sootfall emissions problem. Since the necessary modifications have now been completed, the source is being unconditionally approved to burn higher sulfur fuel.

Of the twenty-two (22) sources for which disapproval was proposed in the June 27, 1979 **Federal Register**, EPA is now approving two sources, under certain conditions. Additional dispersion modeling submitted by the Department showed that one source, James River Graphics in South Hadley, would not cause NAAQS violations provided that the source operates the boilers on only one of its two stacks at any given time. Based on these results, EPA is approving the source to burn higher sulfur fuel permanently, conditioned on its operation being so restricted in the source's operating permit granted by the Department. The second source, Borden, Inc., has proposed boiler stack modifications to the existing boiler plant, reflecting the use of "good engineering practice". The stack design proposed is necessary to replace a damaged stack and to achieve adequate boiler draft with reasonable fan capacities and pressure drop to accommodate installation of boiler economizers. Evaluation by the Massachusetts Department to date indicates that with the proposed modifications the source could burn 2.2 percent sulfur fuel oil without causing violation of the NAAQS. Therefore, EPA is approving Borden, Inc. to burn the 2.2 percent sulfur oil contingent upon satisfactory completion of the proposed modifications and certification of completion to EPA by the Department.

EPA is disapproving the following sources based on measured violations of the NAAQS attributable to the source, or potential for violations based on modeling results. These sources remain subject to the existing sulfur-in-fuel regulation of .55 pounds per million Btu heat release potential.

Metropolitan Boston APCD

Eastman Gelatin, Peabody
Plymouth Rubber Company, Canton

Pioneer Valley APCD

Westover Air Force Base (Building 7102), Chicopee
University of Massachusetts (Tilson Farm), Amherst
Riverside Generating Station, Holyoke Water Power, Holyoke
Strathmore Paper Company, Westfield
Holyoke Gas and Electric Company, Holyoke

Southeastern Massachusetts APCD

Duro Finishing Company, Fall River
Stevens Realty Company, Fall River
Polaroid Corporation (formerly Olin Chemicals), Freetown
Taunton Municipal Light Company, West Water Station, Taunton
Goodyear Tire and Rubber Company, New Bedford

Central Massachusetts APCD

The Felters Company, Millbury
Fitchburg Gas and Electric Company, Fitchburg
General Electric Company, Fitchburg
Whitten Machine Works, Whitinville
North American Rockwell, Hopedale

Five (5) letters of comment were received. In two letters, new information was presented in support of the conditioned approval to burn higher sulfur fuel by two (2) sources which were previously proposed for disapproval. EPA concurs with the Massachusetts Department that these sources, James River Graphics and Borden, Inc., may be approved under certain conditions as discussed earlier, and has taken action accordingly.

In the three other letters, the Department and two affected sources challenged the general use of the Valley Model as a basis for disapproval of certain sources to burn the higher sulfur fuel, and submitted monitoring and other data in support of their position. Based on data collected at four (4) other facilities, the Department maintains that the model tends to overpredict and this is not effective in providing a true test of a facility's potential for causing 24-hour

SO_2 standard violations. The Department requested that three facilities listed as disapproved in the **Federal Register** proposal, that have initiated or are about to initiate monitoring programs based on the Valley Model's results, be allowed to burn higher sulfur content fuel oil during their monitoring programs. Although the Valley Model is the EPA approved screening model for complex terrain and EPA believes the data presented are not sufficient to rebut the model in a general way, nevertheless EPA is withholding final action on the three facilities in question, pending resolution of the specific issues raised. The sources are:

Pioneer Valley APCD

Erving Paper Mills, Erving
Kendall Company, Colrain
Westfield River Paper Company, Russell

The present revision is not subject to the requirements of 40 CFR 51.24 concerning Prevention of Significant Deterioration (PSD) of Air Quality. All the sources were included in the Department's original revisions increasing the allowable sulfur content in fuel that were submitted before August 7, 1977, and those revisions or extensions of those revisions were pending action before the Administrator on August 7, 1977 as part of a continuing evaluation process for final action. Therefore, the allowable emissions from the approved sources are included in the baseline concentration and do not represent increased air quality deterioration over this baseline.

The Agency finds that good cause exists for making this action effective immediately so as to allow the burning of higher sulfur fuel by the approved sources and to effectuate the purposes of Chapter 494 as soon as possible.

After evaluation of the Department's submittals, the Administrator has determined that these revisions meet the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, these revisions are approved as revisions to the Massachusetts State Implementation Plan.

(Section 110(a)(2)A–K and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601)).

Dated: September 25, 1979.

Douglas M. Costle,

Administrator.

Part 52 of Chapter 1, Title 40, Code of Federal regulations, is amended as follows:

Subpart W—Massachusetts

§ 52.1126 [Amended]

In § 52.1126, paragraphs (b), (c), (d), and (f) are amended by adding the following approved sources:

* * * * *

(b) * * *

Pioneer Valley APCD

Belchertown State School, Belchertown
James River Graphics (formerly Scott Graphics), south Hadley (conditioned upon operation of the boilers on only one of the two stacks at any given time, and operation being so restricted in the source's operating permit granted by the Massachusetts Department of Environmental Quality Engineering.)
Massachusetts Mutual Life Insurance Company, Springfield
Northampton State Hospital, Northampton
Springfield Technical Community College, Springfield
Stanley Home Products, Easthampton
Stevens Elastomeric Industries, Easthampton
Ware Industries, Ware
Westfield State College, Westfield
Westover Air Force Base (Building 1411), Chicopee
University of Massachusetts, Amherst
Mount Tom Generating Station, Holyoke

(c) * * *

Central Massachusetts APCD

Borden, Inc., Chemical Division, Leominster (conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Gardner State Hospital, Gardner
Grafton State Hospital, Grafton
Haywood-Shuster Woolen, E. Douglas
Cranston Prints Works, Webster
Baldwinville products, Templeton—(conditioned upon first completing construction of new stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)

(d) * * *

Southeastern Massachusetts APCD

L&O Realty Trust, Taunton
New Bedford Gas and Electric, New Bedford
Texas Instruments, Attleboro
Arkwright Finishing Incorporated, Fall River
Foster Forbes Glass Company, Milford
Owens Illinois Inc., Mansfield
Harodite Finishing Corporation, Dighton—(conditioned upon prior removal of raincaps from stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Polaroid Corporation, New Bedford

* * * * *

(f) * * *

Metropolitan Boston APCD

General Motors, Framingham
Polaroid Corporation, Norwood
Bird and Son, East Walpole
Massachusetts Correctional Institute, South Walpole
Bridgewater State College, Bridgewater
Hanscom Field, Bedford
Wellesley College, Wellesley
National Tanning and Trading, Peabody
General Tire, Reading
General Food Corporation, Atlantic Gelatin, Woburn
Massachusetts Correctional Institute, Bridgewater
W. R. Grace, Acton
Massachusetts Correctional Institute, Concord
Danvers State Hospital, Danvers

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[FR Doc. 79-30391 Filed 10-1-79; 8:45 am]
BILLING CODE 6560-01-M

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40 CFR Part 65

[FRL 1319-8]

Disapproval of a Delayed Compliance Order Issued by the Pennsylvania Department of Environmental Resources to the Bethlehem Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA disapproves a Delayed Compliance Order (the "Order") issued by the Pennsylvania Department of Environmental Resources to Bethlehem Steel Corporation ("Bethlehem") with respect to four blast furnaces at its Bethlehem, Pennsylvania plant. The Administrator has determined that the Order, which requires Bethlehem to install control equipment on such blast furnaces by July 1, 1980, fails to satisfy the following requirements of sections 113(d)(1) and 113(d)(4) of the Clean Air Act (the "Act"), 42 U.S.C. 7413(d)(1) and 7413(d)(4): (1) the provisions of Section 113(d)(1)(C), requiring interim requirements for source operation during the pendency of the Order; (2) the provisions of sections 113(d)(1)(D) and 113(d)(4), requiring final compliance with the State Implementation Plan (the "SIP") not later than five years after the date on which the source would otherwise be required to be in full compliance therewith; (3) the provisions of section 113(d)(4)(A), requiring the use of a "new means" of emission limitation; and (4) the provisions of Section 113(d)(4)(C), requiring achievement of an equivalent continuous emission reduction at lower cost or a greater continuous emission reduction at the same cost.

DATE: This rule is effective as of September 4, 1979.

ADDRESS: A copy of the Delayed Compliance Order, supporting material, and comments received in response to a prior **Federal Register** notice proposing disapproval of the Order are available

for public inspection and copying during normal business hours at: U.S. E.P.A., Region III, Air Enforcement Branch, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT: Richard Watman, U.S. E.P.A.—Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-0913.

SUPPLEMENTARY INFORMATION: On Monday, July 30, 1979, the Regional Administrator of EPA's Region III Office published in the **Federal Register**, Volume 44, No. 147, page 44572, a notice proposing disapproval of a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to Bethlehem Steel Corporation. The notice asked for public comments by August 29, 1979, with respect to EPA's proposed disapproval of the Order. The only comments received were submitted by Bethlehem Steel Corporation. Substantial new issues raised in Bethlehem's comments are discussed below.

1. Interim Emissions Reductions and Standards

Bethlehem asserts that the Order need not require installation of a system of emission reduction for the period the Order is in effect, or, in the event that the State has determined that no such system is practicable, a finding to that effect.

Section 113(D)(1)(C) of the Act provides that:

> A State . . . may issue [an order under Section 113(d)] if—
>
> * * * * *
>
> (C) the order requires compliance with applicable interim requirements as provided in . . . paragraphs (6) and (7) (relating to all sources receiving such orders) . . .

Section 113 (d)(7) provides that:

> A source to which an order is issued [under section 113(d)(4)] shall use the best practicable system or systems of emission reduction (as determined by the Administrator taking into account the requirement with which the source must ultimately comply) for the period during which such order is in effect . . .

Section 113(d)(1)(C) mandates that a State order issued under section 113(d)(4) require compliance with the interim requirements set forth, *inter alia*, in section 113(d)(7) of the Act. Section 113(d)(7) requires the use of the best practicable system of interim emission reduction during the period the section 113(d) order is in effect. Therefore, although the Administrator is empowered under section 113(d)(7) to make the final determination as to whether or not an order issued by the State contemplates use of the best practicable system of emission reduction, the State order must, in the first instance, require use of such a system for the order to be approvable under section 113(d). In the event that the State determines that, as a factual matter, no practicable system of interim emission reduction exists, such a finding as part of the record for issuance of the State order would be necessary to satisfy the requirement of section 113(d)(1)(C). However, in the instant matter, where the State order is silent on the issue of interim emission reduction and the State has not made a finding as to the practicality of interim controls, the State order is not approvable by the Administrator, since the mandate of section 113(d)(1)(C) requires the State to make the initial determination on that issue. The language of section 113(d)(7) does not affect the requirement that the State must make a determination on the issue of interim emission reduction, but merely provides that such determination is subject to review by the Administrator.

2. Final Compliance with the Applicable SIP

Bethlehem asserts that the Order requires final compliance with the SIP by July 31, 1980, although there is no express language to that effect in the Order.

Section 113(d)(4) of the Act, when read together with section 113(d)(1), imposes an absolute requirement that an order issued under section 113(d)(4) of the Act provide for "final compliance with the requirement in the applicable implementation plan as expeditiously as practicable, but in no event later than five years after the date on which the source would otherwise be required to be in full compliance with the requirement."

Bethlehem concedes at page 3 of its comments of August 29 that the Order provides for the following:

> (1) installation of certain control equipment by July 31, 1980, to capture and clean particulate emissions from the blast furnace casting operations,
>
> (2) a one year community ambient air quality study to determine whether any residual fugitive emissions are interfering with attainment or maintenance of ambient air quality standards, and
>
> (3) *submission of a plan approval application for installation of additional controls after issuance of a violation notice by DER unless Bethlehem submits an application pursuant to 25 Pa. Code § 123.1(b) for a determination under 25 Pa. Code 123.1(a)(9) that all or any part of any residual fugitive particulate emissions from blast furnace casting operations are of minor significance, and such application is approved by DER.* (emphasis added)

The determination that the Order does not require final compliance with the applicable provisions of the SIP, as required by sections 113(d)(1) and 113(d)(4), is fully supported by the reasoning in the "EPA DCO Proposed Denial, Pennsylvania—Bethlehem Steel Corporation Rationale Document" (the "Rationale Document"), which was provided to Bethlehem pursuant to the Company's request. No substantial new issues are raised in Bethlehem's comments of August 29, and, for that reason, the determination that the Order does not meet the requirements of sections 113(d)(1) and 113(d)(4) is based primarily on the rationale set forth in the Rationale Document. However, as Bethlehem's comments concede, not only does the Order not require compliance with the SIP, but it also recognizes expressly the possibility that the residual blast furnace emissions will continue to violate the applicable portion of the SIP (see (3) above). Thus, it is clear that the Order, which makes express provision for failure to achieve compliance with the SIP cannot be deemed to require compliance with the SIP.

Bethehem's argument that blast furnace residual fugitive emissions will be of minor significance is without merit, since no minor significance determination is required to be made by the State until, *at the earliest*, July of 1981.

Bethelem's argument with respect to interpretation of 25 pa. Code § 123.41 as a measure of minor significance is without merit, since, as discussed above, no determination of minor significance is required to be made by the State until July of 1981.

3. "New Means" Issue

Bethlehem asserts that EPA has no basis for rejecting DER's determination that the technology required to be installed pursuant to the Order "can be construed by the Administrator . . . as representative of a new means of emission limitation . . ." Clearly, this State pronouncement is not determinative of this issue, since the framework of sections 113(d)(1) and (4) contemplates approval by the Administrator of a section 113(d)(4) order issued to a major stationary source before the order becomes effective. Accordingly, although a State finding that technology represents a "new means" is obviously relevant to the Administrator's determination, it is not determinative. Even if such a State finding were determinative, it would be

difficult to reconcile the above finding with that in paragraph H of the Order, which states that the technology in question represents "reasonably available control technology."

Bethlehem claims to have demonstrated that (1) the proposed blast furnace technology is the first of its type to be installed on an existing basic blast furnace in the United States, and that (2) there are no demonstrated systems for retrofit to existing basic blast furnaces. EPA concedes point 1, but finds point 2 to be erroneous. As discussed in the Rationale Document, Dominion Foundries and Steel Company ("DOFASCO"), in Hamilton, Ontario, Canada, has in fact retrofitted full cast house evacuation to three of its basic blast furnaces. Retrofitted full cast house evacuation, as installed at DOFASCO, has demonstrated the ability to achieve complete capture of blast furnace cast house emissions with no residual fugitive emissions. Bethlehem's claim that no other systems are capable of being retrofitted to existing basic blast furnaces is therefore erroneous.

Bethlehem asserts that its proposed technology has been recommended for development and demonstration in an EPA Report, "Blast Furnace Cast House Emission Technology Assessment," EPA-600/2-77-231, November 1977 (the "Report"). Bethlehem fails to mention that this Report, the conclusions of which were based primarily on the economics of blast furnace cast house control rather than available technology, specifically recognized the existence of full cast house controls at DOFASCO, *and of a system similar in concept to the system to be utilized by Bethlehem herein which was in use, at the time the report was published (November 1977), on new basic blast furnaces in Japan.*

4. Equivalent Emission Reduction

Bethlehem asserts that (1) full building evacuation is not existing technology, and (2) even assuming that full building evacuation constitutes existing technology, the proposed technology meets the requirements of Section 113(d)(4).

Argument (1) is discussed fully in the Rationale Document and paragraph 3 above, and need not be discussed further herein.

Bethlehem argues that for the purpose of construing the requirements of section 113(d)(4)(C), "the standard against which equivalency must be measured is the applicable SIP regulation, not the ultimate efficiency of the control device." In this case, however, the argument is not relevant. Based on either standard, the proposed new means does not meet the requirement for equivalency. Since a determination of minor significance has not been made by the State and approved by EPA, the SIP prohibits any fugitive emissions. The proposed new means, however, comprises only partial hooding and therefore allows a portion of the fugitives to escape. Using the SIP as the standard, therefore, the proposed new means is not equivalent. Moreover, if the ultimate efficiency of the control device (full building evacuation) is the standard, the proposed new means (partial hooding) also fails to provide equivalent control.

EPA believes that the standard for equivalency should be the control level that may reasonably be expected if the alternative means of control is used. In many cases, the alternative means will have a continuous range of efficiencies, and it will be reasonable to assume that the alternative means will be designed simply to ensure continuous compliance with the SIP; in such cases, the SIP will determine the standard of equivalency. However, if it is clear that the alternative means the source owner would probably employ achieves a level of control which will exceed that required by the SIP, that level of control, although beyond what is minimally required by the SIP, will be the standard of equivalency. This might occur, for instance, where the alternative means is a process change or a control device that does not have a continuous range of design efficiencies which, if used, will necessarily result in a step improvement over the control level required by the SIP.

According to the documents Bethlehem submitted to Pennsylvania, the most probable alternative means in this case is a full building evacuation system. The standard of equivalency in this case, therefore, corresponds to the fugitive control level achieved by full building evacuation. But the proposed new means (partial roof monitor enclosure) does not capture all fugitive emissions, and therefore does not provide euivalent emission control within the meaning of section 113(d)(4)(C). For the above reasons, the Administrator has determined that the technology required by the Order does not satisfy the requirements of section 113(d)(4)(C).

Therefore, EPA having considered the Order and Bethlehem's "Justification for Determination of Facility as a New Means of Emission Limitation for Blast Furnace Cast House Emissions," and the comments on the proposed disapproval of the Order submitted by Bethlehem on August 29, 1979, the Order issued to Bethlehem Steel Corporation is disapproved by the Administrator of EPA pursuant to the authority contained in section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Administrator disapproves the Order because it does not satisfy the requirements of the provisions of (1) section 113(d)(1)(C) of the Act, requiring interim requirements for source operation during the pendency of the Order; (2) sections 113(d)(1)(D) and 113(d)(4), requiring final compliance with the SIP not later than five years after the date on which the source would otherwise be required to be in full compliance therewith; (3) section 113(d)(4)(A), requiring the use of a "new means" of emission limitation; and (4) the provisions of section 113(d)(4)(C), requiring achievement of a greater continuous emission reduction at the same cost or an equivalent emission reduction at lower cost. Because of the Administrator's disapproval of the Order, in accordance with section 113(d)(2) of the Act, the Order is not effective as an Order issued pursuant to Section 113(d) of the Act.

(42 U.S.C. 7413(d), 7601)

Dated: September 21, 1979.

Douglas M. Costle,

Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.632:

§ 65.532 EPA disapproval of State delayed compliance orders.

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
* *	*	*	*	*	*
Bethlehem Steel Corp.—Bethlehem Plant.	Bethlehem, Pennsylvania.	None	25 Pa. Code §§ 123.1, 123.41	July 30, 1979	None
* *	*	*	*	*	*

[FR Doc. 79-30389 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Chapter 101

[FPMR Temporary Regulation B-5]

Stationery Standards

AGENCY: National Archives and Records Service (NARS), General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation authorizes agencies to use both 8- by 10.5-inch and 8.5- by 11-inch stationery; directs agencies to use certain procedures in converting to 8.5- by 11-inch stationery; and prohibits agencies from printing or procuring the printing of any 8- by 10.5-inch stationery after December 31, 1979.

DATES: Effective date: October 2, 1979. Expiration date: July 15, 1980.

FOR FURTHER INFORMATION CONTACT: Richard P. Stephenson, Chief, Correspondence Management Branch (202-376-8907).

SUPPLEMENTARY INFORMATION: In December 1978, the Congressional Joint Committee on Printing authorized the 8.5- by 11-inch size as the Government stationery standard. That action directly affects all office stationery stocks, including letterhead, bond second sheets, manifold tissue sets, and carbon paper. Although the new size requirement applies to stationery only, the size of forms, directives and similar publications, electrostatically copied reports, and copy machine or duplicator stocks may be affected also.

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

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter B to read as follows:

General Services Administration,
Washington, D.C. 20405

Federal Property Management Regulations—Temporary Regulation B-5

To: Heads of Federal agencies.

Subject: Conversion of Federal Government stationery from 8 by 10.5 inches to 8.5 by 11 inches.

1. *Purpose.* This temporary regulation authorizes agencies to use both 8- by 10.5-inch and 8.5- by 11-inch stationery; directs agencies to use certain procedures in converting to 8.5- by 11-inch stationery; and prohibits agencies from printing or procuring the printing of any 8- by 10.5-inch stationery after December 31, 1979.

2. *Effective date.* This regulation is effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires on July 15, 1980.

4. *Background.* In December 1978, the Congressional Joint Committee on Printing authorized the 8.5- by 11-inch size as the Government stationery standard. That action directly affects all office stationery stocks, including letterhead, bond second sheets, manifold tissue sets, and carbon paper. In addition, the National Archives and Records Service (NARS) has developed conversion procedures for correspondence, mail, directives, forms, copy, and word processing management practices. (See attachment A.)

5. *Conversion phase.* Until January 1, 1980, all Federal agencies are granted a waiver from the 8- by 10.5-inch, 8- by 7-inch, and 8- by 5.25-inch size requirements prescribed in the existing § 101-11.603.2, provided that: (a) All reasonable, orderly, and economical means are used to deplete existing Federal stocks of 8-inch wide stationery and related paper items, and (b) only 8.5- by 11-inch, 8.5- by 7.33-inch, or 8.5- by 5.5-inch stationery stocks are used to replace depleted stocks. The Federal Supply Service may substitute the old size for agency orders of stationery and related paper items until inventories are depleted.

6. *Waiver requests.* After December 31, 1979, agencies are prohibited from printing or procuring the printing of 8- by 10.5-inch stationery or its multiple sizes, unless approved in writing by NARS. Agencies' waiver requests shall be addressed to: General Services Administration (NR), Washington, DC 20408.

7. *Effect on other issuances.* This regulation modifies § 101-11.603-2 (stationery) and 101-11.209-4(a)(1) (directives) by allowing the use of both stationery sizes until 8-inch wide stationery stocks are depleted.

8. *Conversion procedures.* Attachment A prescribes conversion procedures that agencies must follow to ensure a reasonable, orderly, and economic transition. An agency, however, may take additional actions to achieve an economic and orderly conversion.

Dated: September 21, 1979

R. G. Freeman III,

Administrator of General Services.

Conversion Procedures

1. *Correspondence management practices.* a. Use all existing stocks of 8- by 10.5-inch stationery including letterhead, plain bond papers, manifold carbon tissue sets, and carbon paper.

b. Do not redistribute 8-inch-wide stationery stock if redistribution costs exceed the purchase-and-distribution costs for new 8.5-inch-wide stock.

c. In preparing correspondence, intermix stationery sizes if that is the only method that will deplete 8- by 10.5-inch stock. However, when using 8.5- by 11-inch bond papers with 8- by 10.5-inch carbon sets, use at least .75-inch side margins.

d. When printing or procuring 8.5- by 7.33-inch stationery, the 7.33-inch length should not vary more than .05 inches.

2. *Mail management practices.* Ensure that the size of self-addressed, return envelopes can accommodate the size of the document(s) to be returned.

3. *Directives management practices.* When issuing a page change for a directives system using lettersize paper, consider the following: a. If the revisions involve changing 50 percent or more pages, issue the entire directive in an 8.5- by 11-inch format;

b. If there is less than 50 percent revision, allow a single directive to stay intermixed; and

c. If a directive of four or fewer sheets is revised, reprint the entire directive on 8.5- by 11-inch paper.

4. *Forms management practices.* a. Consider using 8.5- by 11-inch paper for new or revised forms that are commonly interfiled with correspondence. However, use existing stocks of 8- by 10.5-inch forms before converting.

b. All other form sizes should be determined according to the use of the individual form.

5. *Copy management practices.*

a. Consider using 8.5- by 11-inch copy stock instead of 8- by 10.5-inch stock.

b. When copying an entire document containing both 8- by 10.5-inch and 8.5- by 11-inch paper, use the 8.5- by 11-inch size.

6. *Word processing practices.* For 8-inch-wide paper, some word processors have a preset margin that limits line length to 6 inches. Readjust the preset margin to extend line length to 6.5 inches for use with 8.5- by 11-inch paper.

[FR Doc. 79-30414 Filed 10-1-79; 8:45 am]

BILLING CODE 6820-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 18

[Docket No. 20718]

Industrial, Scientific, and Medical Equipment; Overall Revision; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum in First Report & Order in Docket 20718.

SUMMARY: Corrects text of Paragraph 14 of the First Report and Order adopted August 1, 1979, (44 FR 48178) to correct a statement attributed to one of the parties commenting in this proceeding.

EFFECTIVE DATE: February 1, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION: Contact Herman Garlan, Office of Science and Technology, 202–632–7095.

Released: September 21, 1979.

In the matter of overall revision of Part 18 governing Industrial, Scientific and Medical Equipment, Docket 20718.

1. A first Report and Order in this proceeding promulgating regulations for induction cooking ranges was adopted on August 1, 1979 and released August 9, 1979 (44 FR 48178, FCC 79–471).

2. Paragraph 14 of this report (44 FR 48180) is corrected to read as follows:

"Paragraph 14. All the comments point out that a filter to meet the Commission's 100μV/m limit would not only be relatively expensive but may present a safety problem because of the UL limit of 0.5 mA for chassis leakage for equipment connected to the power line. This essentially requires a redesign of the range."

3. Move the footnote 7 to the end of Paragraph 15.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30517 Filed 10-1-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

Atlantic Herring

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Final regulations.

SUMMARY: These regulations make final the emergency regulations that implement the fishery management plan for Atlantic herring which appeared in their entirety in the **Federal Register** of July 2, 1979 (44 FR 38529). These regulations meet the conservation needs of the resource.

EFFECTIVE DATE: These final regulations become effective on September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; tel. (617) 281–3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic (FMP) was prepared by the New England Fishery Management Council and approved in December 1978 by the Assistant Administrator for Fisheries, NOAA. The FMP was implemented through emergency regulations, which became final on March 19, 1979 (44 FR 17186, March 21, 1979). Subsequently, the FMP was amended to encourage fishermen to concentrate their efforts on the Georges Bank herring stock (44 FR 18508, March 28, 1979). The regulation implementing this amendment became final on June 26, 1979 (44 FR 37616, June 28, 1979).

One of the primary objectives of the FMP is to prevent an excess harvest of herring from the depressed Gulf of Maine stock. Using the best scientific information available, a domestic quota of 8,000 metric tons (mt) was set for the Gulf of Maine management area for fishing year 1978/1979 (July 1, 1978–June 30, 1979). This quota was divided into a 4,000 mt allocation for the winter/spring period (December 1–June 30) and 4,000 mt for the summer/fall period (July 1–November 30). The domestic harvest from the Georges Bank and South management area was established at 10,000 mt. The winter/spring allocation for this area was 2,500 mt and the summer/fall quota was 7,500 mt. The optimum yields for both management areas were equal to the annual domestic quotas.

The FMP and its implementing regulations would have expired at the end of the 1978/1979 fishing year. However, in April 1979, the New England Council prepared an amendment to the FMP to extend the optimum yields and seasonal allocations for both management areas through fishing year 1979/1980. This action was taken to prevent damage to the stocks which could result from unregulated fishing in the fishery conservation zone. In the interim, the Council was presented with new scientific data on the condition of the Atlantic herring stocks; it has prepared other revisions to the FMP which would refine the management scheme and alter the optimum yields and domestic quotas during fishing year 1979/1980.

Failure to continue the herring management scheme through fishing year 1979/1980 would have resulted in unregulated harvest in the fishery conservation zone which could have damaged the stocks of Atlantic herring and caused economic and social disruption to the fishing industry. Therefore, the amendment extending the FMP was implemented for 45 days through emergency regulations on July 1, 1979, and for an additional 45 days on August 15, 1979 (44 FR 48226). Public comment on the proposed regulations was invited (44 FR 38529). No comments were received.

Because the amendment to the FMP maintains the status quo by extending 1978–79 OY's and seasonal allocations into the 1979–1980 fishing year, the Assistant Administrator made a preliminary determination that the regulations implementing that amendment are not significant within the meaning of EO 12044. The Assistant Administrator finds that there is good cause to make these regulations effective sooner than 30 days after their publication, because of the conservation needs of the fishery resource.

The final Environmental Impact Statement on the FMP was filed with the Environmental Protection Agency on September 18, 1978.

Signed at Washington, D.C. this 25th day of September, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

50 CFR 653.21 is amended by revising paragraph (a)(1) and (2) and paragraph (b)(1) and (2) as follows:

§ 653.21 Seasonal catch quotas.

(a) *Gulf of Maine* * * *

(1) For the period from July 1, 1979, through November 30, 1979 (five months), 4,000 metric tons; and

(2) For the period from December 1, 1979, through June 30, 1980 (seven months), 4,000 metric tons.

(b) *Georges Bank and South* * * *

(1) For the period from July 1, 1979, through November 30, 1979 (five months), 7,500 metric tons; and

(2) For the period from December 1, 1979, through June 30, 1980 (seven months), 2,500 metric tons.

[FR Doc. 79-30257 Filed 9-28-79; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 653

Atlantic Herring; Closing Fishery in the Gulf of Maine

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice closing fishery for Atlantic herring in the Gulf of Maine.

SUMMARY: This field order (notice) closes the fishery for Atlantic herring in the Gulf of Maine, effective October 1, 1979. Allowable incidental catches of Atlantic herring for fishermen fishing for other species are set forth in the supplementary information.

DATE: This action is effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: Final regulations for the Atlantic herring fishery were made effective September 28, 1979. Those regulations implement the fishery management plan for Atlantic herring prepared by the New England Fishery Management Council pursuant to the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 *et seq.* (Act). The regulations establish seasonal catch quotas by area. They also provide for the issuance of field orders closing the fishery when the quota is taken.

Although it was noted in the July 2, 1979, proposed regulations (44 FR 38529) that new scientific information concerning herring abundance in the Gulf of Maine was available, the changes in abundance and availability which had occurred were not then understood. The projection required by sec. 653.22(a) made on July 31 showed a catch rate of 41 metric tons per day. That projection estimated that 66 days remained before the summer/fall quota of 4,000 metric tons was taken.

Between July 31 and August 31, the date of the next projection, the daily catch rate had increased to 355 metric tons. The total catch by that time was 9,992 metric tons.

Two factors combined contributed to this situation; the unexpectedly large (and to some extent still unmeasured) stock abundance and the unusual amount of fishing effort which that abundance attracted. However, pursuant to 50 CFR 653.22(a), the Gulf of Maine area is closed to fishing for age 3 and older Atlantic herring by the Assistant Administrator effective October 1, 1979.

Under provision of 50 CFR 653.22(c)(2) vessels fishing for mackerel in the Gulf of Maine may have an incidental catch of herring which does not exceed 20 percent of the total catch on board. The catch on board for vessels fishing for mackerel must contain not less than 75 percent by weight of mackerel of all fish on board.

50 CFR 653.22(c)(1) allows vessels fishing in the Gulf of Maine for other species to have an incidental catch of herring which is not greater than 5 percent of the total fish on board.

(16 U.S.C. 1801 *et seq.*).

Signed at Washington D.C. this 27th day of September, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-30500 Filed 10-1-79; 8:45 am]

BILLING CODE 3510-22-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii, call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW, Washington, D. C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Arkansas	City of El Dorado, Union County (FI-5160).	Boggy Creek	Approximately 900 feet upstream of southwest corporate limits	*191
			150 feet upstream of Highway 82	*190
		A Creek	Mary Lane extended; approximately 400 feet upstream of corporate limits.	*197
			200 feet upstream of Sunset Road extended	*189
		B Creek	Seventeenth Street extended	*175
			100 feet downstream of Nineteenth Street	*171
		B Creek Tributary BA	Fifteenth Street extended	*177
		Loutre Creek	Approximately 50 feet upstream of West Street	*190
		Loutre Creek Tributary 2	Approximately 100 feet upstream of Interstate 15	*208
		F Creek	Brookwood Road extended	*168
Maps available at: The Director of Public Works Office, City Hall, 204 Northwest Avenue, El Dorado, Arkansas 71730.				
Arkansas	City of Eudora, Chicot County (FI-4803).	Macon Bayou	Southern corporate limits	*108
			Just downstream of Macon Bayou Bridge	*109
Maps available at: City Hall, 239 South Main Street, Eudora, Arkansas 71640.				
Arkansas	City of Little Rock, Pulaski County (FI-5237).	Arkansas River	Just upstream of Chicago Rock Island and Pacific Railroad	252
			Just upstream of Interstate Highway 430	265

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		State Capitol Drain	Just upstream of W 3rd Street	265
			Just downstream of W 8th Street	286
			Lamar Street	311
		Fourche Creek	Highway 365 (Confederate Boulevard)	256
			Just downstream of New Renton Highway	259
		Young Creek	Mablevale Pike	267
			Interstate Highway 30	271
		Brodie Creek	Just downstream of Colonel Glenn Road	291
			Just upstream of Colonel Glenn Road	293
		Rock Creek	36th Street	278
			John Barrow Road	332
			Just upstream of Markham Street	395
		Grassy Flat Creek	Just upstream of Reservoir Road	370
			Rainwood Road	425
			Pleasant Valley Drive	455
		Coleman Creek	Asher Avenue	262
			Spillway Bridge	355
			University Avenue	413
		Little Fourche Creek	Confluence of Field Creek	263
			Confluence of Smith Creek	264
		Field Creek	Approximately 530 feet upstream of confluence with Little Fourche Creek.	263
		Smith Creek	Just upstream of Chicot Road	290
		Ison Creek (Backwater effects from Little Maumelle River).	Confluence with Little Maumelle River	272
	Maps available at: The City Clerk's Office, City Hall, Room 200, Little Rock, Arkansas 72201.			
California	Etna (City), Siskiyou County (Docket No. FI-5009).	Johnson Creek	Downstream corporate limit	*2,847
			Upstream corporate limit	*2,888
		Etna Creek	500 feet Southeast of the intersection of Butcher Street and State Highway 3, at both sides of State Highway 3 road grade.	*2,867
			600 feet Northwest of the intersection of Callahan Street and Pleasure Park Road.	#2
			700 feet Southeast of the intersection of New Callahan Street and Old Callahan Street.	#2
			New Callahan Street	#1
	Maps available at: City Clerk's Office, City Hall, 442 Main Street, Etna, California.			
California	Pleasanton (City), Alameda County (Docket No. FI-5089).	Alamo Canal	Interstate Highway 580—at centerline	*328
		Arroyo De La Laguna	Intersection of Hansen Drive and Calle Reynoso	*321
		Arroyo Del Valle	Santa Rita Road—centerline	*340
		Arroyo Las Positas	At confluence with Arroyo Mocho	*348
		Arroyo Mocho	Hopyard Road—75 feet upstream from centerline	*323
			Santa Rita Road—10 feet upstream from centerline	*336
		Chabot Canal	At confluence with Arroyo Mocho	*323
		Pleasanton Canal	Hopyard Road—10 feet upstream from centerline	*322
		Tassajara Creek	Southern Pacific Railroad—20 feet upstream from centerline	*337
		Line B-2-1	At confluence with Arroyo De La Laguna	*304
		Hewlett Canal	At confluence with Arroyo Mocho	*324
		Line G-3	Fairlands Drive—at centerline	*345
		Shallow Flooding	Intersection of Muirwood Drive and Tulipwood Circle	#2
	Maps available at: City Hall, 200 Bernal Road, Pleasanton, California.			
Connecticut	Kent (Town), Litchfield County (Docket No. FI-5260).	Housatonic River	Kent Corporate Limits—at centerline	*268
			Bulls Bridge Road—85 feet upstream from centerline	*326
			Bulls Bridge Dam—100 feet downstream from centerline	*342
			Bulls Bridge Dam—100 feet upstream from centerline	*362
			State Route 34 Bridge—100 feet upstream from centerline	*372
			Corporate Limits (Second Crossing)—at centerline	*402
		Housatonic River (West Branch)	Bulls Bridge Road—75 feet downstream from centerline	*334
			Bulls Bridge Road—50 feet upstream from centerline	*347
			Spooners Dam—105 feet downstream from centerline	*350
			Spooners Dam—50 feet upstream from centerline	*362
		West Aspetuck River	Tangway Flats Road—65 feet downstream from centerline	*582
			Tangway Flats Road—75 feet upstream from centerline	*587
			Kent Hollow Road West No. 1—35 feet upstream from centerline	*595
			Kent Hollow Road West No. 2—75 feet upstream from centerline	*600
	Maps available at: Town Hall, Main Street, Kent, Connecticut.			
Connecticut	New Milford (Town), Litchfield County (Docket No. FI-5261).	Housatonic River	Confluence with Town Farm Brook—200 feet upstream from centerline.	*196
			Pumpkin Hill Road—at centerline	*204
			Confluence with Still River	*217
			Bleachery Dam—at centerline	*219
			Bridge Street—at centerline	*219
			Confluence with Rocky River	*220
			Boardman Bridge—50 feet upstream from centerline	*223
			Confluence with Bullymuck Brook—150 feet upstream from centerline.	*224
		Town Farm Brook	River Road—50 feet downstream from centerline	*195
			River Road—150 feet upstream from centerline	*200
			Town Farm Road—20 feet upstream from centerline	*248
			Cascade Road—120 feet upstream from centerline	*449

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			U.S. Highway 67—at centerline	*470
		Still River	Conrail—at centerline	*217
			Harry Brook Park Bridge—at centerline	*217
			Cross Road—50 feet upstream from centerline	*230
		Great Brook	West Street—at centerline	*219
			Mill Street—at centerline	*219
			Prospect Hill Road (State Highway 67)—at centerline	*226
			Brookside Avenue—at centerline	*241
			Elm Street—30 feet upstream from centerline	*247
			Confluence with Cross Brook	*291
			Park Lane East—50 feet upstream from centerline	*318
			State Highway 109 (downstream crossing)—at centerline	*344
			State Highway 109 (most upstream crossing)—30 feet downstream from centerline.	*418
			State Highway 109 (most upstream crossing)—at centerline	*423
			Old Parkwood Road—at centerline	*441
			Essex Road Culvert (upstream end)	*812
		East Aspetuck River	Housatonic Avenue—at centerline	*220
			Wells Road—at centerline	*220
			Westville Road—at centerline	*231
			Van Car Road—at centerline	*264
			U.S. Highway 202—at centerline	*348
			Upland Road—20 feet upstream from centerline	*383
			Sand Pit Road—at centerline	*398
			Old Mill Road—at centerline	*410
			Wheaton Road—at centerline	*457
			Spruce Lane—150 feet downstream from centerline	*480
			Spruce Lane—80 feet upstream from centerline	*486
		West Aspetuck River	Aspetuck Road (downstream crossing)—at centerline	*220
			Aspetuck Road (upstream crossing)—100 feet upstream from centerline.	*236
			Long Mountain Road—25 feet upstream from centerline	*264
			Merryall Road (downstream crossing)—50 feet downstream from centerline.	*313
			Merryall Road—(downstream crossing)—10 feet upstream from centerline.	*319
			Merryall Road (upstream crossing)—50 feet upstream from centerline	*355
			Confluence with Denman Brook	*392
			Chapel Hill Road—50 feet upstream from centerline	*415
			Clove Farm Road—50 feet upstream from centerline	*436
Maps available at: Town Hall, 10 Main Street, New Milford, Connecticut.				
Georgia	City of Lilburn, Gwinett County (FI-5168).	Camp Creek	Approximately 450 feet downstream of Killian Hill Road	*869
			Approximately 100 feet upstream of Killian Hill Road	*873
			Approximately 170 feet downstream of Lilburn Corinth Church Road	*882
			Just upstream of Rockbridge Road	*903
		Jackson Creek	Just upstream of Seaboard Coast Line Railroad	*865
			Approximately 440 feet downstream of U.S. Highway 29 (Lawrenceville Hwy).	*871
			Approximately 200 feet downstream of Harbin Road	*887
Maps available at: The City Clerk's Office, Lilburn City Hall, 76 Main Street, Lilburn, Georgia				
Georgia	Richmond (County) Unincorporated Areas (Docket No. FI-5204).	Savannah River	Confluence with McBean Creek (Richmond County Limits)—at centerline.	*108
			Confluence with High Bank Creek—at centerline	*116
			Confluence with Hollow Creek—at centerline	*119
			Confluence with Spirit Creek—at centerline	*125
			Seaboard Coast Line Railroad Bridge—94 feet downstream from centerline.	*136
			Seaboard Coast Line Railroad Bridge—13 feet upstream from centerline.	*138
		Spirit Creek	Confluence with Savannah River—at centerline	*125
			Dirt Road (approximately 7,600 feet upstream from confluence with Savannah River)—100 feet upstream from centerline.	*125
			Southern Railway—25 feet upstream from centerline	*126
			State Highway 56—50 feet upstream from centerline	*128
			Goshen Road—20 feet upstream from centerline	*146
			Old Waynesboro Road—50 feet upstream from centerline	*155
			Confluence with Spirit Creek Tributary 1—125 feet upstream from centerline.	*156
			Dirt Road (approximately 6,700 feet upstream from confluence with Spirit Creek Tributary 1)—75 feet upstream from centerline.	*166
			Georgia Highway 21—50 feet upstream from centerline	*183
			Southern Railway—50 feet upstream from centerline	*195
			Windsor Spring Road—50 feet upstream from centerline	*199
			Willis Foreman Road—50 feet upstream from centerline	*205
			Confluence with Spirit Creek Horsepen Branch—50 feet upstream from centerline.	*218
			Confluence with South Prong Creek—at centerline	*228
			Birdwell Drive—50 feet downstream from centerline	*240
			Birdwell Drive—50 feet upstream from centerline	*245
		Spirit Creek Tributary 1	McDade Farm Road—40 feet upstream from centerline	*160
		Spirit Creek Horsepen Branch	Confluence with Spirit Creek—at centerline	*218
			Willis Foreman Road—20 feet downstream from centerline	*237
			Willis Foreman Road—20 feet upstream from centerline	*243

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Butler Creek	Augusta Levee—50 feet downstream from centerline	*127
			Augusta Levee—50 feet upstream from centerline	*119
			Dirt Road (1st crossing upstream from Augusta Levee)—50 feet upstream from centerline.	*119
			Dirt Road (2nd crossing upstream from Augusta Levee)—25 feet upstream from centerline.	*120
			New Savannah Road Loop 56—50 feet upstream from centerline	*125
			Southern Railway—50 feet upstream from centerline	*135
			Old Savannah Road and State Highway 56—50 feet upstream from centerline.	*153
			Southern Railway—50 feet upstream from centerline	*161
			U.S. Highway 25—50 feet upstream from centerline	*163
			Unnamed Road—25 feet upstream from centerline	*183
			Windsor Spring Road—50 feet upstream from centerline	*189
			Confluence with Butler Creek Tributary 1—50 feet upstream from centerline.	*199
			U.S. Highway 1—50 feet upstream from centerline	*209
			Old U.S. Highway 1—30 feet upstream from centerline	*210
			Old McDuffie Road—50 feet upstream from centerline	*223
			Dam (upstream from Old McDuffie Road)—50 feet downstream from centerline.	*231
			Dam (upstream from Old McDuffie Road)—50 feet upstream from centerline.	*256
			McKenna Gate Fort Gordon—50 feet upstream from centerline	*266
			Dirt Road (upstream from McKenna Gate Fort Gordon)—50 feet upstream from centerline.	*271
			Abandoned Railroad—50 feet upstream from centerline	*271
			Fort Gordon Highway (U.S. Highways 78 and 278)—at centerline	*275
		Butler Creek Tributary 1	Confluence with Butler Creek—20 feet upstream from centerline	*199
			Morgan Road—40 feet upstream from centerline	*232
		Butler Creek Tributary 2	Fort Gordon Highway (U.S. Highways 78 and 278)—90 feet downstream from centerline.	*273
			Fort Gordon Highway (U.S. Highways 78 and 278)—90 feet upstream from centerline.	*282
			Georgia Railroad—50 feet upstream from centerline	*294
			Dam (upstream from Georgia Railroad)—10 feet downstream from centerline.	*310
			Dam (upstream from Georgia Railroad)—10 feet upstream from centerline.	*325
		Rocky Creek	Confluence with Rocky Creek Tributary 1—at centerline	*122
			New Savannah Road—50 feet upstream from centerline	*128
			Southern Railway (1st crossing)—50 feet upstream from centerline	*129
			Southern Railway (2nd crossing)—50 feet upstream from centerline	*133
			Old Savannah Road—50 feet downstream from centerline	*134
			Old Savannah Road—50 feet upstream from centerline	*139
			State Highway 21 and U.S. Highway 25—50 feet upstream from centerline.	*149
			Lake Lombard Dam—200 feet upstream from centerline	*149
			Deans Bridge Road (U.S. Highway 1)—50 feet downstream from centerline.	*155
			Deans Bridge Road (U.S. Highway 1)—50 feet upstream from centerline.	*162
			Dirt Road (Old Dam)—50 feet upstream from centerline	*170
			Wheeless Road—50 feet upstream from centerline	*177
			Milledgeville Road—50 feet upstream from centerline	*186
			Old McDuffie Road—50 feet downstream from centerline	*204
			Old McDuffie Road—50 feet upstream from centerline	*213
			Rosedale Dam—50 feet upstream from centerline	*240
			Bobby Jones Expressway—100 feet upstream from centerline	*250
			Fort Gordon Highway—100 feet downstream from centerline	*286
			Fort Gordon Highway—100 feet upstream from centerline	*295
			Barton Chapel Road—50 feet downstream from centerline	*303
			Barton Chapel Road—50 feet upstream from centerline	*312
			Georgia Railroad—at centerline	*318
		Rocky Creek Tributary 1	New Savannah Road—50 feet upsteam from centerline	*126
			Southern Railway—50 feet upstream from centerline	*126
		Rocky Creek Tributary 2	Nixon Road—at centerline	*130
		Rocky Creek Tributary 3	Nixon Road—at centerline	*128
		Rocky Creek Tributary 4	Southern Railway—20 feet upstream from centerline	*131
			Old Savannah Road—20 feet upstream from centerline	*136
			Lumpkin Road—20 feet upstream from centerline	*144
			Kings Grant Drive—20 feet upstream from centerline	*150
			Durham Court—20 feet upstream from centerline	*151
			Windsor Spring Road—at centerline	*152
		Rocky Creek Tributary 5	Virginia Avenue—10 feet upstream from centerline	*139
			Coleman Avenue—20 feet upstream from centerline	*141
			Peach Orchard Road—20 feet upstream from centerline	*148
		Rocky Creek Tributary 6	Milledgeville Road—20 feet upstream from centerline	*180
			Easy Street—20 feet upstream from centerline	*184
			Fort Gordon Highway—20 feet upstream from centerline	*190
			Unnamed Road—20 feet upstream from centerline	*194
		Rocky Creek Tributary 7	Wylds Road—5 feet upstream from centerline	*200
			Fort Gordon Highway—20 feet downstream from centerline	*201
			Fort Gordon Highway—20 feet upstream from centerline	*206
			North Leg Road—20 feet upstream from centerline	*248
			Georgia Railroad—20 feet downstream from centerline	*270
			Georgia Railroad—20 feet upstream from centerline	*285

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Wylds Road—20 feet upstream from centerline	*299
			Bobby Jones Expressway—140 feet downstream from centerline	*316
			Bobby Jones Expressway—20 feet upstream from centerline	*332
			Sharon Road—at centerline	*332
		Rocky Creek Tributary 8	Fort Gordon Highway—40 feet upstream from centerline	*229
			Bobby Jones Expressway—70 feet downstream from centerline	*259
			Bobby Jones Expressway—30 feet upstream from centerline	*266
			Georgia Railroad—20 feet downstream from centerline	*287
			Georgia Railroad—20 feet upstream from centerline	*297
			Barton Chapel Road—20 feet downstream from centerline	*305
			Barton Chapel Road—20 feet upstream from centerline	*311
			Confluence with Rocky Creek Tributary 9—at centerline	*335
		Rocky Creek Tributary 9	Confluence with Rocky Creek Tributary 8—at centerline	*335
		Rocky Creek Tributary 10	Confluence with Rocky Creek Tributary 8—at centerline	*326
		Rocky Creek Tributary 11	Confluence with Rocky Creek—at centerline	*143
		Oates Creek	Fort Gordon Highway—20 feet upstream from centerline	*126
			New Savannah Road—50 feet upstream from centerline	*128
			Southern Railway—50 feet upstream from centerline	*136
			Old Savannah Road—50 feet upstream from centerline	*141
			Athens Street—50 feet upstream from centerline	*142
			Grand Boulevard—50 feet upstream from centerline	*142
			Dyer Street—25 feet upstream from centerline	*142
			15th Street—25 feet upstream from centerline	*143
			Milledgeville Road—50 feet upstream from centerline	*147
			Olive Road—at centerline	*147
		Oates Creek Tributary 1	White Road—10 feet upstream from centerline	*154
			Olive Road—at centerline	*154
		Raes Creek	Augusta Canal Head Gates—75 feet upstream from centerline	*159
			Washington Street—at centerline	*160
			Georgia Highway 28 (Old Broad Street Bridge)—50 feet upstream from centerline.	*160
			Unnamed Road—25 feet upstream from centerline	*165
			Berkman Road—50 feet upstream from centerline	*181
			Boy Scout Road—50 feet downstream from centerline	*201
			Boy Scout Road—50 feet upstream from centerline	*208
			Ramsgate Road—50 feet upstream from centerline	*221
			Scott Way—50 feet upstream from centerline	*228
			Wheeler Road—50 feet upstream from centerline	*242
			Lake Aumond Dam—50 feet downstream from centerline	*254
			Lake Aumond Dam—50 feet upstream from centerline	*260
			West Lake Forest Drive—at centerline	*264
			Jackson Road—50 feet downstream from centerline	*283
			Jackson Road—50 feet upstream from centerline	*288
			Marks Church Road—75 feet upstream from centerline	*305
			Bobby Jones Expressway—50 feet upstream from centerline	*310
			Wrightsboro Road (1st crossing)—50 feet upstream from centerline	*337
			Wrightsboro Road (2nd crossing)—50 feet upstream from centerline	*341
			Maddox Road—at centerline	*376
		No Name Creek	Ingleside Drive—20 feet upstream from centerline	*188
			Henderson Drive—10 feet upstream from centerline	*190
			Ashland Drive—20 feet downstream from centerline	*198
			Ashland Drive—20 feet upstream from centerline	*208
			Boy Scout Road—20 feet upstream from centerline	*208
			Wheeler Road—10 feet upstream from centerline	*229
			Oberline Road—at centerline	*250
		Crane Creek	Confluence with Raes Creek—at centerline	*220
			Skinner Mill Road—20 feet downstream from centerline	*244
			Interstate Highway 20 Eastbound—20 feet upstream from centerline	*251
			Interstate Highway 20 Westbound—20 feet upstream from centerline	*254
			Warren Road—20 feet upstream from centerline	*255
			Pleasant Home Road—20 feet downstream from centerline	*285
			Pleasant Home Road—20 feet upstream from centerline	*292
			Bobby Jones Expressway—10 feet upstream from centerline	*293
			Frontage Road—10 feet upstream from centerline	*293
			Scott Nixon Road—20 feet upstream from centerline	*307
		Raes Creek Tributary 1	Wrightsboro Road—10 feet upstream from centerline	*341
		Raes Creek Tributary 2	Confluence with Raes Creek—at centerline	*337
		Raes Creek Tributary 3	Confluence with Raes Creek—20 feet upstream from centerline	*352
			Maddox Road—20 feet upstream from centerline	*406
		Beaver Dam Ditch	Dirt Road (11,400 feet upstream from the confluence with Butler Creek)—100 feet upstream from centerline.	*120
			Dirt Road (16,650 feet upstream from the confluence with Butler Creek)—100 feet upstream from centerline.	*121
			Central of Georgia Railroad Spur—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124
Maps available at: City-County Building, Room 605, Augusta, Georgia.				
Idaho	Eagle (City) Ada County (Docket No. FI-5331).	Boise River	Confluence with Dry Creek—at centerline	* 2,547
			Eagle Bridges (most upstream)—25 feet upstream from centerline	* 2,557
			Limit of Flooding within the City of Eagle—at centerline	* 2,566
		Dry Creek	State Highway 44 Bridge—25 feet upstream from centerline	* 2,559
			Corporate Limits—at centerline	* 2,587
Maps available at: City Hall, Eagle, Idaho.				
Idaho	Juliaetta (City) Latah County (Docket No. FI-5205).	Potlatch River	Downstream corporate limits—50 feet upstream from centerline	* 1,028
			Third Street Bridge—at centerline	* 1,071

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Middle Fork Potlatch Creek	Main Street—at centerline	* 1,095
Maps available at: City Hall, Juliaetta, Idaho.				
Idaho	Orofino (City) Clearwater County (Docket No. FI-5093).	Clearwater River	State Highway 7—100 feet upstream from centerline	* 1,013
		Orofino Creek	Johnson Avenue—20 feet upstream from centerline	* 1,017
			Forest Street—100 feet upstream from centerline	* 1,084
			At upstream corporate limits	* 1,174
Maps available at: City Hall, Orofino, Idaho.				
Illinois	City of Centreville St. Clair County (Docket No. FI-5449).	East Side Levee and Sanitary District Canal.	About 800 feet southwest of Lake Boulevard	* 411
			About 340 feet southeast of the terminus of Pershing Boulevard	* 411
		Harding Ditch	About 400 feet northeast of Church Road	* 410
			About 2,000 feet northeast of Southern Railway	* 410
			About 3,900 feet north of Southern Railway crossing over Harding Ditch.	* 410
		Shallow Flooding (Ponding from Rainfall.	Area northwest of intersection of 72nd Street and Dorris Street	* 411
			Intersection of Dolly Lane and Anne Street	* 416
			200 feet northwest of intersection of Anne Street and Church Road	* 416
			Intersection of Church Road and 58th Street	* 413
			Intersection of 56th Street and Gay Avenue	* 413
			Intersection of 54th Street and Church Road	* 413
			Intersection of Gay Avenue and Mousette Lane	* 413
			Intersection of Cotton Belt Avenue and Freedom Street	* 413
			Intersection of 1st Street and 46th Street	* 413
			About 1,000 feet northwest of intersection of State Route 157 and Pocket Road.	* 410
		Ponding from Rainfall (deeper than 3 feet).	Area bounded by Lake Boulevard 55th Street, 51st Street, and northern corporate limits.	*411
Maps available at: City Hall, 5800 Bond Avenue, Centreville, Illinois 62207.				
Illinois	Village of Fox River Valley Gardens McHenry County (Docket No. FI-5367).	Fox River	Within Fox River Valley Gardens	*738
Maps available at: Village Hall, Village Clerk's Office, Route 4, 300 Center Street, Fox River Valley Gardens, Illinois 60010.				
Iowa	City of Guttenberg Clayton County (Docket No. FI-5492).	Mississippi River	Northern corporate limits	*622
			Just upstream from Lock and Dam No. 10	*622
			Just downstream from Lock and Dam No. 10	*621
			Southern corporate limits	*621
		Precipitation/Interior Drainage	North of Kosciusko Street	*616
			East of U.S. Highway 52, between Pryam Street and Kosciusko Street	*614
			West of U.S. Highway 52, between Schiller Street and Hayden Street	*613
			Between Koerner Street and Schiller Street	*612
			Between DeKalb Street and Koerner Street	*611
Maps available at: City Hall, P.O. Box D, Guttenburg, Iowa 52052.				
Kentucky	Bellevue (City) Campbell County (Docket No. FI-5267).	Ohio River	Upstream corporate limit	*499
		Woodlawn Creek	Confluence with Woodlawn Tributary No. 1	*501
			Wilson Road—at centerline	*517
			Upstream corporate limit	*519
		Woodlawn Tributary No. 1	Berry Avenue—80 feet upstream from centerline	*502
			Taylor Avenue—10 feet downstream from centerline	*506
			Taylor Avenue—25 feet upstream from centerline	*514
			Confluence with Chadwick Branch	*515
Maps available at: City Hall, 5130 Fallon, Bellevue, Kentucky.				
Kentucky	Mentor (City), Campell County (Docket No. FI-5269).	Ohio River	Upstream Corporate Limit	*506
Maps available at the home of the Mayor Ronald Strasinger, Route 2, California, Kentucky.				
Massachusetts	Town of Freetown Bristol County (Docket No. FI-5454).	Assonet River	Just downstream of State Route 24	*15
			700 feet upstream of Dam No. 1	*15
			Just downstream of Locust Street	*21
			Just upstream of Dam No. 2	*33
			Just downstream of Forge Road	*33
			Just upstream of Dam No. 3	*42
			Just downstream of Myricks Street	*45
			Northern corporate limit	*48
		Fall Brook	Mouth at Long Pond	*55
			Just downstream of Dam No. 1	*60
			100 feet downstream of County Road	*68
			Just upstream of County Road	*73
			Just upstream of State Route 140	*75
			Just upstream of Gurney Road	*83
			Just upstream of Conrail	*86
			Just downstream of Dam No. 3	*89
		Rattlesnake Brook	Just downstream of Narrows Road	*15
			350 feet downstream of South Main Street	*20
			Just upstream of South Main Street	*26
			350 feet upstream of State Route 24	*39
Maps available at: Town Hall, North Main Street, Assonet, Massachusetts 02702.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Michigan	Township of Ann Arbor Washtenaw County (Docket No. FI-5464).	Huron River	East corporate limit	*739
			Just downstream of Dixboro Road	*741
			Just upstream of Dixboro Road	*748
			Just downstream of Geddes Avenue	*750
			Upstream side of Geddes Avenue	*752
			Approximately 4,800 feet upstream of Geddes Avenue	*754
			Upstream side of Fuller Road	*762
			Just downstream of State Route 14	*775
			Just downstream of Conrail located 400 feet upstream of State Route 14.	*777
			Just downstream of Barton Dam	*779
			Just upstream of Barton Dam	*798
			West corporate limit	*799
	Maps available at: Township Hall, 3792 Pontiac Trail, Ann Arobr, Michigan 48105.			
Michigan	Ira (Township) St. Claire County (Docket No. FI-5212).	Marsac Creek	Bethuy Road—25 feet upstream from centerline	*586
			*Arnold Road—50 feet upstream from centerline	*597
			Marine City Highway—at centerline	*605
		West Branch Meldrum Creek	Meldrum Road—10 upstream from centerline	*586
		Meldrum Creek	Short Cut Road—100 feet upstream from centerline	*586
			Marine City Highway—at centerline	*610
		Swan Creek	Short Cut Road—100 feet upstream from centerline	*586
			Marine City Highway—at centerline	*603
		Lake St. Claire	Intersection of Water Drive and Shorkey Drive	*579
	Maps available at:Township Hall, 8811 Vernier Road, Fairhaven, Michigan.			
Michigan	City of South Haven Van Buren County (Docket No. FI-5415).	Lake Michigan	Entire reach within City of South Haven	*584
		Black River	At the mouth with Lake Michigan	*584
			At upstream corporate limits	*584
	Maps available at: City Hall, 539 Phoenix Street, South Haven, Michigan 49090.			
Mississippi	City of Clarksdale, Coahoma County (FI-5420).	Big Sunflower River	Interstate Highway61	*154
			Cheyenne Street extended	*155
		Little Sunflower River	Maywood Place extended	*156
	Maps available at: City Clerk's Office, City Hall, Clarksdale, Mississippi 38614.			
Mississippi	Picayune (City) Pearl River County (Docket No. FI-5218).	East Hobolochita Creek	State Highway 43—10 feet upstream from centerline	*49
			State Highway 11—100 feet upstream from centerline	*53
			At confluence with Holley Creek	*58
		Thigpen Creek	Stemwood Drive—100 feet upstream from centerline	*63
		Bay Branch	Canal Street—at centerline	*58
		Holley Creek	At upstream corporate limits	*65
		Mill Creek	Jackson Landing Road—10 feet upstream from centerline	*51
			Pearl River Valley Railroad—20 feet upstream from centerline	*56
	Maps available at: City Hall, 203 Goodyear Boulevard, Picayune, Mississippi.			
Missouri	Holt (Town) Clay County & Clinton County (Docket No. FI-5463).	Holt Creek	950 feet downstream of County Road Bridge	*853
			300 feet upstream of County Road Bridge	*856
			1,100 feet downstream of Elm Street Bridge	*860
			10 feet downstream of Elm Street Bridge at northern corporate limits	*865
	Maps available at: City Hall, Holt, Missouri 64048.			
Nebraska	Village of Louisville, Cass County (Docket No. FI-5460).	Platte River	0.19 mile downstream from State Highway 50	*1,020
			1.8 miles upstream from State Highway 50	*1,028
		Mill Creek	At mouth with Platte River	*1,025
			0.04 mile downstream of Second Street	*1,036
			0.27 mile upstream of Sixth Street	*1,045
			0.72 mile upstream of Sixth Street	*1,053
			0.92 mile upstream of Sixth Street	*1,058
			1.09 miles upstream of Sixth Street	*1,066
			1.38 miles upstream of Sixth Street	*1,069
		Tributary to Mill Creek	At confluence with Mill Creek	*1,042
			Just downstream of Missouri Pacific Railroad	*1,042
			Just upstream of Missouri Pacific Railroad	*1,048
			At Maple Street	*1,049
			At Oak Street	*1,056
			At Elm Street	*1,061
			0.087 mile upstream from Elm Street	*1,070
			0.114 mile upstream from Elm Street	*1,076
			0.305 mile upstream from Elm Street	*1,083
			0.425 mile upstream from Elm Street	*1,093
			0.019 mile downstream of State Highway 66	*1,097
			Just upstream of State Highway 66	*1,113
			0.085 mile upstream of State Highway 66	*1,113
	Maps available at: Village Hall, Louisville, Nebraska 68037.			
New Hampshire	City of Concord, Merrimack County (FI-5553).	Merrimack River	Northeastern Corporate Limits (confluence with Soucook River)	*204
			Just upstream of Manchester Street	*233
			Just upstream of Bridge Street	*235
			Just upstream of Seawall Falls Road	*252

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Contoocook River	Just upstream of South Main Street	*310
			Just downstream of Contoocook Park Dam	*340
			Just upstream of Contoocook Park Dam	*353
			Just upstream of Horse Hill Road	*356
		Soucook River	Just upstream of Pembroke Street	*230
			Approximately 250 feet upstream of Sheep Davis Road	*260
			Just downstream of Pittsfield Road	*304
		The Outlet	Approximately 100 feet upstream of Old Washington Street Bridge	*320
			Just downstream of New Washington Street Bridge	*338
			Just downstream of Island Road	*348
			Approximately 25 feet upstream of Island Road	*350
Maps available at: The Office of Planning and Engineering, City Hall, 41 Green Street, Concord, New Hampshire 03301.				
New Hampshire	Pelham (Town), Hillsborough Co. (Docket No. FI-5274).	Beaver Brook	Southern corporate limit	*124
			Upstream side of Willow Street	*128
			Upstream side of Old Bridge Street	*131
			Upstream side of Gage Hill Road	*134
			Upstream side of Mill Dam	*137
			Downstream side of Tallant Road	*147
			Upstream side of Tallant Road	*150
			Just upstream of Mill Dam Remains	*157
			Upstream side of Mammoth Road	*167
		Golden Brook	Confluence with Beaver Brook	*134
			Downstream side of Hobbs Road	*134
			Upstream side of Hobbs Road	*137
			Just downstream of Moeckel Road	*140
			Upstream side of Moeckel Road	*151
			Confluence with Lowell Brook	*126
		Gumpas Road Brook	Confluence with Beaver Brook	*132
			Downstream side of Marsh Road	*137
			Upstream side of Marsh Road	*125
		New Meadow Brook	Confluence with Beaver Brook	*126
			0.44 miles upstream of confluence with Beaver Brook	*129
			Downstream side of Pulpit Rock Road	*132
			Upstream side of Pulpit Rock Road	*133
			Downstream side of Bridge Street	*139
			Upstream side of Bridge Street	*139
			0.61 miles upstream of Bridge Street	*134
		Island Pond Brook	Mouth at Golden Brook	*136
			Just downstream of State Route 38	*145
			Upstream side of State Route 38	*145
			Upstream side of Private Road, 0.94 miles upstream of State Route 38.	*137
		Simpson Mill Brook	At confluence with Golden Brook	*137
			Downstream side of Simpson Mill Road	139
			Upstream side of Simpson Mill Road	140
			Northern corporate limit	*124
		Gumpas Pond Brook	Southern corporate limit	*129
			Downstream side of Earth and Stone Dam 530 feet downstream of Mammoth Road.	*136
			Downstream side of Mammoth Road	*137
			Upstream side of Mammoth Road	*146
			Upstream side of Private Road, 2,220 feet upstream of Mammoth Road.	*152
			Upstream side of Old Country Road	*158
			Just downstream of Gumpas Hill Road	*163
			Upstream side of Gumpas Hill Road	*176
			Downstream side of Stone and Earth Dam	*186
			Upstream side of Stone and Earth Dam, 0.11 miles downstream of Gumpas Pond Dam.	*194
			Just downstream of Gumpas Pond Dam	*204
			Upstream side of Gumpas Pond Dam	
Maps available at: The Planning Board Office, Pelham, New Hampshire 03076.				
New Jersey	Pemberton (Township) Burlington County (Docket No. FI-5220).	Jefferson Lake	100 feet West of the dam crossing	* 83
		Little Pine Lake	Mouth of Ong Run	* 63
		Mirror Lake	200 feet North of the intersection of Lake Shore Drive South and Lakehurst Road.	* 62
		North Branch Rancocas Creek	U.S. Route 206—at centerline	* 26
			Birmingham Road—at centerline	* 31
			Coleman's Bridge Road—50 feet upstream from centerline	* 41
			New Lisbon Road—150 feet downstream from centerline	* 43
			New Lisbon Road—50 feet upstream from centerline	* 48
			Lakehurst Road—at centerline	* 53
		Mount Misery Creek	Route 646 (New Lisbon Road)—110 feet upstream from centerline	* 44
			Greenwood Bridge Road—100 feet upstream from centerline	* 49
		Budds Run	Confluence with North Branch Rancocas Creek	* 35
			Hanover Street—25 feet upstream from centerline	* 40
		Ong Run	West Lakeshore Drive—25 feet upstream from centerline	* 66
		Cranberry Branch	Choctaw Drive—75 feet upstream from centerline	* 74
			Lakehurst Road—at centerline	* 84
		Pole Bridge Branch	Choctaw Drive—75 feet upstream from centerline	* 77
			Whites Bogs Road—at centerline	* 86
		Tributary to Pole Bridge Branch	Confluence with Pole Bridge Branch	* 78
			Lakehurst Road—at centerline	* 85
		Baffin Brook	Confluence with Pole Bridge Branch	* 78
			Upton Station—Whites Bogs Road—at centerline	* 91

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Tributary to Country Lake	Confluence with Pole Bridge Branch	* 78
			Haddon and Allen Roads—100 feet upstream from centerline	* 84
Upton Station-Whites Bogs Road—at centerline				* 92
Maps available at: Pemberton Township Municipal Building, Brownsmill Road, New Lisbon, New Jersey.				
New Jersey	Southampton (Township) Burlington County (Docket No. FI-5222).	South Branch Rancocas Creek	Lumberton-Vincentown Road—100 feet upstream from centerline	* 20
			Race Street—at centerline	* 25
			U.S. Route 206—at centerline	* 27
			Bed Bug Hill Road—at centerline	* 33
		North Branch Rancocas Creek	U.S. Route 206—150 feet upstream from centerline	* 27
		Little Creek	Church Road—100 feet upstream from centerline	* 24
			Chairville Road—90 feet upstream from centerline	* 28
			New Jersey Route 70—150 feet upstream from centerline	* 33
		Jade Run	Main Street—at centerline	* 23
			U.S. Route 206—100 feet upstream from centerline	* 25
			Brace Road—100 feet upstream from centerline	* 36
			Ridge Road—100 feet upstream from centerline	* 42
		Beaverdam Creek	Confluence with South Branch Rancocas Creek	* 26
			U.S. Route 206—at centerline	* 39
		Friendship Creek	Confluence with South Branch Rancocas Creek	* 33
			Huntington Drive and Dam—100 feet upstream from centerline	* 41
			New Jersey Route 70—at centerline	* 46
Maps available at: Municipal Building, Vincentown, New Jersey.				
New York	Almond (Town) Allegany County (Docket No. FI-5314).	Canisteo River	Downing Road—150 feet downstream from centerline	*1,318
			Downing Road—100 feet upstream from centerline	*1,324
			North Almond Valley Road—50 feet upstream from centerline	*1,344
			Bailey Hill Road—10 feet upstream from centerline	*1,375
			Thomas Hill Road—150 downstream from centerline	*1,409
			Thomas Hill Road—100 feet upstream from centerline	*1,414
			Bush Road—10 feet upstream from centerline	*1,564
			Perry Road—10 feet upstream from centerline	*1,605
		Tributary No. 18 to Canisteo River.	Bishopville Road—10 feet upstream from centerline	*1,389
		Canacadea Creek	Road Bridge (approximately 2,000 feet upstream of Village of Almond corporate limits)—	
			60 feet downstream from centerline	*1,372
			80 feet upstream from centerline	*1,378
			Safety Hill Road—20 feet upstream from centerline	*1,455
			At upstream corporate limits	*1,485
		Karr Valley Creek	At downstream corporate limits	*1,341
Maps available at: Municipal Building, No. 1 Marvin Lane, Almond, New York.				
New York	Arkport (Village) Steuben County (Docket No. FI-5359).	Canisteo River	1st corporate limits—at centerline	*1,183
			County Route 67—85 feet upstream from centerline	*1,194
			7th corporate limits—at centerline	*1,199
		Marsh Ditch	Hurlbut Street—80 feet upstream from centerline	*1,185
			West Avenue—70 feet upstream from centerline	*1,186
			Corporate limits—at centerline	*1,187
		Lime Kiln Creek	State Route 36—50 feet upstream from centerline	*1,191
			Dam—50 feet upstream from centerline	*1,191
			Meadowbrook Road—30 feet upstream from centerline	*1,221
			Farm Road—20 feet upstream from centerline	*1,230
			East Avenue—15 feet upstream from centerline	*1,238
			Corporate limits—at centerline	*1,259
Maps available at: Village Hall, 1 East Avenue, Arkport, New York.				
New York	Hornell (City) Steuben County (Docket No. FI-5317).	Canisteo River	Cedar Street—50 feet upstream from centerline	*1,140
			Footbridge—25 feet upstream from centerline	*1,144
			River Street—50 feet upstream from centerline	*1,147
			Main Street—50 feet upstream from centerline	*1,147
			Bennett Street—25 feet upstream from centerline	*1,151
			Seneca Street (State Route 36)—75 feet upstream from centerline	*1,155
			State Route 326—50 feet upstream from centerline	*1,156
		Crosby Creek	Dam, approximately 1,265 feet downstream from East Van Scotter Street—100 feet upstream from centerline.	*1,140
			East Van Scotter Street—15 feet upstream from centerline	*1,153
			State Route 36—60 feet upstream from centerline	*1,159
			Canisteo Street—40 feet upstream from centerline	*1,163
			South Division Street—20 feet upstream from centerline	*1,168
			Grand Street—45 feet upstream from centerline	*1,174
			Dam, approximately 560 feet upstream from Grand Street—	
			10 feet downstream from centerline	*1,179
			10 feet upstream from centerline	*1,187
			Corporate Limits—at centerline	*1,205
		Chauncey Run	East Main Street—25 feet upstream from centerline	*1,154
			Catherine Street—55 feet upstream from centerline	*1,174
			Corporate limits—at centerline	*1,198
		Canacadea Creek	Church Street—15 feet upstream from centerline	*1,156
			Seneca Street—45 feet upstream from centerline	*1,163
			State Route 326—15 feet upstream from centerline	*1,165
			Thatcher Street—20 feet upstream from centerline	*1,167

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			West Main Street—25 feet upstream from centerline	*1,167
			Conrail—20 feet upstream from centerline	*1,168
			Corporate limits—at centerline	*1,171
	Maps available at: City Hall, 108 Broadway, Hornell, New York.			
North Carolina	Concord (City) Cabarrus County (Docket No. FI-5248).	Chambers Branch	Interstate 85—20 feet upstream from centerline	*626
		Cold Water Creek	North Carolina State Route 49—at centerline	*549
			At confluence with Common Ford Branch	*575
			At confluence with Chambers Branch	*598
			Interstate 85 (Southbound Lane)—at centerline	*609
		Irish Buffalo Creek	North Carolina State Route 49—50 feet upstream from centerline	*567
			Southern Railway—100 feet downstream from centerline	*584
			Southern Railway—100 feet upstream from centerline	*590
		Little Cold Water Creek	Old Airport Road—50 feet upstream from centerline	*552
		Threemile Branch	Crestside Road—50 feet upstream from centerline	*564
			Mirimar Street—10 feet upstream from centerline	*614
			Interstate 85—10 feet upstream from centerline	*658
	Maps available at: City Hall, Concord, North Carolina.			
North Carolina	Cramerton (Town) Gaston County (Docket No. FI-5181).	South Fork Catawba River	Old Armstrong Ford Road—10 feet downstream from centerline	*570
			Old Armstrong Ford Road—10 feet upstream from centerline	*577
			Southern Railroad—at centerline	*579
			U.S. Highway 29 and 74—at centerline	*583
		Duharts Creek	Eighth Street—at centerline	*577
			At most upstream corporate limits	*601
		Halls Rocky Branch	Lakewood Road—at centerline	*580
		Epplet Branch	Eleventh Street—10 feet upstream from centerline	*583
	Maps available at: City Hall, 155 North Main Street, Cramerton, North Carolina.			
North Carolina	Town of Jamestown, Guilford County (FI-5424).	Deep River	Approximately 100 feet downstream of Ragsdale Road Bridge	*732
			Just upstream of U.S. 29A and 70A Bridge	*737
			High Point Lake	*761
		Bull Run	Just upstream of Southern Railway Bridge	*741
	Maps available at: City Manager's Office, City Hall, 301 North Main Street, Jamestown, North Carolina 27261.			
Oklahoma	City of Henryetta, Okmulgee County (FI-5183).	Coal Creek	Just upstream of Trudgeon Street	*668
			Just downstream of Lake Drive	*674
			Approximately 120 feet downstream of Fourth Street	*681
		Dutch Creek	Southern Corporate Limits	*691
			Just downstream of Main Street	*701
			Just upstream of Gentry Street	*710
		Unnamed Creek	Approximately 900 feet upstream of U.S. Highway 62 and 75	*665
			Just downstream of First Street	*668
	Maps available at: The City Clerk's Office, Civic Center, Henryetta, Oklahoma 74437.			
South Carolina	Honea Path (Town) Anderson County (Docket No. FI-5293).	Corner Creek	Samuel Road—60 feet upstream from centerline	*716
		Tributary C of Broad Mouth Creek	Downstream corporate limits	*680
			Chiquola Street—15 feet downstream from centerline	*706
			Chiquola Street—25 feet upstream from centerline	*711
			Walkway—80 feet downstream from centerline	*716
			Walkway—30 feet upstream from centerline	*729
	Maps available at: Town Hall, 30 North Main Street, Honea Path, South Carolina.			
South Carolina	Williamston (Town) Anderson County (Docket No. FI-5294).	Big Creek	Gatewood Entrance Road—90 feet upstream from centerline	*762
			Williams Street—20 feet upstream from centerline	*769
			Southern Railway—40 feet upstream from centerline	*780
			Main Street—100 feet upstream from centerline	*785
			Ida Tucker Road—20 feet upstream from centerline	*791
		Big Creek Tributary I	Confluence with Big Creek—at centerline	*755
			Southern Railroad—100 feet downstream from centerline	*796
			Southern Railroad—100 feet upstream from centerline	*800
		Camp Creek	Confluence with Big Creek—at centerline	*789
			Cherokee Road—40 feet upstream from centerline	*796
			Upstream corporate limit—at centerline	*801
	Maps available at: Town Hall, 43 East Main Street, Williamston, South Carolina.			
South Dakota	Keystone (Town) Pennington County (Docket No. FI-5295).	Battle Creek	Keystone Hayward Road (downstream crossing)—30 feet upstream from centerline.	*4,286
			First Street—50 feet upstream from centerline	*4,325
			Third Street—35 feet upstream from centerline	*4,344
			Burlington Northern Railroad Bridge (downstream crossing)—35 feet upstream from centerline.	*4,373
			Burlington Northern Railroad Bridge (upstream crossing)—35 feet upstream from centerline.	*4,458

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			At Upstream Corporate Limits	*4,493
		Grizzley Bear Creek	Swanzey Street—30 feet upstream from centerline	*4,353
			Cemetery Road (downstream crossing)—40 feet upstream from centerline.	*4,394
			At Upstream Corporate Limits	*4,436
Maps available at: Town Hall, Keystone, South Dakota.				
Tennessee	City of Cleveland, Bradley County (FI-5408).	South Mouse Creek	Just downstream of Mohawk Road	*774
			Just downstream of Mouse Creek Road	*780
			Just upstream of Sunset Avenue	*794
			Just upstream of 25th Street	*805
			Just upstream of 20th Street	*814
			Just downstream of 17th Street	*815
			Just upstream of U.S. Highway 11 and 64	*833
			Just upstream of Smith Drive	*841
			Just upstream of Blue Springs Road	*871
		Fillauer Branch	Just upstream of Ocoee Street	*789
			Just downstream of Westview Drive	*790
			Just downstream of Weeks Drive	*797
			Just upstream of McIntire Street	*808
			Just upstream of 25th Street	*814
		Woollen Mill Branch	Just downstream of Inman Street	*826
			Just downstream of Oak Street	*829
			Just upstream of Broad Street	*836
			Just downstream of Euclid Avenue	*844
			Just downstream of Cincinnati Avenue	*859
			Just downstream of 14th Street	*893
West Fork Woolen Mill Branch			Just upstream of King Edward Avenue	*868
			Just upstream of Blythe Avenue	*870
			Just upstream of Aurora Street	*880
			Just upstream of 18th Street	*887
Maps available at: City Planner's Office, 70 Second Street, N.E., Cleveland, Tennessee 37311.				
Tennessee	City of Cowan, Franklin County (FI-5409).	Miller Creek	Approximately 850 feet downstream of Oak Street	945
			Just downstream of Oak Street	955
		Boiling Fork Creek	Just downstream of Goshen Road	943
			Just downstream of Louisville and Nashville Railroad	949
Maps available at: City Hall, Cowan, Tennessee 37318.				
Tennessee	City of Decherd, Franklin County (FI-5410).	Wagner Creek	Just upstream of Sharp Spring Road	*890
			U.S. Highway 41A Bridge (upstream)	*909
			Just upstream of Old Decherd Road	*914
		Sink Hole	Entire Shoreline	*948
Maps available at: City Hall, Decherd, Tennessee 37324.				
Texas	City of Weslaco, Hidalgo County (FI-5411).	Ponding Area No. 1	Northwest of Texas Boulevard at U.S. Expressway 83	74
		Ponding Area No. 2	Intersection of San Benito Street and Calle de la Republica	74
		Ponding Area No. 3	Intersection of Texas Boulevard and Mesquite Street	74
		Ponding Area No. 4	Intersection of Bridge Avenue and Llano Grande Street	74
		Ponding Area No. 5	South of Weslaco Cemetery Intersection of Queen Palm and Palm Boulevard.	72
Maps available at: Planning Office, City Hall, 500 South Kansas Avenue, Weslaco, Texas 78596.				
Vermont	Town of Chester, Windsor County (Docket No. FI-5412).	Williams River	Downstream corporate limit	*512
			Just downstream of the Green Mountain Railroad first crossing located approximately 500 feet downstream of the Green Mountain Turnpike.	*521
			Just upstream of the Green Mountain Turnpike	*530
			Approximately 6,150 feet upstream of the Green Mountain Turnpike	*545
			200 feet upstream of the Green Mountain Railroad second crossing located 1.45 miles upstream of the Green Mountain Turnpike.	*554
			Approximately 850 feet downstream of the confluence of Kingdom Valley Brook.	*565
			Just upstream of Pleasant Street	*571
			Just downstream of First Avenue	*588
			Just upstream of Depot Street	*592
			Approximately 3,250 feet upstream of Church Street	*610
			Just downstream of Colburn Road	*623
			Just downstream of Baileys Mills Road	*638
			Just upstream of Baileys Mills Road	*644
			Approximately 100 feet downstream of Thompson Road	*654
			Approximately 60 feet downstream of Jewett Road	*664
			60 feet upstream of Jewett Road	*668
			Approximately 80 feet downstream of the private road located approximately 1,430 feet upstream of Jewett Road.	*670
			Just upstream of the private road located approximately 1,430 feet upstream of Jewett Road.	*674

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Just downstream of the Green Mountain Railroad third crossing located approximately 3,425 feet upstream of Jewett Road.	*686
			Approximately 100 feet upstream of the Green Mountain Railroad third crossing located approximately 3,425 feet upstream of Jewett Road.	*691
			Approximately 100 feet upstream of the Green Mountain Railroad fourth crossing located approximately 5,600 feet upstream of Jewett Road.	*707
			Approximately 140 feet downstream of the Green Mountain Railroad fifth crossing located approximately 7,630 feet upstream of Jewett Road.	*721
			100 feet upstream of the Green Mountain Railroad fifth crossing located 7,630 feet upstream of Jewett Road.	*730
			100 feet downstream of the sixth Green Mountain Railroad crossing located approximately 1,175 feet downstream of the first crossing of State Highway 103.	*746
			Approximately 180 feet downstream of the State Route 103 first crossing.	*755
			Just downstream of the Green Mountain Railroad seventh crossing located approximately 330 feet downstream of Duttonsville Gulf Road.	*761
			Just downstream of Duttonsville Gulf Road	*766
			Just upstream of Duttonsville Gulf Road	*769
			Approximately 2,500 feet upstream of Duttonsville Gulf Road	*795
			Approximately 840 feet downstream of the second crossing of State Route 103.	*814
			Just upstream of the second crossing of State Route 103	*823
			Approximately 540 feet upstream of the second crossing of State Route 103.	*830
			Approximately 1,510 feet downstream of Smokeshire Road	*892
			Just downstream of Smokeshire Road	*921
			Approximately 560 feet upstream of Smokeshire Road	*932
			Approximately 1,500 feet upstream of Smokeshire Road	*948
			930 feet downstream of the confluence of Chase Brook	*1,005
			420 feet downstream of the confluence of Chase Brook	*1,011
			200 feet downstream of the confluence of Chase Brook	*1,018
			780 feet upstream of the confluence of Chase Brook	*1,036
		Middle Branch Williams River	At confluence with Williams River	*566
			Just upstream of Green Mountain Railroad	*571
			Just downstream of South Main Street	*581
			100 feet downstream of Grafton Street	*602
			Just upstream of School Street footbridge	*611
			2,370 feet upstream of the School Street footbridge	*635
			610 feet downstream of the first crossing of Joe Sweet Road	*655
			Just downstream of the first crossing of Joe Sweet Road	*662
			1,400 feet upstream of the first crossing of Joe Sweet Road	*680
			Approximately 3,000 feet downstream of the second crossing of Joe Sweet Road.	*702
			30 feet downstream of the second crossing of Joe Sweet Road	*739
			Just upstream of the second crossing of Joe Sweet Road	*743
			1,230 feet upstream of the second crossing of Joe Sweet Road	*760
			1,200 feet downstream of the State Route 11 crossing located approximately 3,900 feet downstream of the Andover Branch confluence.	*780
			Just upstream of the State Route 11 first crossisng located approximately 3,900 feet downstream of the Andover Branch confluence.	*799
			260 feet downstream of the State Route 11 second crossing located approximately 2,200 feet downstream of the Andover Branch confluence.	*815
			1,200 feet downstream of the Andover Branch confluence	*830
			Confluence of Andover Branch	*847
			Just upstream of Kingsbury Road	*851
			2,000 feet upsteam of Kingsbury Road	*875
			3,500 feet upstream of Kingsbury Road	*891
			300 feet downstream of the third crossing of State Route 11	*930
			920 feet downstream of the upstream corporate limits	*945
			Upstream corporate limits	*958
		South Branch Williams River	Confluence with Middle Branch Williams River	*572
			Approximately 490 feet upsteam of State Route 103	*580
			Approximately 1,130 feet upstream of State Route 103	*590
			Approximately 400 feet downstream of State Route 35	*665
			Approximately 120 feet upstream of State Route 35	*682
			Approximately 1,230 feet upstream of State Route 35	*708
			4,000 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road	*876

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			2,340 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.	*1895
			Approximately 1,260 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.	*910
			380 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.	*925
			Just upstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.	*940
			Approximately 1,650 feet upstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.	*960
			3,560 feet upstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.	*990
			880 feet downstream of the private driveway located 1.6 miles downstream of Ethan Allen Road.	*1,020
			Just downstream of the private driveway located 1.6 miles downstream of Ethan Allen Road.	*1,050
			1,225 feet upstream of the private driveway located 1.6 miles downstream of Ethan Allen Road.	*1,090
			660 feet downstream of the wooden footbridge located 1.0 mile downstream Ethan Allen Road.	*1,120
			Just downstream of the wooden footbridge located 1.0 mile downstream of Ethan Allen Road.	*1,140
			380 feet upstream of the wooden footsbridge located 1.0 mile downstream of Ethan Allen Road.	*1,160
			1,300 feet upstream of the wooden foot-bridge located 1.0 miles downstream of Ethan Allen Road.	*1,190
			650 feet downstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.	*1,220
			250 feet downstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.	*1,240
			Just upstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.	*1,258
			1,050 feet upstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.	*1,285
			890 feet downstream of Ethan Allen Road	*1,315
			150 feet downstream of Ethan Allen Road	51,340
			775 feet upstream of Ethan Allen Road	*1,370
			125 feet downstream of the Popple Dungeon Road crossing located 1,525 feet upstream of Ethan Allen Road.	*1,390
			430 feet upstream of the Popple Dungeon Road crossing located 1,525 feet upstream of Ethan Allen Road.	*1,410
			1,550 feet upstream of the Popple Dungeon Road crossing located 1,525 feet upstream of Ethan Allen Road.	*1,440
			40 feet upstream of the private driveway located 4,200 feet upstream of Ethan Allen Road.	*1,472
		Lovers Lane Brook	Mouth at Middle Branch Williams River	*581
			Just upstream of State Route 11	*585
			1,690 feet upstream of State Route 11	*595
			80 feet downstream of Maple Street	*599
			Just upstream of Maple Street	*603
			Just upstream of Depot Street	*605
			1,000 feet upstream of Depot Street	*610
			500 feet downstream of Church Street	*620
			Just downstream of Church Street	*625
			Just upstream of Church Street	*628
			2,200 feet upstream of Church Street	*641
		Andover Branch	At confluence with Middle Branch Williams River	*847
			Just downstream of State Route 11	*854
			Just upstream of State Route 11	*857
			720 feet upstream of State Route 11	*865
			1,950 feet upstream of State Route 11	*885
			3,250 feet upstream of State Route 11	*905
			Confluence of Potash Brook	*932
			80 feet downstream of Potash Brook Road	*941
			60 feet upstream of Potash Brook Road	*949
			1,140 feet upstream of Potash Brook Road	*965
			1,870 feet upstream of Potash Brook Road	*980
			2,580 feet upstream of Potash Brook Road	*995
		Potash Brook	At confluence with Andover Branch	*932
			465 feet upstream of confluence with Andover Branch	*950
			1,060 feet upstream of confluence with Andover Branch	*970
			1,730 feet upstream of confluence with Andover Branch	*990
			2,320 feet upstream of confluence with Andover Branch	*1,010

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			2,865 feet upstream of confluence with Andover Branch	*1,030
			3,170 feet upstream of confluence with Andover Branch	*1,041
		Kingdom Valley Brook	Mouth at Williams River	*570
			50 feet downstream of the Green Mountain Turnpike	*571
			Just upstream of Green Mountain Turnpike	*583
			480 feet upstream of Green Mountain Turnpike	*608
			890 feet upstream of Green Mountain Turnpike	*622
			1,370 feet upstream of Green Mountain Turnpike	*629
			2,220 feet upstream of Green Mountain Turnpike	*640
			2,900 feet upstream of Green Mountain Turnpike	*650
			3,320 feet upstream of Green Mountain Turnpike	*662
			4,250 feet upstream of Green Mountain Turnpike	*678
		Great Brook	At downstream corporate limits	*585
			Just downstream of Gould Road	*594
			Just upstream of Gould Road	*600
			Just downstream of Chandler District Road	*608
			Just upstream of Chandler District Road	*612
			950 feet downstream of Mineral Springs Road	*619
			1,400 feet upstream of Mineral Springs Road	*628
			Just downstream of the private drive located 1,925 feet downstream of Baltimore Road.	*637
			Just upstream of the private drive located 1,925 feet downstream of Baltimore Road.	*643
			50 feet downstream of Baltimore Road	*645
			Just upstream of Baltimore Road	*650
			60 feet downstream of Great Brook Road	*737
			Just downstream of Duttonsville Gulf Road	*745
			Just upstream of Duttonsville Gulf Road	*747
			Upstream corporate limits	*748
	Maps available at: Town Office, Chester, Vermont 05144.			
Washington	Carnation (Town), King County (Docket No. FI-5192).	Snoqualime River	Most downstream corporate	*67
			Most upstream corporate limit	*71
	Maps available at: Town Hall, 4641 Tolt Avenue, Carnation, Washington.			
Washington	Pe Ell (Town), Lewis County (Docket No. FI-5025).	Chehalis River	Highway 6 Bridge—30 feet upstream from centerline	*366
		Stowe Creek	Third Street Bridge—40 feet upstream from centerline	*401
			Burlington Northern Railroad Bridge—30 feet upstream from centerline.	*408
			Kelso Street Bridge—40 feet upstream from centerline	*415
	Maps available at: Town Hall, Pe Ell, Washington.			

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

Issued: September 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-30116 Filed 10-1-79; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 44, No. 192
Tuesday, October 2, 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 THE TREASURY

Customs Service

19 CFR Part 177

[061120]

Watches and Watch Movements; Tariff Classification Under General Headnote 3(a), Tariff Schedules of the United States: Change of Practice Considered

Correction

In FR Doc. 79-28746 appearing at page 53759 in the issue for Monday, September 17, 1979; on page 53760, second column, third line of the first paragraph under Comments, the word "is" should read "if".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 615

Extended Benefits; Revision of Regulations: Final Action Delayed

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of delay in issuance of final rules.

SUMMARY: The Employment and Training Administration published on page 34512 in the June 15, 1979, issue of the **Federal Register**, 44 FR 34512, a notice of proposed rulemaking announcing its intention to revise the method of calculating insured unemployment rates which determine when Extended Benefit Periods trigger on and off in the States and nationally. The proposed effective date was to be October 1, 1979. In view of the extensive public comments received late in the comment period, the matter is still under consideration. When a decision is made, there will be a further announcement published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joseph A. Hickey, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, Room 7310, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, telephone (202) 376-7123.

Signed at Washington, D.C., on September 27, 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 79-30620 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR-9-79]

Income Tax; Administrative Review Procedure for Determination of a State Tax Agency's Failure To Safeguard Federal Tax Information

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations concerning procedures for administrative review of a Service determination that a State tax agency has failed to safeguard Federal tax return information received from the Service. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations would provide State agencies with guidance needed to comply with that Act.

DATES: Written comments and requests for a public hearing must be delivered or mailed by December 3, 1979. The regulations are proposed to be effective upon publication as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, NW., Washington, D.C. 20024 (Attention: CC:LR:T (LR-9-79)).

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6631).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6103 (p) (7) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to certain provisions under section 1202 (a) (1) of the Tax Reform Act of 1976 (90 Stat. 1667) and are to be issued under the authority contained in sections 6103 (p) (7) and 7805 of the Code (90 Stat. 1685, 26 U.S.C. 6103 (p) (7) and 68A Stat. 917, 26 U.S.C. 7805).

Explanation of Provisions

The proposed regulations provide procedures for administrative review by the Commissioner of a determination by the Internal Revenue Service that a State tax agency has failed to safeguard Federal tax returns or return information in accordance with the requirements of section 6103 (P) (4). Notwithstanding section 6103 (d), such a determination may result in the Services's terminating the disclosure of Federal tax returns or return information to the State tax agency concerned.

The proposed regulations establish procedures under which a State tax agency can appeal the above-described adverse determination directly to the Commissioner within 30 days after receiving notice thereof. These amendments also would provide that, within 45 days after receiving such an appeal, the Commissioner or Deputy Commissioner will personally hold a conference with representatives of the State tax agency.

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 John A. Tolleris

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

The proposed amendments to 26 CFR Part 301 are as follows:

A new § 301.6103(p)(7)–1 is added immediately after § 301.6103 (h)(2)–1 to read as follows:

§ 301.6103(p)(7)–1 Procedures for administrative review of a determination that a State tax agency has failed to safeguard Federal tax returns or return information.

(a) *Notice of Service's intention to terminate disclosure to a State tax agency.* Notwithstanding subsection (d) of section 6103, the Internal Revenue Service may terminate disclosure of Federal returns and return information to a State agency, body, or commission described in section 6103(d) (hereinafter in this section referred to as a State tax agency) if the service makes a determination that:

(1) A State tax agency has made unauthorized disclosure of Federal returns or return information received from the Service and that the State tax agency has not taken adequate corrective action to prevent repetition of the unauthorized disclosure, or

(2) A State tax agency does not satisfactory maintain the safeguards described in subsection (p)(4) of section 6103, and has made no adequate plan to improve its system to maintain those safeguards satisfactorily. Prior to terminating disclosure, the Service will notify the State tax agency in writing of the Service's preliminary determination and of the Service's intention to discontinue disclosure of Federal returns and return information to the State tax agency. Upon so notifying the State tax agency, the Service, if it determines that Federal tax administration would otherwise be seriously impaired, may suspend further disclosure of Federal returns and return information to the State tax agency pending a final determination by the Commissioner or Deputy Commissioner described in subparagraph (2) of paragraph (c) of this section.

(b) *State tax agency's right to appeal.* A State tax agency shall have 30 days from the date of receipt of a notice described in paragraph (a) of this section to appeal the preliminary determination described in paragraph (a) of this section. The appeal shall be made directly to the Commissioner.

(c) *Procedures for administrative review.* (1) To appeal a preliminary determination described in paragraph (a) of this section, the State agency shall send a written request for a conference to: Commissioner of Internal Revenue (Attention: C), 1111 Constitution Avenue, NW., Washington, D.C. 20224. The request must include a complete description of the State tax agency's present system of safeguarding Federal returns or return information received from the Service. The request must then state the reason or reasons that the State agency believes that such system, including improvements, if any, to such system expected to be made in the near future, is or will be adequate to safeguard Federal returns or return information received from the Service.

(2) Within 45 days of the receipt of a request made in accordance with the provisions of subparagraph (1) of this paragraph, the Commissioner or Deputy Commissioner will personally hold a conference with representatives of the State tax agency, after which the Commissioner or Deputy Commissioner will make a final determination with respect to the appeal.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-30464 Filed 10-1-79; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1330–8]

Implementation Plan Revisions for the Lake Tahoe Nonattainment Area in the States of California and Nevada; Receipt/Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Availability.

SUMMARY: The purpose of this notice is to announce receipt of revisions to the California and Nevada State Implementation Plans (SIP) and to invite public comment. Nonattainment Area Plans for the Lake Tahoe Air Basin have been received from the California Air Resources Board and the State of Nevada. These revisions were submitted to EPA in accordance with the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas," and are available for public inspection at the addresses below. A notice of proposed rulemaking discussing these revisions will be published in the **Federal Register** at a later date. The period for submittal of public comments will end not less than 60 days from this date and not less than 30 days from the published date of EPA's notice of proposed rulemaking.

ADDRESSES: Copies of the SIP revisions are available during normal business hours at the following locations:

Library, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, SW., Room 2922, Washington, D.C. 20460.

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814.

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 201 South Fall Street, Carson City, NV 89710.

Tahoe Regional Planning Association, P.O. Box 8896, 2155 South Avenue, South Lake Tahoe, CA 95731.

INQUIRIES AND COMMENTS SHOULD BE ADDRESSED TO: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415)556–2938.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August, 1977, Pub. L. No. 95–95, require states to revise their SIP's for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962). State and local governments were required by January 1, 1979 to develop, adopt, and submit to EPA revisions to their SIP's which provide for attainment of the NAAQS as expeditiously as practicable.

The Lake Tahoe Air Basin (which includes protions of the States of California and Nevada) is a designated nonattainment area for carbon monoxide and ozone.

The Governor's designee for California submitted to EPA the California portion of the plan on August 21, 1979, and the Governor of Nevada submitted the Nevada portion of the plan on July 24, 1979.

EPA is reviewing these revisions for conformance with the requirements of Part D of the Clean Air Act, as amended. Following review of the revisions, a notice of proposed rulemaking will be published in the **Federal Register** that

will provide a description of the proposed SIP revisions, summarize the Part D requirements, identify the major issues in the proposed revisions, and suggest corrections. An additional 30 days will be provided for public comments at that time.

The intent of this notice is to notify the public that these revisions have been formally submitted to EPA for approval, that they are available for public inspection, and that interested persons are encouraged to submit written comments.

(Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).)

Dated: September 21, 1979.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 79-30385 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1331-3]

Tennessee; Proposed 1979 Plan Revisions

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Proposed Rule.

SUMMARY: EPA today proposes action on specific State Implementation Plan (SIP) revisions which the Tennessee Air Pollution Control Division recently submitted pursuant to requirements of Part D of the Clean Air Act Amendments (CAAA) of 1977 with regard to nonattainment areas. EPA has found all portions of the submitted revisions to be approvable except for certain portions of the transportation control plan which are needed to attain the air quality standards for carbon monoxide (CO) and ozone in Nashville. It is proposed to approve conditionally the CO and ozone control strategy for Nashville on condition that the noted deficiencies be corrected by March 1, 1980. It is also proposed to approve conditionally the statewide ozone control strategy, on condition that noted deficiencies in the stationary source regulations be corrected by March 1, 1980. EPA proposes to approve conditionally the total suspended particulate (TSP) plans for Nashville and Columbia provided the noted deficiencies be corrected by January 1, 1980, and March 1, 1980, respectively. The public is invited to submit written comments on these proposed actions.

DATES: To be considered, comments must be submitted on or before November 1, 1979. A thirty-day comment period is being used to enable publication of final action on the SIP revisions as soon as possible after July 1, 1979, because a Notice of Availability was published in the **Federal Register** more than 30 days ago and because the SIP submission and the issues involved are not so complex as to warrant a longer comment period.

ADDRESSES: Written comments should be addressed to Archie Lee of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308.

Tennessee Air Pollution Control Division, 256 Capitol Hill Building, Nashville, Tennessee 37219.

Air Pollution Section, Metropolitan Health Department, 1600 Hayes Street, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Archie Lee of EPA Region IV's Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30308. Telephone 404/881-2864 (FTS-257-2864).

SUPPLEMENTAL INFORMATION:

Background

In the March 3, 1978, **Federal Register** (43 FR 8962 at 9035) and the September 11, 1978 **Federal Register** (43 FR 40412 at 40432) a number of areas within the State of Tennessee were designated as not attaining certain national ambient air quality standards. The areas designated nonattainment for the primary and secondary standards for total suspended particulate matter (TSP) are:

A. That portion of Anderson and Knox Counties surrounding TVA's Bull Run Plant. (Secondary only).

B. Those portions of Campbell County within downtown LaFollette and the area surrounding the Carborundum Company's plant at Jacksboro.

C. That portion of Davidson County within the 1964 Urban Services area of Nashville.

D. That portion of Hamilton County within, approximately, the city limits of Chattanooga.

E. That portion of Maury County within the northern section of Columbia.

F. That portion of Roane County within a downtown section of Rockwood

G. Those portions of Shelby County within two sections of downtown Memphis.

H. Those portions of Sullivan County within a section of Bristol and a section of Kingsport.

I. That portion of Sumner County surrounding TVA's Gallatin plant. (Secondary only)

The areas designated nonattainment for the primary and secondary standards for sulfur dioxide (SO_2) are:

A. That portion of Polk County surrounding the Cities Service plant at Copperhill.

B. That portion of Benton and Humphreys Counties surrounding TVA's Johnsonville plant.

The areas designated nonattainment for (the same standard serves as both the primary and secondary standard) carbon monoxide (CO) are:

A. That portion of Davidson County located in downtown Nashville.

B. That portion of Knox County located in metropolitan Knoxville.

C. That portion of Shelby County located in metropolitan Memphis.

The areas designated nonattainment (the same standard serves as both the primary and secondary standard) for photochemical oxidants (ozone) are:

A. Nashville area—Davidson, Sumner, Rutherford, Wilson and Williamson Counties.

B. Shelby County.

C. Maury County.

D. Hamilton County.

E. Knox County.

F. Sullivan County.

G. Bradley County.

H. Roane County.

Implementation plan revisions under Part D of the CAAA were previously developed and submitted by the State for the following areas:

TSP—Sullivan County (Bristol), Campbell County, Sumner County, Anderson/Knox Counties.

SO—Polk County, Benton/Humphreys Counties.

CO—Shelby County, Knox County.

A notice of proposed rulemaking was published in the **Federal Register** on July 24, 1979, for the above areas. Implementation plan revisions under Part D of the CAAA developed by the State and the subject of today's proposal notice include the following areas:

Ozone—Statewide.

CO—Davidson County.

TSP—Columbia, Nashville.

The implementation plan revisions for the remaining nonattainment areas will be proposed later as the SIP revisions are submitted. These revisions were submitted for EPA's approval on June 28, and July 2, 1979. The Tennessee revisions have been reviewed by EPA in light of the CAAA of 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, and July 2, Aug. 28 and Sept. 17, 1979, (44 FR 20372, 44 FR

38583, and 44 FR 50371, and 44 FR 53761) need not be repeated in detail here.

General Discussion

Section 172(b) of the CAAA contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents and adequacies of the Tennessee submittals.

172(b)(1) [SIP provisions shall] be adopted by the State (or promulgated by the Administrator under section 110(c)) after reasonable notice and public hearing;

Public hearings were held in the State on the adopted material following 30 days public notice. Public hearings were conducted October 16, 1978, February 14, April 19, May 8 and 9, and June 5, 6, 14, and 19, 1979. These SIP provisions were adopted by the State and/or local agency on March 14, April 11, and June 20 and 28, 1979.

172(b)(2) [SIP provisions shall] provide for the implementation of all reasonably available control measures as expeditiously as practicable;

For discussion of reasonably available control measures including Reasonably Available Control Technology (RACT) see discussion after 172(b)(3) below.

172(b)(3) [SIP provisions shall] require, in the interim, reasonable further progress (as defined in section 171(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology;

Reasonable further progress (RFP) graphs and calculations accompany each explanation of progress toward attainment for each nonattainment area. The SIP calls for meeting the National Ambient Air Quality Standards in all areas by the end of 1982 except for carbon monoxide and ozone in Nashville. The State has requested an extension to the end of 1987 for meeting the carbon monoxide and ozone standards in this area. EPA is proposing to approve this extension request. Therefore, a mandatory inspection/maintenance program for motor vehicles, transportation control measures, and a new source review program consistent with Section 172(b)(11) must be implemented. As a requirement for the extension to 1987, with regard to an adequate inspection and maintenance program, the SIP must include:

(1) Certification of adequate legal authority for a mandatory inspection and maintenance (I/M) program;

(2) Commitments from the proper agency(s) to the implementation and enforcement of the I/M program;

(3) An adequate Implementation Schedule as defined in the July 17, 1978, policy memorandum from Assistant Administrator Hawkins; and

(4) Commitments from the proper agency(s) to obtaining at least a 25% emissions reduction from light-duty vehicles for hydrocarbons and/or carbon monoxide by December 31, 1987, as also stated in the July 17th Hawkins memorandum. The requirement for the 25% reduction would apply only to the pollutant(s) for which the extension is requested.

Each geographic area is discussed below.

Nashville (TSP)—The Nashville Metropolitan Health Department has reviewed all the sources in or impacting on the nonattainment area and found that the ambient violations were not due to a specific source or activity, but were the result of a combination of factors such as process fugitive emissions, nontraditional source emissions and traditional source emissions. During the review, RACT emission limitations were developed for all sources. These RACT emission limits were adopted as revised permit conditions which require compliance with specific mass emissions, visible emissions and in some cases limitations on hours of operation. When modelling all of the sources at their 1982 RACT allowable emission limits, attainment of the annual primary standard was not demonstrated, nor was attainment of the secondary standard demonstrated. One of the factors in the failure to demonstrate attainment of the primary standard was the impact of nontraditional sources. In order to evaluate and develop the necessary nontraditional source control measures to attain the primary standards, Nashville Metropolitan Health Department has submitted a schedule to develop these regulations. EPA is proposing to approve conditionally the plan for attainment of the primary standards on condition that a more detailed listing of measures to be investigated be submitted by January 1, 1980. In addition, Nashville has asked for an 18-month extension in order to develop the attainment plan for secondary standards. EPA is today proposing to approve Nashville's request for an 18-month extension to submit the plan for attainment of the secondary standard.

Columbia (TSP)—The nonattainment designation of this area was due to a combination of factors. Fugitive emissions from roadways, haul roads, materials handling systems and stack emissions all contribute to violations of the ambient standards. The State of Tennessee has made a RACT evaluation of all sources in or impacting on the nonattainment area and adopted, as categorical emission requirements, regulations for the area. These regulations include limitations on stack emissions, more stringent controls on fugitive sources and in some cases a restriction on hours of operation. When the State modelled the area at the 1982 RACT emission level, attainment of the primary standards was not demonstrated. This was due largely to the impact of emissions from nontradiional sources. The State has submitted a schedule for developing, adopting, and submitting regulations for control of nontraditional sources. EPA is today proposing to approve this schedule.

The State Plan includes a regulation allowing certain categories of sources, under specific conditions, to apply for a higher emission limit in lieu of the otherwise applicable emission limit. This option must either be deleted or revised to provide that every time a source applies, the approval of the higher emission limit must be in the form of a SIP revision. If the deficiency is not corrected, EPA proposes to disapprove the option provision. Whether or not the provision is approved, EPA proposes to approve the overall nonattainment SIP for primary standards as satisfying Part D requirements. EPA is also proposing to approve the State's request for an 18-month extension to submit the plan for attainment of the secondary standard.

Nashville (CO)—The State has calculated that a 40% reduction in CO emissions is necessary to achieve the 10 mg/m^3 8-hour ambient standard. Since approximately 99% of the CO emissions are attributed to motor vehicles, all emission reduction measures are directed toward this source category through use of the Federal Motor Vehicle Control Program (FMVCP). Nashville will be unable to meet the CO ambient standard by the end of 1982 and has requested an extension to 1987 to meet the ambient standard. EPA is proposing to approve this extension request. EPA's review of the Nashville CO control strategy relative to the Transportation Control measures has revealed some deficiencies. These deficiencies include:

1. The current 1979 Annual element of the Transportation Improvement Program (TIP/AE) must be reviewed for projects that have a positive air quality impact. Measures that are found to have benefits and are feasible must be submitted with implementation dates. The implementation dates should correspond to the dates shown in the TIP/AE. Those measures selected from the 1979 TIP/AE for incorporating into the State Implementation Plan must also include a commitment to the implementation and

enforcement of such measures by the responsible agencies.

2. Under Section 174, the Memorandum of Understanding (MOU) between the proper local and State officials includes a commitment to the implementation of stationary source controls but not mobile source controls. The I/M schedule should be revised to identify the date by which the enforcement mechanism(s) will be decided. The I/M schedule should also identify when procedures and guidelines for testing and quality control will be adopted.

EPA has received an opinion from the Tennessee Attorney General's office concluding that there is sufficient statutory authority for an inspection and maintenance program to be implemented by certain cites in the State. Further, EPA has received a letter from the Mayor of Nashville committing to seek legislation and the necessary financial and manpower resources to implement a mandatory motor vehicle emission inspection and maintenance (I/M) program for light duty vehicles. Recently, the necessary ordinance was passed by the Council of the Metropolitan Governments of Nashville. This ordinance allows the Board to adopt by rule or regulation, promulgate, require and enforce programs for vehicles propelled by internal combustion engines and to prescribe reasonable fees. Also, the Mayor's letter and ordinance indicate that the final implementing regulations must be approved by the Council of Metropolitan Governments of Nashville. Because approval by the Council of Governments is the device used routinely for adoption of regulatory requirements, EPA believes the existing legal authority is adequate. However, EPA recognizes that the Mayor cannot commit the Council of Governments to any future action, and it should be understood that a failure by the City to institute a mandatory I/M program according to the schedule submitted in the SIP will make the area liable to the imposition of sanctions under the Clean Air Act.

The Mayor's letter endorses the I/M schedule submitted in the SIP. This schedule indicates that a centralized operated I/M program will be instituted, and calls for the mandatory I/M program to begin in September, 1981, with the institution of mandatory repairs being implemented in December 1981.

The enforcement mechanism is currently undecided between several options. The ordinance passed by the Council grants the authority for enforcement and establishment of fees to the Board of Health. One option is the Board of Health would use its personnel and resources to implementing an enforcement program. Another option is to add the I/M enforcement to the current city sticker system. Failure to enact an adequate enforcement mechanism would also make Nashville liable to sanctions under the Clean Air Act.

The SIP also indicates that a 25% reduction in CO emissions from light duty vehicles will be achieved and is reflected in the reasonable further progress (RFP) curve.

Based upon the commitments, legal authority and schedules to implement and enforce the I/M program, EPA is proposing to conditionally approve the CO control strategy for Nashville provided that the deficiencies noted above in the transportation control plan are corrected and submitted to EPA by March 1, 1980. Due to the legal procedures for adopting revisions, this length of time is necessary to comply with both the State and EPA requirements.

Nashville (Ozone)—The State has calculated that a 35% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions of 34% will be obtained through the FVMCP and regulations for volatile organic compounds (VOCs) emitted by specific categories of sources by 1982. Since the area will not be able to demonstrate attainment of the ozone standard by December, 1982, they have requested an extension to 1987 to attain the ozone standard. This requires that a transportation control plan including a mandatory inspection and maintenance program be implemented in Nashville/Davidson County. EPA proposes to approve this extension request. For the discussion on Nashville/Davidson County's transportation control plan, please refer to the discussion on the Nashville CO control strategy. The Nashville Metropolitan Health Department has adopted regulations pertaining to those emission limitations and process and equipment specifications necessary to meet the requirement that RACT be applied to these sources. Categorical compliance schedules are included. These regulations are for sources in nine source categories.

Categories of sources controlled by presently adopted regulations include:

(1) surface coating including (a) coil coating (b) paper coating (c) fabric and vinyl coating; (2) metal furniture coating; (3) large appliance surface coating; (4) petroleum liquid storage; (5) bulk gasoline plants; (6) bulk gasoline terminals; (7) gasoline dispensing facility Stage I; (8) solvent metal cleaning; and (9) cutback asphalt.

In addition, the local agency has committed to adopt VOC regulations for additional RACT categories annually as they are developed by EPA. The Control Techniques Guidelines (CTGs) provide information on available air pollution control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the regulations are not supported by the information in the CTGs or the information submitted so far by the State, and the Nashville agency must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs. The noted points are as follows:

(1) The adopted definition of VOC is 1.5 psia instead of the recommended 0.1 mm Hg.

(2) The Stage I requirements for gasoline service stations allow an exemption for stations with throughput of less than 260,000 gallons per year rather than specifying the tank size cutoff as recommended.

Nashville's VOC Regulation includes a provision which exempts Methyl chloroform (1,1,1 trichloroethane). Methyl chloroform (MCF) has been identified as being mutagenic, and is suspected of being carcinogenic, and having a deleterious effect on stratospheric ozone. At a recent conference on the atmospheric chemistry of methyl chloroform and other halocarbon pollutants, researchers reported tropospheric lifetimes for MCF ranging from three to twelve years, sufficient time to allow for significant migration of the chemical to the stratosphere. It was further estimated that, at the current growth projections in the production and use of this chemical, MCF could account for 10–20 percent of the total ozone depletion attributable to chlorofluorocarbons over the next ten years. Significant depletion of stratospheric ozone impairs the ability of this atmospheric layer to filter out harmful ultraviolet radiation. Increases in the amount of this type of radiation reaching the Earth may lead to reduced crop yields as well as increases in human skin cancer. Prior to the above findings, EPA had issued guidance to the States allowing them to exempt this compound. Therefore, EPA will not presently disapprove the SIP if the State chooses to maintain this exemption. The Nashville agency has indicated that they will remove the exemption for this compound whenever EPA identifies it as being harmful or requires its control.

EPA proposes to approve conditionally the ozone control plan submitted for Nashville/Davidson

County provided that the above noted deficiencies in the transportation control plan and the stationary source regulations be corrected by the appropriate officials and submitted to EPA by March 1, 1980.

Memphis (Ozone)—The State has calculated that a 13% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions will be obtained through the FMVCP and statewide regulations for volatile organic compounds (VOC) emitted by large sources—those with potential emissions equal to or in excess of 100 tons per year. The State projects that a 30% reduction will occur by 1982. Therefore, the area should become attainment by early 1981. It is proposed to approve the Memphis ozone plan conditioned upon the State correcting the deficiencies in the VOC regulations noted under the discussion on "Rural Areas", below.

Chattanooga (Ozone)—The State has calculated that a 7% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions will be obtained through the FMVCP and statewide regulations for VOCs emitted by large sources. The State projects that a 27% reduction will occur by 1982. Therefore, the area should become attainment by early 1981. It is proposed to approve the Chattanooga ozone plan conditioned upon the State correcting the deficiencies in the VOC regulations noted under the discussion on "Rural Areas", below.

Rural Areas (Ozone)—Several counties in Tennessee were designated as nonattainment for ozone. As discussed under the section of Ozone Control Strategy in 44 FR 41255 April 4, 1979, the criteria utilized in the review of the part D SIP revisions, EPA's Policy is that only the RACT requirements for VOC sources covered by Control Techniques Guidelines (CTGs) need to be adopted for rural areas. The State of Tennessee has responded and has adopted all the CTGs (applicable Statewide) which EPA had issued by January, 1978 and committed to adopt additional RACT categories as they are developed by EPA. The CTG's provide information on available air pollution control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTG EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the State regulations are not supported by the information in the CTG or submitted so far by the State, and the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTG. The noted points are as follows:

(1) 42,000 gallon tanks are exempted in the petroleum liquid storage requirements instead of the 40,000 gallon (or less) tanks as recommended.

The Stage I requirements for gasoline service stations allow a throughput exemption of 260,000 gallons per year rather than specifying a tank size cutoff as recommended.

The State's VOC Regulation includes a provision which exempts MCF. This exemption is presently acceptable (see discussion on MCF in the Nashville ozone strategy). The State of Tennessee has indicated they will remove the exemption for this compound whenever EPA identifies it as being harmful or requires its control.

EPA proposes to approve conditionally the ozone control plan submitted for the rural nonattainment areas, provided the noted deficiencies in the VOC regulations be corrected and submitted to EPA by March 1, 1980.

172(b)(4) [SIP provisions shall] include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the administrator) of each such pollutant for each such area which is revised and resubmitted as frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a);

Appropriate emissions inventories for TSP, ozone (the inventory is for hydrocarbons which react with sunlight to form ozone), and CO have been submitted. Future reporting requirements for updating inventories annually are included. EPA proposes to approve this aspect of the SIP.

172(b)(5) [SIP provisions shall] expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

There is no identification and quantification of emissions from major new or modified sources. Therefore, offsets under Section 173 of the CAAA will be required for these new sources. The State expects to be able to satisfy the offset requirement also through emissions reductions on other sources, in excess of the reductions needed to provide for reasonable further progress. The mechanism for tracking these reductions and allowing growth in nonattainment areas is provided in Chapter 1200-3-9 of the Tennessee Air Pollution Control Regulations and Section 3-2 of Regulation No. 3 of the Nashville Metropolitan Health Department Air Pollution Control. EPA proposes to approve these portions of the plan.

172(b)(6) [SIP provisions shall] require permits for the construction and operation of new or modified stationary sources in accordance with Section 173 (relating to permit requirements);

The State and Nashville local agency require permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 (1200-3-9-.01(5), Regulation 3-Section 3-2). EPA proposes to approve this portion of the SIP.

172(b)(7) [SIP provisions shall] identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

The State has identified and committed adequate financial and manpower resources necessary to carry out the provisions of this SIP revision. In Section 2.11 (tables 1 and 2), the State has project the amount of manpower and funding which will be expanded through FY 1983 to carry out the requirements of the SIP. EPA proposes to approve this portion of the SIP.

172(b)(8) [SIP provisions shall] contain emission limitations, schedules of compliance and other such measures as may be necessary to meet the requirements of this section;

This revision package contains the necessary emission limitations and schedules of compliance for stationary sources of TSP, VOC and CO sources where appropriate. These provisions have been incorporated into newly adopted Chapters 18 and 19 for the State and Regulation No. 7 for Nashville. Therefore, EPA proposes to approve this portion of the SIP.

172(b)(9) [SIP provisions shall] contain evidence of public, local government, and State legislative involvement and consultation in accordance with Section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (B) a summary of the public comment on such analysis;

Section 174 consultation and involvement with the public and local governments and State legislative involvement is evidenced by a listing of correspondence in the SIP. The State's and Nashville's analysis of the air quality, health, welfare, economic, energy, and social effects of the required

plan provisions and alternatives considered conclude that the impact of the SIP will be beneficial, and EPA proposes to approve this portion of the SIP.

172(b)(10) [SIP provisions shall] include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable documents, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

In the State of Tennessee, the Air Pollution Control Division of the Department of Public Health has full statutory authority for enforcing the SIP revisions submitted. Within Davidson County, the Metropolitan Health Department has the statutory authority for enforcing the SIP revisions submitted. The Tennessee Board of Air Pollution Control on June 28 and the Metropolitan Board of Health, Nashville and Davidson County on March 14, April 11, and June 20, 1979, adopted the necessary regulatory portion of the SIP submitted. Timetables for compliance are addressed in 172(b)(8). EPA proposes to approve conditionally this portion of the SIP (refer to 172(b)(3)).

172(b)(11) [SIP provisions shall] in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a),

(A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis, of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, of modification.

(B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

(C) identify other measures necessary to provide for attainment of the applicable National Ambient Air Quality standard not later than December 31, 1987.

Paragraph 11 of Subsection 172(b) applies to the Nashville nonattainment area for carbon monoxide and ozone. The alternatives analysis for new sources required by subparagraph (A) above has been submitted in the SIP as a revision to the State's permitting regulation (Tennessee Rule 1200–3–9.01[5]). Requirements of paragaphs B and C are also met (see earlier discussion on Nashville CO and ozone). EPA proposes to approve conditionally this portion of the SIP (refer to 172(b)(3)).

In addition to the implementation plan for the nonattainment areas under Part D of the CAAA, the SIP revisions contain changes applicable to other portions of the CAAA. These topics will be dealt with in a separate **Federal Register.**

Proposed Action

Based on the foregoing, EPA is proposing to approve conditionally the SIP under Part D of the CAAA, as it relates to the attainment of TSP standards in Columbia and Nashville; carbon monoxide in Nashville; and ozone throughout the State.

(Section 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: September 6, 1979.

John C. White,

Regional Administrator.

[FR Doc. 79-30388 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1331-5]

Approval and Promulgation of Implementation Plans: Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On July 31, 1979, the U.S. Environmental Protection Agency proposed approval/disapproval of various revisions to the Oklahoma State Implementation Plan (SIP). The revisions were submitted by the Governor to fulfill the requirements of the Clean Air Act, as amended in August 1977 (the Act), for attainment and maintenance of National Ambient Air Quality Standards. In response to requests from the Oklahoma Congressional Delegation for an extension of time for the filing of comments, the comment period is extended to October 15, 1979.

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

ADDRESS: Comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Jerry Stubberfield.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Chief, Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2742.

Dated: September 27, 1979.

Adlene Harrison,

Regional Administrator.

[FR Doc. 79-30532 Filed 10-01-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 55

[FRL 1330-7]

Proposed Delayed Compliance Order for Virginia Electric & Power Co.'s Portsmouth Generating Station

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to issue an administrative order to Virginia Electric and Power Company's Portsmouth Generating Station requiring its Boiler Number 4 at Portsmouth, Virginia to achieve compliance with air pollution requirements under the Virginia State Implementation Plan by June 30, 1982.

DATE: Written comments and requests for a public hearing (and reasons therefore) must be received no later than November 1, 1979.

ADDRESS: All comments and requests for a public hearing should be submitted to: U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. ATTN: Director, Air & Hazardous Materials Division.

FOR FURTHER INFORMATION CONTACT: Mr. Bernard E. Turlinski, Regional Energy Coordinator, Environmental Protection Agency, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106 (215–597–9944).

SUPPLEMENTARY INFORMATION: EPA has developed an administrative order it proposes to issue under section 113(d)(5) of the Clean Air Act ("the Act") 42 U.S.C. 7401 et seq., to the Virginia Electric and Power Company's Portsmouth Generating Station requiring its Boiler Number 4 at Portsmouth, Virginia to achieve compliance with Virginia State Air Pollution Control Board, Section IV, Rules 2 and 3 of the Virginia State Implementation Plan by June 30, 1982. The order would require the Virginia Electric and Power Company's Portsmouth Generating Station to install control equipment according to the schedule set forth below and also contains interim emission reduction requirements, specifies emission limitations, coal pollutant characteristics, and requires

monitoring and reporting of air quality and air pollutant emissions data. If the order is issued, source compliance with its terms will preclude any further EPA enforcement action under section 113 of the Act and any citizens' suits under section 304 of the Act against the source for violations of the Virginia Implementation Plan provisions covered by the order. The purpose of this notice is to invite public comments on whether or not EPA should issue this order under section 113(d)(5) and to offer an opportunity for public hearing, if significant public interest exists, to discuss this issue.

The actual terms of the order, as set forth below, may be modified prior to final EPA issuance. Background information applicable to the Virginia Electric and Power Company's Portsmouth Generating Station may be viewed during normal business hours at the address provided above.

All interested persons are invited to submit written comments on the proposed order. Comments, submitted in person or by mail on or before November 1, 1979, will be considered in determining whether EPA should issue the order. Any person may request a public hearing on the subject order by submitting a request in writing and reasons therefore to the above Regional Office on or before November 1, 1979. If there is significant public interest in holding such a hearing, it will be conducted by the Region III office following 30 days prior notice of the time and place of the hearing.

The Clean Air Act Amendments ("the Amendments") of 1977 have changed the authority of the Administrator to issue extensions of compliance dates to sources which receive orders from the Department of Energy prohibiting the use of oil or gas as a primary energy source under section 2(a) of the Energy Supply and Environmental Coordination Act (ESECA). Such extensions were issued under section 119 of the Clean Air Act ("the Act") as in effect prior to the amendments, and regulations implementing section 119 were codified under 40 CFR Part 55. Section 112 of the Amendments repealed section 119 and added a new Section 113(d) which provides for the issuance of extensions to all sources generally and to prohibited sources specifically [113(d)(5)]. Regulations promulgated in 40 CFR Part 55 under the authority of section 119 are being revised to reflect this statutory change, and any extensions granted under the new authority of 113(d)(5) will be promulgated in Part 55.

The Clean Air Act Amendments of 1977 have changed the ESECA program in four major respects. These changes are:

(1) Sources able to comply with the applicable State Implementation Plan by December 31, 1985 may be eligible for an extension as opposed to the previous date of January 1, 1979;

(2) Extensions are to be provided for via section 113(d)(5), Delayed Compliance Orders, rather than section 119, Compliance Date Extensions;

(3) The regional limitation of old section 119(c)(2)(D) has been made a rebuttable presumption by the new section 113(d)(5)(D); and

(4) Written consent of the Governor of the appropriate State must be obtained on any date EPA proposes to certify to the Department of Energy as the earliest date a prohibited source can convert to coal in compliance with applicable air pollution requirements.

Therefore, if the subject order is issued by EPA, 40 CFR Part 55 would be amended based upon the actual term of Order No. R-III-CC-004 appearing below:

[Order No. R-III-CC-004]

In the matter of the Virginia Electric and Power Company.

This order is issued pursuant to Subsection 113(d)(5) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) ["the Act"]. This order contains a schedule for compliance, interim requirements, monitoring and reporting requirements, and other requirements of this subsection of the Act. Public notice has been provided pursuant to subsection 113(d)(1) of the Act, and a copy of this order has been provided to the Governor of the Commonwealth of Virginia to seek his concurrence.

Findings

On June 30, 1975, Virginia electric and Power Company ("Company") received a Prohibition Order from the Federal Energy Administration ["FEA"] pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792 (Supp. V, 1975), as implemented by 10 CFR Parts 303 and 305 (1976), as amended, 42 FR 23132 (1977). Said order prohibited, upon receipt of a Notice of Effectiveness, any further burning of natural gas or petroleum products as the primary energy source for the Company's Number 4 Boiler.

The Company's Number 4 Boiler was burning petroleum products at the time the FEA Prohibition Order was issued, and if converted to coal, would no longer be in compliance with every applicable air pollution requirement under the Virginia State Implementation Plan ("SIP"). A violation of the annual primary ambient air quality standard for particulate matter in Chesapeake, Virginia resulted in a finding by the United States Environmental Protection Agency ("EPA") that, for purposes of this Order, the Hampton Roads Intrastate Air Quality Control Region is a nonattainment region with respect to particulate matter and that regional limitation was applicable.

The Company, on February 27, 1979, successfully rebutted the statutory limitation on the effectiveness of an order, pursuant to section 113(d)(5)(D), by demonstrating that, upon converting Number 4 Boiler to coal, the source's emissions would have an insignificant effect on the air quality concentrations in that portion of the region where particulate matter is being exceeded. They further demonstrated that conversion to coal would not contribute to the exceedance of the national primary ambient air quality standard for particulate matter in Chesapeake, Virginia. The Company, therefore, formally requested from EPA an order to allow the burning of coal as the primary energy source. After a thorough investigation of the information obtained from all sources, including public comment, the Administrator of EPA has determined that the emission limitations, coal pollution characteristics, and other enforceable measures contained in the order below, satisfy the requirements of subsection 113(d)(5)(B) of the Act. Further, pursuant to subsection 113(d)(5)(B), the Administrator has determined that compliance with the requirements of this order will assure that, during the period of the order before final compliance is achieved, the buring of coal by the source will not result in emissions which will cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

Pursuant to subsection 113(d)(6) of the Act, the Administrator has determined that the schedule for compliance set forth below is as expenditious as practicable.

Finally, pursuant to subsection 113(d)(7) of the Act, the Administrator has determined that the order provides that the source shall use the best practicable system or systems of continuous emission reduction, taking into account the requirement with which the source must ultimately comply, during the period of said order. The source shall also be required to comply with interim requirements, set forth in said order, and determined to be necessary to comply with the requirements of the Virginia State Implementation Plan ("SIP") insofar as the Administrator had determined that the source is able to do so.

Pursuant to subsection 113(d)(5) of the Act, the Administrator has determined that the Company's Number 4 Boiler cannot achieve final compliance with the requirements set forth in this order prior to December 31, 1980. The Administrator, therefore, may issue an additional order to provide time to come into compliance with the applicable air pollution requirements which is determined to be as expeditious as practicable, but in no event later than December 31, 1985.

Order

Therefore, it is hereby ordered:

I. That the Number 4 Boiler of the Portsmouth Generating Station will comply with the requirements of the Virginia SIP, as specified in Section IV, Rule 2 (Effective date: March 17, 1972) and Rule 3 (Effective date: March 17, 1972; amended August 11, 1972) of the federally approved Regulations for the Control and Abatement of Air Pollution in the

Commonwealth of Virginia, as expeditiously as practicable, but in no event later than the dates specified in the following schedule:

A. Not later than April 1, 1980: Enter into contracts for particulate emission controls and other equipment necessary for final compliance.

B. Not later than May 1, 1980: Submit for approval to the EPA Region III, Air and Hazardous Materials Division Director, contracts for continuous particulate emission reduction systems and other equipment necessary for final compliance.

C. Not later than April 1, 1981: Initiate on-site construction or installation of continuous particulate control systems.

D. Not later than April 1, 1982: Complete on-site construction or installation of continuous particulate control systems.

E. Not later than June 30, 1982: Perform emission tests in accordance with 40 CFR Part 60 and submit reports demonstrating final compliance with the Regulations of the Commonwealth of Virginia State Air Pollution Control Board, Section IV, Rules 2 and 3 as approved by EPA.

II. With respect to the schedule increments set out in subparagraphs (A) through (E) of Paragraph I hereinabove, the Company shall notify the Division Director, Air and Hazardous Materials Division, EPA Region III, within ten (10) days after each incremental requirement has been satisfied, or within ten (10) days after the final date set for achieving each such requirement, is such requirement has not been achieved.

III. That the Company's Portsmouth Generating Station ("the source") shall comply with the following interim requirements which are determined to be the best reasonable and practicable interim system of continuous emission reduction (taking into account the requirements or Paragraph I, above), and which are necessary to assure compliance with the federally approved Rules 2 and 3 of Section IV of the Virginia Regulations for the Control and Abatement of Air Pollution, insofar as the source referred to above is able during the period this order is in effect:

A. During the period of the order's effectiveness, prior to the date set for final compliance or the date on which final compliance is achieved (whichever is earlier), the Number 4 Boiler shall not burn coal with an ash content exceeding twelve percent (12%) and a high heating value of less than 12,000 British Thermal Units (BTU's) per pound;

B. During the same period specified in subparagraph A hereinabove, the Number 4 Boiler shall not emit in excess of 2263 pounds of particulate matter per hour at maximum load from Boiler Number 4; and

C. During the same period specified in subparagraph A hereinabove, the Company shall not emit in excess of 492 pounds of particulate matter per hour at maximum load from Boiler Numbers 1, 2 and 3 combined.

The above conditions have been determined by the Administrator to be the best practicable interim system or systems of emission reduction for the period during which this order will be in effect. The conditions of this paragraph are also ordered to meet the requirements of Subsection 113(d)(5)(B) of the Act, and are therefore subject to modification from time to time pursuant to said provision. Any modifications, if made, shall be accompanied by a determination of the Administrator that such modifications continue to meet the best practicable interim system of emission reduction, and other interim requirements of Subsection 113(d)(7) of the Act, or shall include requirements to comply with said subsection.

IV. That the Virginia Electric and Power Company is not relieved by this order from compliance with any requirements imposed by the applicable State Implementation Plan, EPA, and/or the courts pursuant to Section 303 of the Act during any period of imminent and substantial endangerment to the health of persons.

V. That the period of effectiveness of this order shall not include any interval in which a national primary ambient air quality standard for particulate matter is being exceeded, which Virginia Electric and Power is causing or contributing to, in the Hampton Roads Air Quality Control Region. During such intervals, if any, full compliance with standards and limitations of the Virginia Electric and Power Company of said SIP shall be subject to enforcement under any or all authorities of Section 113 of the Act.

VI. That the Virginia Electric and Power Company shall comply with the following emissions monitoring and reporting requirements on or before the dates specified below:

A. Emission Monitoring

1. Within thirty (30) days of the effectiveness of this order, the Virginia Electric and Power Company shall submit to the Director, Air and Hazardous Materials Division, EPA Region III, a proposal for a complete air quality monitoring network to be set up by the Company in the vicinity of the Source. Said network shall include monitors capable of measuring 24-hour average particulate concentrations. EPA Region III may, on its own initiative, direct that continuous sulfur dioxide monitors be located with particulate samplers and operated by the Company.

2. Within ninety (90) days after receiving EPA approval of the network proposed under subparagraph A.1 of this paragraph, said approval including any modifications made in the network by the Director, Air and Hazardous Materials Division, EPA Region III, the Company shall complete installation and begin operation of the EPA-approved network.

3. Within ninety (90) days of the effectiveness of this order, the Company shall submit in writing for his approval to the Director, Air and Hazardous Materials Division, EPA Region III, the methods, procedures and devices the Company intends to use to obtain the information required by subparagraph B of this paragraph.

4. Within thirty (30) days of approval by EPA of the monitoring and information-gathering system proposed under subparagraph A.3 of this paragraph, the Company shall implement such system as may be modified by the Director, Air and Hazardous Materials Division, EPA Region III, in his approval.

5. Within sixty (60) days of commencing the use of coal in the Company's Boiler Number 4, the Company shall perform source testing for particulate emissions using EPA method five (5) as specified in Appendix A of Part 60, Title 40 of the Code of Federal Regulations, as amended. The Company shall perform such tests in a manner approved in writing by EPA Region III and shall provide to the EPA Region III Regional Energy Coordinator a minimum of fifteen (15) days written notice prior to conducting such tests. The Company shall provide to said Regional Energy Coordinator a complete report containing all information pertinent to the performance and results of said stack tests within thirty (30) days of completing such tests.

6. Within thirty (30) days of the effectiveness of this order, the Company shall install and operate a continuous opacity monitor required under subparagraph B.1 of this paragraph.

7. Within sixty (60) days of installation of the continuous opacity monitor required under subparagraph B.1 of this paragraph, the Company shall conduct a Performance Specification Test (PST) in accordance with Performance Specification 1, Appendix B of Part 60, Title 40 of the Code of Federal Regulations. The Company shall notify the Regional Energy Coordinator, EPA, Region III, of the date on which the PST will be conducted at least thirty (30) days prior to such date.

8. Within forty-five (45) days of the PST required under subparagraph A.6 of this paragraph, the Company shall submit a complete report containing all information pertinent to the PST to the Regional Energy Coordinator, EPA Region III.

B. Recordkeeping

1. The Company shall keep monthly records both of air quality monitoring data and of air pollutant emissions, of which records the Company shall submit copies to the EPA Region III Regional Energy Coordinator within fifteen (15) days of the end of each calendar month. Said air pollutant emission records shall detail daily emission for all fuel-burning units of the Company at its Portsmouth Generating Station as determined by application of EPA emission factors and shall at a minimum include:

a. For each fuel-burning unit, a breakdown of the fuel consumed each day of the preceding month;

b. For each fuel-burning unit, an analysis of the fuel consumed each week to include sulfur content, ash content and high heating value; and

c. For the stack-serving Boiler Number four (4) only, a record of the hourly measurement of opacity, acquired by means of a continuous opacity monitoring device. Such a device shall be installed, calibrated, and maintained in accordance with Performance Specification 1 of Appendix B, Part 60, Title 40 of the Code of Federal Regulations.

2. If, for any reason, the Company does not comply or will be unable to comply with the requirements of this Order, the Company shall provide in writing to the Director, Air and Hazardous Materials Division, EPA

Region III, within five (5) days of becoming aware of such situation:

a. A description of the noncompliance and its cause; and

b. The period during which noncompliance has occurred and/or is expected to occur, and the steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

3. If the air quality monitoring data collected by the Company pursuant to Section A of this paragraph indicates that the National Primary Ambient Air Quality Standards for particulates are being exceeded in the area, the Company shall notify the Director, Air and Hazardous Materials Division, EPA Region III, of such occurrence by telephone or letter or other means, within seventy-two (72) hours of the collection of such data.

4. The requirement of subparagraph 3 hereinabove shall apply with respect to monitoring data and the National Ambient Air Quality Standards for Sulfur Dioxide, if such monitoring requirements are imposed pursuant to Section A. of this paragraph.

VII. Nothing herein shall affect the responsibility of Virginia Electric and Power Company to comply with State, local or other federal regulations.

VIII. Virginia Electric and Power Company is hereby notified that its failure to achieve final compliance at its Boiler Number 4 with the applicable particulate emission regulations of the Virginia SIP by June 30, 1982, or such other date as may be specified in a second order pursuant to subsection 113(d) of the Act, if issued, may result in a requirement to pay a noncompliance penalty under Section 120 of the Act. Such requirement may be imposed at an earlier date, as provided by Subsection 113(d) and section 120 of the Act, either in the event that this order is terminated as provided in Paragraph IX, below, or in the event that any requirement of this order is violated as provided in paragraph X, below. In any event, the Company will be formally notified, pursuant to Subsection 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

IX. This order shall be terminated in accordance with Subsection 113(d)(8) of the Act if the Administrator or his delegatee determines, on the record, after notice and hearing, that an inability of the Company to comply with Rules 2 and 3, Section IV of the Virginia Regulations for the Control and Abatement of Air Pollution, as approved by EPA, no longer exists with respect to its Boiler Number 4. In addition, if the Company is able to demonstrate compliance with Rules 2 and 3 prior to June 30, 1982, then this order may be terminated at that earlier date by mutual agreement of the Administrator and the Company.

X. Violation of any requirement of this order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to subsection 113(a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

B. Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of the Virginia SIP in accordance with the preceding paragraph.

C. If a violation occurs, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

XI. This order is effective upon promulgation in the **Federal Register** and after having received concurrence from the Governor of the Commonwealth of Virginia.

Authority: 42 U.S.C. 7413(d).

Dated: September 12, 1979.

Jack Schramm,

Regional Administrator.

[FR Doc. 79-30386 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 250

[FRL 1329-8]

Hazardous Waste and Hazardous Waste Management; Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today making available to the public two final reports, one interim report and one informal report on hazardous waste and hazardous waste management which were completed and published after the close of the comment period on EPA's proposed regulations implementing Sections 3001–3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (43 FR 18506–18512, April 28, 1978, and 43 FR 58946–59022, December 18, 1978). In addition, EPA is also making available to the public several additional responses to the EPA requests for information on hazardous waste which were noticed for public comment on August 22, 1979 (44 FR 49278) and extending the comment period on the two reports (Comparison of Three Waste Leaching Tests: Executive Summary and Background Study on the Development of a Standard Leaching Test) which were also noticed on that same date (44 FR 49277).

DATES: Comments on these reports and letters are due no later than November 13, 1979.

ADDRESSES: Comments should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Communications should identify the regulatory docket or notice number, which is section 3001.

Copies of the reports and letters described in this notice are available for reading at the EPA Public Information Reference Unit (Room 2404) and the Subtitle C Docket Room (Room 2439K), both located at 401 M Street, SW., Washington, D.C., and at all EPA Regional Office libraries during the hours of 9:00 a.m. to 4:30 p.m., Monday through Friday. Copies of the two final reports may also be ordered from Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268, (513) 684–8491. Copies of the other two reports and letters are available from the EPA Docket Clerk at the address indicated below. EPA plans to provide the four reports noticed today free of charge to all who request copies. However, the Agency may charge $0.20 per page for photocopying if the available copies run out.

FOR FURTHER INFORMATION CONTACT: Ken Stacey, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755–9173.

SUPPLEMENTARY INFORMATION: During the development of its proposed Section 3001–3004 regulations, EPA initiated several studies on hazardous waste to obtain additional information on and/or analyze major issues raised by those regulations. In a number of cases, reports of those studies have only recently been finalized or are not scheduled to be finalized until some time between now and the end of the year. The purpose of this notice is to announce the availability of four of those reports for public comments and EPA's intent to make available several additional reports on hazardous waste before December 31, 1979. Announcements regarding the release of other reports will be made in subsequent **Federal Register** notices.

The four reports which EPA is making available to the public today are:

Compilation and Evaluation of Leaching Test Methods (EPA–600/2–78–095)

This recently published final report evaluates the factors to be considered in developing a standardized leaching test, discusses leachate generation, describes and evaluates existing leaching tests, and recommends several tests for further study and evaluation.

Comparison of Three Waste Leaching Tests (EPA–600/2–79–071)

In the study discussed in this final report, EPA ran three leaching tests on 14 different industrial wastes to determine the potential of each test for use as a standard leaching test. A summary of this report and the background study for the report ("Background Study on the Development

of a Standard Leaching Test") were previously noticed for public comment on August 22, 1979 (44 FR 49277).

Toxicity of Leachate: Interim Report

This interim report discusses a study which evaluates the utility of a series of test procedures which were proposed on December 18, 1978 for use in the Section 3001 Regulations. (43 FR 58949, 58956–58957). This study was conducted by the Oak Ridge National Laboratories (ORNL) and the work performed during the period April 1, 1978, through January 1, 1979. In the course of this study, Oak Ridge ran EPA's proposed extraction procedure on several wastes; chemically analyzed the extracts obtained; subjected the extracts to mutagenicity, phytotoxicity and aquatic toxicity bioassays; and evaluated the extraction procedure from an operational standpoint.

C. C. Sun and J. J. McAdams, Assessment of RCRA/EP Test Results on FBC Residue: Part II—Proposed Procedure in Federal Register, December 18, 1978 (May 4, 1979)

This study was prepared by the Westinghouse Research and Development Center, Pittsburgh, Pennsylvania for the Industrial Environmental Research Laboratory (Research Triangle Park), U.S. Environmental Protection Agency, as part of an overall program to evaluate the hazardousness of FBC (fluidized bed combustion) residues. It presents the results of their testing program and some recommendations on EPA's proposed extraction procedure.

In addition to these four reports, EPA is today making available for public comment a number of letters which EPA received in response to the EPA written requests for information on hazardous wastes noticed in the **Federal Register** on August 22, 1979 (44 FR 49278). These responses were received after publication on that notice. Finally, EPA is extending the comment period on the two reports (Comparison of Three Waste Leaching Tests: Executive Summary and Background Study on the Development of a Standard Leaching Test) which were noticed for public comment on August 22, 1979 (44 FR 49277). These reports, due to distribution problems, have not been readily available to the public; therefore, the comment period for these two reports are being extended to allow the public adequate time to review and comment on them.

Comments on these reports and letters should be submitted to EPA no later than forty (40) days after the date of publication of this notice. Because EPA is currently under a court order to promulgate final Section 3001–3004 regulations by December 31, 1979 (*State of Illinois* vs. *Costle*, 12 ERC 1597 (D.D.C. 1979)), a shorter comment period (probably thirty (30) days) may be provided on reports released later this year in order to give EPA adequate time to evaluate and respond to public comments on the reports before those regulations are finalized.

The purpose of making this information available to the public is to comment on the accuracy of the data contained in the reports and letters and the conclusions reached, not to reopen the comment period on EPA's proposed Section 3001–3004 regulations. Commenters should limit the scope of their written submissions accordingly.

Dated: September 21, 1979.

Swep T. Davis, Jr.,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-30495 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1152

National Endowment for the Arts; Nondiscrimination on the Basis of Age

AGENCY: National Endowment for the Arts.

ACTION: Proposed Regulations.

SUMMARY: The National Endowment for the Arts is proposing regulations to carry out its responsibilities under the Age Discrimination Act of 1975, 42 U.S.C. 6101 *et seq.* The proposed regulations are consistent with and reflect standards and procedures included in general government-wide regulations issued by the Department of Health, Education, and Welfare and published in the **Federal Register** June 12, 1979, 44 FR 33768 (1979). The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance. The Act contains exceptions which permit age distinctions and factors other than age to continue in use under certain circumstances. The Act excludes from its coverage most employment practices except for programs funded under the public service employment titles of the Comprehensive Employment and Training Act (CETA). The Age Discrimination in Employment Act (ADEA), administered by the Equal Employment Opportunity Commission continues to be the Federal statute that prohibits employment discrimination for persons between the ages of 40 and 70.

DATE: Comments are invited from other federal agencies and the public. They must be received on or before November 15, 1979.

ADDRESS: Comments should be submitted in writing to Susan Liberman, Assistant to the General Counsel, National Endowment for the Arts, 2401 E Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Garrett M. Johnson, Office of the General Counsel, National Endowment for the Arts, 2401 E Street, NW., Washington, D.C. 20506, 202–634–6588.

SUPPLEMENTARY INFORMATION:

Background

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act contains exceptions which limit the general prohibition against age discrimination. The Act permits the use of age distinctions which are necessary to the normal operation of a program or to the achievement of a statutory objective. It also permits actions based on reasonable factors other than age. In accordance with section 304(a)(1) of the Act, the Secretary of the Department of Health, Education, and Welfare (HEW) was required to issue government-wide regulations to guide the development of agency specific regulations by each Federal agency that administers programs of Federal financial assistance. Final government-wide regulations were published in the **Federal Register** June 12, 1979, 44 FR 33708 (1979). It should be noted that under the Age Discrimination Act the prohibition of age discrimination was to become effective upon the issuance of agency regulations. According to HEW, the effective date of the Act will be July 1, 1979, the effective date of HEW government-wide regulations.

Section 90.31(b) of the HEW government-wide regulations required Federal agencies with statutory authority to extend Federal financial assistance to issue proposed agency regulations applicable to the specific programs and activities administered by that agency.

In addition to publishing specific regulations consistent with HEW government-wide regulations, the following actions are required to be taken by the Endowment in connection with implementation of the Act.

1. An appendix is required to be included in Endowment regulations listing all age distinctions which appear in Federal statutes and regulations and

affect the agency's programs of financial assistance. A review of the National Foundation on the Arts and the Humanities Act of 1965, as amended, 20 U.S.C. 951 *et seq.*, and Endowment regulations reveals no statutory age distinctions used by the Endowment in the administration of agency programs.

2. As a second step in the public information process, the Endowment must review any age distinctions it imposes on its recipients by regulation or by administrative action in order to determine whether these distinctions are permissible under the Act. This review must be completed within 12 months after publication of agency final regulations and must be published for public comment in the **Federal Register.**

3. The Act requires the Endowment to report annually to the Congress through HEW on its compliance and enforcement activities.

4. The Endowment is required to provide written notices to each recipient of the recipient's obligations under the Act, to provide technical assistance to recipients where necessary, and to make available educational materials explaining the rights and obligations of beneficiaries and recipients.

5. The Endowment is required to establish a procedure for processing complaints of age discrimination. The complaint handling procedure must include an initial screening by the Endowment and notice to complainants and recipients of their rights and obligations in the complaint process. All complaints which fall within the coverage of the Act will be referred to a mediation process managed by the Federal Mediation and Conciliation Service (FMCS).

6. The Endowment must review the effectiveness of its regulations 30 months after their effective date. The review is to be published in the **Federal Register** with an opportunity for public comment.

Summary of Proposed Regulation

The Endowment's proposed regulations are divided into four subparts: Subpart A—General; Subpart B—Standards for Determining Age Discrimination; Subpart C—Responsibilities of Endowment Recipients; Subpart D—Investigation, Conciliation, and Enforcement Procedures.

Subpart A of the proposed regulations explains the purpose of the Endowment's age discrimination regulations and sets forth general definitions. Section 1152.3(h) defines the term "recipient." As indicated, recipient includes any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient including any successor, assignee, or transferee of a recipient. It should be noted that the ultimate beneficiary of the assistance is excluded from the definition of recipient. This language points out the inapplicability of these regulations to assistance programs administered directly by the Federal government to beneficiaries, e.g., individual fellowship award programs. However, with respect to direct assistance programs, the regulations may apply whenever direct aid is provided to an individual on condition that the aid be spent in providing services or benefits to others.

The general and specific prohibitions against discrimination on the basis of age (§ 1152.7) as well as the exceptions to those prohibitions are set forth in Subpart B (§ 1152.8). As a general rule, under the regulations, no person in the United States shall, on the basis of age, by excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Endowment financial assistance.

The Act contains several exceptions which limit the general prohibition against age discrimination. Section 304(b)(1) of the Act permits the use of age distinctions which are based on reasonable factors other than age. The regulations provide definitions for two terms which are essential to an understanding of those exceptions: "Normal operation" and "statutory objective" (§ 1152.8). "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives. "Statutory objective" is defined to mean any purpose which is explicitly stated in a Federal statute, State statute or local statute or ordinance.

The regulations establish a four part test, all parts of which must be met for an explicit age distinction to satisfy one of the statutory exceptions and to continue in use in a Federally assisted program. This four part test will be used to scrutinize age distinctions which are imposed in the administration of Endowment assisted programs, but which are not explicitly authorized by a Federal, State or local statute.

Recipients of Endowment funds also are permitted to take an action otherwise prohibited by the Act, if the action is based on "reasonable factors other than age." In that event, the action may be taken even though it has a disproportionate effect on persons of different ages. However, according to the regulations (§ 1152.8(c)), the factor other than age must bear a direct and substantial relationship to the program's normal operation or to the achievement of a statutory objective.

General illustrative application of these basic principles to Endowment supported programs and activities are set forth in § 1152.10 of the proposed regulations.

Subpart C sets forth the duties of Endowment recipients. Endowment recipients are responsible for ensuring that their programs and activities are in compliance with the Act and Endowment regulations.

Where an Endowment recipient passes on financial assistance to subrecipients, the recipient must notify subrecipients of their obligations under the regulations (Section 1152.12). Each recipient and each subrecipient would be required to complete a one-time written self-evaluation of its compliance with the proposed regulations. The self-evaluation must be kept on file for three years from the effective date of the regulations and made available to the public upon request.

Subpart D of the proposed regulations establishes the procedures for investigation, conciliation, and enforcement of the Act. This Subpart closely reflects the procedural requirements included in HEW's government-wide regulations.

Section 1152.17 introduces mediation into the complaint process for age discrimination. The Endowment will refer all complaints of discrimination under the Act to the Federal Mediation and Conciliation Services (FMCS), which was designated by the Secretary of HEW to manage the mediation process.

Complainants and recipients are required to participate in the effort to reach a mutually satisfactory mediated settlement of the complaint. Mediation may last no more than 60 days from the date the Endowment first receives the complaint. No further action will be taken by the Endowment in connection with a successfully mediated complaint. The Endowment will, however, investigate complaints that are unresolved after mediation or are reopened because the mediation agreement is violated.

Finally, the regulations permit the Endowment to disburse withheld funds to an appropriate alternate recipient. The alternate recipient must be in compliance with the regulations and must demonstrate the ability to achieve the goals of the Endowment's enabling

legislation and applicable program guidelines.

In consideration of the foregoing, it is hereby proposed to add Part 1152 to Title 45 of the Code of Federal Regulations to read as set forth below.

Dated: September 25, 1979.

Livingston L. Biddle, Jr.,

Chairman, National Endowment for the Arts.

PART 1152—NONDISCRIMINATION ON THE BASIS OF AGE

Subpart A—General

Sec.
1152.1 Purpose.
1152.2 Application.
1152.3 Definitions.
1152.4–1152.6 [Reserved].

Subpart B—Standards for Determining Discriminatory Practices

1152.7 Rules against age discrimination.
1152.8 Exceptions to the rules against age discrimination.
1152.9 Burden of proof.
1152.10 Illustrative examples.

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Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; 45 CFR Part 90.

Subpart A—General

§ 1152.1 Purpose.

The purpose of this part is to implement the Age Discrimination Act of 1975, as amended. The Age Discrimination Act of 1975, as amended, is designed to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also permits federally assisted programs and activities, and recipients of Federal funds to continue to use certain age distinctions and factors other than age which meet the requirements of the Act and these regulations.

§ 1152.2 Application.

(a) This part applies to each recipient of financial assistance from the National Endowment for the Arts and to each program or activity that receives or benefits from such assistance.

(b) These regulations do not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1975 (CETA), (29 U.S.C. 801 *et seq.*).

§ 1152.3 Definitions.

As used in these regulations, the term:

(a) "Act" means the Age Discrimination Act of 1975, as amended, (Title III of Pub. L. 94–135).

(b) "Action" means any act, activity, policy role, standard, or method of administration; or the use of any policy, role, standard, or method of administration.

(c) "Age" means how old a person is, or the number of years from the date of a person's birth.

(d) "Age distinction" means any action using age or any age-related term.

(e) "Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

(f) "Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, 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 property including:

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

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

(g) "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 entity, or any person to which Federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

(h) "Sub-recipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A sub-recipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

(i) "Endowment" means the National Endowment for the Arts.

(j) "Chairman" means the Chairman of the National Endowment for the Arts.

(k) "FMCS" means the Federal Mediation and Conciliation Service.

§§ 1152.4–1152.6 [Reserved]

Subpart B—Standards for Determining Discriminatory Practices

§ 1152.7 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in § 1152.8.

(a) General rule. No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) Specific rules. A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under a program or activity receiving Federal financial assistance; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 1152.8 Exceptions to the rules against age discrimination.

(a) *Definitions.* For purposes of this section, the terms "normal operation" and "statutory objective" shall have the following meaning:

(1) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(2) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by any elected, general purpose legislative body.

(b) *Normal operation or statutory objective of any program or activity.* A recipient is permitted to take an action otherwise prohibited by § 1152.7, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(1) Age is used as a measure or approximation of one or more other characteristics; and

(2) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(3) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(4) The other characteristic(s) are impractical to measure directly on an individual basis.

(c) *Reasonable factors other than age.* A recipient is permitted to take an action otherwise prohibited by § 1152.7 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 1152.9 Burden of proof.

The burden of proving that an age distinction or other action falls within the exceptions outlined in § 1152.8(b) and (c) is on the recipient of Federal financial assistance.

§ 1152.10 Illustrative examples.

The following examples will illustrate the application of the foregoing provisions to some of the activities funded by the National Endowment for the Arts:

(a) The Endowment's Artists-in-Schools Program places professional artists in elementary and secondary schools to work and demonstrate their artistic disciplines. The primary purpose of the program is to enhance among children the powers of perception and self-expression, and to help them communicate creatively with tools and skills they otherwise might not develop. Primary responsibility for administering the Artists-in-Schools Program belongs to State Arts Agencies and designated cooperating organizations in coordination with State Education Agencies. Participation in the Program is limited to children attending elementary and secondary schools. Although this factor might have a disproportionate effect on persons of different ages, under § 1152.8(c) of the regulations State Arts Agencies may impose this limitation since the factor bears a direct and substantial relationship to the normal operation of the program, i.e., the operation of the program without significant changes that would impair its ability to meet its objectives.

(b) The Endowment's Theatre Program provides support for professional theatre groups engaged primarily in the production of dramatic material for audiences ages five through 15. This Program category was established in response to the needs of the many existing children's theatres. It was believed that support for children's theatre would broaden the audience served by recipients of the Theatre Program and would assist in the development of quality works for children. The age criterion included in Theatre Program guidelines relates to the subject matter of the theatrical works to be produced rather than to eligibility requirements for participation in the Program. This Program is designed to include not exclude larger audiences and therefore would not contravene the general specific prohibitions against age discrimination included in § 1152.7 of the regulations.

(c) The Museum Program's Formal Training Programs provide matching grants to organizations for graduate level programs in curatorial training, museum administration or museum education conducted jointly by museums and universities. The graduate level eligibility criterion would not necessarily have the effect of disproportionately limiting participation in the program on the basis of age. Consequently, graduate level eligibility would not appear to be an age related factor requiring justification under the regulations.

Subpart C—Responsibilities of Endowment Recipients

§ 1152.11 General responsibilities.

Each Endowment recipient has primary responsibility for ensuring that its Endowment supported programs and activities are conducted in a manner consistent with the Age Discrimination Act and Endowment regulations.

§ 1152.12 Notices to subrecipients.

Where a recipient passes on Federal financial assistance from the Endowment to subrecipients, the recipient shall provide the subrecipients with written notice regarding the subrecipients obligations under these regulations.

§ 1152.13 Self-evaluation.

(a) Each recipient shall complete a one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of this section. The self-evaluation shall identify and justify each age distinction imposed by the recipient.

(b) Each recipient shall take corrective and remedial action whenever a self-evaluation indicates a violation of these regulations.

(c) Each recipient shall make the self-evaluation available on request to the Endowment and to the public for a period of three years following its completion.

§ 1152.14 Information requirements.

Each recipient shall:

(a) Make available upon request to the Endowment information necessary to determine whether the recipient is complying with these regulations.

(b) Permit reasonable access by the Endowment to the books, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether the recipient is in compliance with these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 1152.15 Compliance reviews.

The Endowment may conduct compliance reviews and pre-award reviews of recipients in order to investigate and correct violations of these regulations. In the event a compliance review or pre-award review indicates a violation of these regulations, the Endowment will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, enforcement efforts will proceed as described in § 1152.20 of these regulations.

§ 1152.16 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with the Endowment, alleging discrimination prohibited by these regulations based on an action occurring on or after July 1,

1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause, the Endowment may extend this time limit.

(b) The Endowment will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(2) Notifying the complainant and the recipient of their rights under the complaint procedure, including the right to have a representative at all stages of the complaint procedure.

(3) Notifying the complainant and the recipient (or their representatives) of their right to contact the Endowment for information and assistance regarding the complaint resolution process.

§ 1152.17 Mediation.

(a) Referral of complaints for mediation. The Endowment will refer to the Federal Mediation Service all complaints that:

(1) Fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before the Endowment will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the Endowment. The Endowment will take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) The Endowment will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time the Endowment receives the complaint; or

(2) Prior to the end of that 60 day period, an agreement is reached; or

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to the Endowment.

§ 1152.18 Investigation.

(a) *Informal investigation.* (1) The Endowment will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, the Endowment will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable to the parties. The Endowment may seek the assistance of any involved State program agency.

(3) The Endowment will put any agreement in writing and have it signed by the parties and an authorized official at the Endowment.

(4) The settlement shall not affect the operation of any other enforcement effort of the Endownment, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If the Endowment cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, the Endowment will attempt to obtain voluntary compliance. If the Endowment cannot obtain voluntary compliance, it will begin enforcement as described in § 1152.20.

§ 1152.19 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the Endowment's investigation, conciliation and enforcement process.

§ 1152.20 Compliance procedure.

(a) The Endowment may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from the Endowment under the program or activity involved where the recipient has violated the Act and these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not involve termination of a recipient's Federal financial assistance from the Endowment.

(2) Any other means authorized by law including, but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) The Endowment will limit any termination under § 1152.20(a)(1) to the particular recipient and particular program or activity the Endowment finds in violation of these regulations. The Endowment will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from the Endowment.

(c) The Endowment will take no action under paragraph (a) of this section until:

(1) The Chairman has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Chairman has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Chairman will file a report whenever any action is taken under paragraph (a) of this section.

(d) The Chairman also may defer granting new Federal financial assistance from the Endowment to a recipient when a hearing under § 1152.20(a)(1) is initiated.

(1) New Federal financial assistance from the endowment includes all assistance for which the Endowment requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance from the Endowment does not include

increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 1152.20(a)(1).

(2) The Endowment will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under § 1152.20(a)(1). The Endowment will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Chairman. The Endowment will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

§ 1152.21 Remedial and affirmative action by recipients.

(a) Where the Chairman finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the Chairman may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the Chairman may require both recipients to take remedial action.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children in addition to persons of other ages, provides special benefits to the elderly or to children the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

§ 1152.22 Alternate funds disbursal procedure.

(a) When the Endowment withholds funds from a recipient under these regulations, the Chairman may disburse the withheld funds directly to an alternate recipient.

(b) The Chairman will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Endowment's enabling legislation and applicable program guidelines.

§ 1152.23 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and the endowment has made no finding with regard to the complaint; or

(2) The Endowment issues any finding in favor of the recipient.

(b) If the Endowment fails to make a finding within 180 days or issues a finding in favor of the recipient, the endowment will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

[FR Doc. 79-30528 Filed 10-01-79; 8:45 am]
BILLING CODE 7537-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL 1332-2]

National Ambient Air Quality Standards; Review of Criteria and Standards for Particulate Matter and Sulfur Oxides

AGENCY: Environmental Protection Agency.

ACTION: Notice of Decisions Regarding Revision of Criteria and Review of Standards for Particulate Matter and Sulfur Oxides.

SUMMARY: This notice announces EPA's decision to revise the criteria documents for particulate matter and sulfur oxides underlying the national ambient air quality standards for those pollutants, and to complete such revisions and any appropriate revision of the ambient standards themselves by December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph Padgett, Director, Strategies and Air Standards Division (MD-12), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5204; or Dr. Lester D. Grant, Director, Environmental Criteria and Assessment Office (MD-52), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2266.

SUPPLEMENTARY INFORMATION: On April 30, 1971, the Environmental Protection Agency published in the **Federal Register** (42 FR 8186) National Ambient Air Quality Standards for particulate matter (40 CFR 50.6 and 50.7) and for sulfur oxides (40 CFR 50.4 and 50.5). The scientific, technical, and medical basis for these standards is contained in air quality criteria documents published by the U.S. Department of Health, Education and Welfare in January, 1969 (particulate matter, AP-49; sulfur oxides, AP-50).

In 1976, as a result of internal agency review of criteria for these pollutants and the recommendations of a committee of EPA's Science Advisory Board, the decision was made to revise the criteria documents for particulate matter and sulfur oxides. The review of health and welfare effects criteria and the resulting decision to revise were made pursuant to Section 108(c) of the Clean Air Act (42 U.S.C. 7408(c)), which provides in part that "The Administrator shall from time to time review, and, as appropriate, modify, and reissue any criteria . . . issued pursuant to this section." The review of criteria consisted of analyzing the results of research undertaken by EPA, and evaluating scientific literature and health effects data which had accumulated since publication of the original criteria documents. The process of criteria revision was scheduled to occur during 1979-1980, because of the competing priorities of other criteria documents which also required revision, and the need to complete additional research on particulates and sulfur oxides. At that time the Clean Air Act specified no dates for the completion of criteria review or revision. Accordingly, the schedules for revision of the various criteria documents were established on

the basis of the best judgment of the Administrator.

In 1977, amendments to the Clean Air Act provided that a thorough review of criteria and standards, and such revisions as may be appropriate, shall be completed by December 31, 1980. (Clean Air Act Section 109(d)(1); 42 U.S.C. 7409(d)(1)). In response to this specific requirement, the Agency established May, 1980, as a target date for completion of revised criteria documents for particulate matter and sulfur oxides.

On June 13, 1979, I formally approved Development Plans for particulate matter and sulfur oxides. The Development Plans provide a summary of Agency schedules and actions regarding the review and revision of the criteria for these pollutants. Also set forth are schedules and actions for the review of the corresponding ambient air quality standards, and if appropriate the proposal and promulgation of revised standards. Copies of the Development Plans can be obtained on request from Joseph Padgett, Director of the Strategies and Air Standards Division, at the address referenced above for further information.

Work on a revised combined criteria document for particulate matter and sulfur oxides is now in progress and has been among the highest priorities of the Agency's Environmental Criteria and Assessment Office since mid-1978. Such revision necessarily entails the thorough additional review of criteria as contemplated in Section 109(d)(1) of the Clean Air Act. EPA anticipates that an external review draft of the combined criteria document for particulate matter and sulfur oxides will be made available for public comment later this year, and a notice of its availability will be published in the **Federal Register** at that time. A draft of the document will also be reviewed by an independent scientific advisory committee of the Agency's Science Advisory Board in a public meeting, the time and place of which will be announced in the **Federal Register.**

If any revised standards are to be proposed, they would be based on, and announced concurrently with, the final revised criteria document. The Development Plans specify December of 1980 for the final promulgation of any revised standards. Regardless of whether the Agency proposes to revise or to retain the existing standards for particulate matter and sulfur oxides, I have decided to follow the rulemaking procedures specified in Section 307(d) of the Clean Air Act (42 U.S.C. 7607(d)) in the review of these particular standards. The Section 307(d) procedures provide for extensive public participation in the decisionmaking process.

The purpose of this Notice is to announce the decision to revise, and the schedules for revision of, the criteria documents for particulate matter and sulfur oxides. Revision will occur in the context of the criteria and standard review process as set forth in the Development Plans discussed above. I have decided that it would not be advisable or feasible to accelerate issuance of the combined criteria document or the review and possible revision of standards. In so deciding, I have considered alternative schedules for completing the combined revised criteria document, the availability of resources needed to complete the document, and legal requirements that the document be reviewed by the public and by the independent scientific advisory committee mentioned above. I am also mindful of the importance of producing the best possible document to be used as a basis for reviewing and possibly revising standards which are of critical importance to the health and economy of the nation. For these reasons, I have decided to complete the revision of the criteria for particulate matter and sulfur oxides, and review and possible revision of the corresponding standards, by December 31, 1980.

Because EPA's national ambient air quality standards are the basis for all state implementation plans under section 110 of the Clean Air Act (42 U.S.C. 7410) and are of nationwide applicability and significance, I consider my decisions announced today with regard to review and revision of the criteria and standards for particulate matter and sulfur oxides, and the schedules for completing such review and revision, to be nationally applicable final actions for purposes of Section 307(b)(1) of the Clean Air Act (42 U.S.C. 7607(b)(1)).

Dated September 27, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79-30665 Filed 10-1-79; 11:02 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 44, No. 192
Tuesday, October 2, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking and Public Information; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:00 a.m., on Monday, October 22, 1979, in the library of the Administrative Conference, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to further consider proposed recommendations on the subject of the Federal Trade Commission's administration of its expense reimbursement program. These recommendations were published at 44 FR 55219 (September 25, 1979).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance of the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information, contact Stephen Babcock (202–254–7020). Minutes of the meeting will be available on request.

Richard K. Berg,

Executive Secretary.

September 26, 1979.

[FR Doc. 79-30511 Filed 10-1-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

Recalls of Meat and Poultry Products, Notice of Staff Reorganization; Notice of Availability of FSQS Directive

On June 12, 1975, a memorandum of understanding between the Federal Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) was published in the **Federal Register** (40 FR 25079) concerning recalls by FDA of food products for human consumption. The memorandum sets forth the working arrangements to be followed in carrying out respective responsibilities when such a recall is initiated.

Due to USDA reorganization, the following staffs are now responsible for maintaining liaison with FDA: The Evaluation and Enforcement Division, Compliance Program, Food Safety and Quality Service (FSQS) ((202) 447–3317), is the primary liaison for operational matters concerning recalls between both agencies. Secondary liaison for technical matters will be maintained by the Epidemiology Branch, Pathology and Epidemiology Division, Science Program, FSQS ((301) 344–2003).

In certain cases not contemplated by the memorandum of understanding, meat and meat food products or poultry and poultry products may be voluntarily recalled. For instance, when a manufacturer or distributor believes that products which have been distributed are adulterated or misbranded, it may voluntarily recall the products from commerce. In addition, when FSQS believes that adulterated or misbranded products are in commerce, the Deputy Administrator, Compliance Program, FSQS, may request a firm to make a voluntary recall.

To maintain the objectives similar to those specified in the memorandum of understanding, FSQS has issued internal instructions (FSQS Directive 8080.1) designating actions and delegating responsibilities for monitoring voluntary recalls.

FSQS Directive 8080.1 is available for public inspection and copying. Interested persons should contact the Coordinator, Freedom of Information Act, Room 3805, South Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on: September 26, 1979.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 79-30456 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-DM-M

COMMISSION ON CIVIL RIGHTS

Appointments of Individuals To Serve as Members of the Performance Review Board—Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4) requires that the appointments of individuals to serve as members of performance review boards be published in the **Federal Register.** Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the U.S. Commission on Civil Rights for the rating year beginning October 1, 1979, and ending September 30, 1980.

Name and title

John Hope III—Deputy Staff Director, USCCR

Harriett Jenkins—Director of Equal Employment Programs, NASA

Alfredo Matthew—Director, Office of Government Employment, EEOC

Bert Silver—Assistant Staff Director for Administration, USCCR

Eileen Stein—General Counsel, USCCR

Louis Nunez,

Staff Director.

September 26, 1979.

[FR Doc. 79-30411 Filed 10-1-79; 8:45 am]

BILLING CODE 6335-01-M

Delaware Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Delaware Advisory Committee (SAC) of the Commission will convene at 12:00p and will end at 4:30p, on October 16, 1979, the State Administration Building, Route 113, South Conference Room, Dover, Delaware.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic

Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to followup advisory committee business on state government affirmative action, New Castle County school suspensions, and expulsions, plan Omega's hospital relocation, and housing and employment issues.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 27, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc 79-30525 Filed 10-01-79; 8:45 am]

BILLING CODE 6335-01-M

Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 6:30p and will end at 9:30p, on October 23, 1979, at the Ramada Inn, 1900 North Fort Myer Drive, Board Room—1st Floor, Arlington, Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss planning for fiscal year 1979–80 activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 27, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-30524 Filed 10-1-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Advisory Committee on East-West Trade; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Advisory Committee on East-West Trade will be held on Wednesday, October 10, 1979 at 9:30 a.m., in Room 4830, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., 20230.

The Committee was established on February 11, 1974 to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries. The Committee currently has 19 members.

The Committee meeting agenda has two parts:

General Session, Room 4830

Morning 9:30 a.m.–12:30 p.m.

(1) Welcome and Opening Remarks by Chairman Ottmar.

(2) Remarks on U.S.-PRC Maritime Agreement.

(3) Review of Developments in East-West Trade.

(4) Update on U.S.-PRC Commercial Relations.

(5) Committee Views on Implications of PRC Investment Law for U.S.-PRC Trade.

(6) Committee Views on Sensitive Imports from Communist Countries.

(7) Committee Views on Third Country Cooperation with the Communist Countries.

Executive Session, Room 4830

Afternoon 2:00 p.m.–3:00 p.m.

(8) Committee Recommendations on Policies for U.S. Commercial Relations with the U.S.S.R. and the PRC in 1980's.

The General Session of the meeting will be open to public observation. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis.

A period will be set aside for oral comments on questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

With respect to agenda item (8), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 26, 1979 pursuant to Section 10 (d) of the Federal Advisory Committee Act, as amended by Section 5 (c) of the Government in the Sunshine Act Pub. L. 94–409, that the matters to be discussed under agenda item (8) should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because it will be concerned with matters listed in 5 U.S.C. 552b (c)(9)(B), i.e., premature disclosure would be likely to significantly frustrate implementation of a proposed agency action.

Copies of minutes of the open portion of the meeting will be available 30 days after the meeting upon written request addressed to the Industry and Trade Administration, Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Ms. JeNelle Matheson, Committee Control Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230, telephone (202) 377–2498.

The complete Notice of Determination to close the aforementioned portion of the October 10 meeting of the Advisory Committee on East-West Trade is hereby published.

This meeting is being called on short notice because rapidly evolving U.S. relations with the PRC and the U.S.S.R. have necessitated making last minute changes in the program.

Dated: September 28, 1979.

Kempton B. Jenkins,

Deputy Assistant Secretary for East-West Trade.

DEPARTMENT OF COMMERCE

Office of the Assistant Secretary for Administration

Advisory Committee on East-West Trade; Notice of Determination

The Secretary of Commerce, having determined that it is in the public interest in connection with the duties imposed on the Department by law, initially established the Advisory Committee on East-West Trade ("the Committee") on February 11, 1974, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (1976). In December 1978, with the concurrence of the General Services Administration, the Committee's charter was renewed until December 5, 1980. Authorized membership of the Committee is approximately 20, with a current membership of 19.

The Committee provides advice on ways to promote, facilitate and coordinate the expansion of two-way trade with the Soviet Union, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, the People's Republic of China, and certain other areas of the world with similar economic/political structures, so as to contribute materially to a more positive balance of trade and payments situation.

The Committee may identify and make recommendations concerning current and proposed government policies and programs relating to the promotion and expansion of such trade; advise on the development of future government plans and actions directed at promoting and increasing such trade and improving trading relations; advise on ways U.S. firms could enter this trade on expand existing trade programs and activities; advise on problems encountered by U.S. business in pursuing such trade and recommend solutions; and provide a forum for business, the academic community and government to discuss problems and issues in the field of East-West trade.

The Committee's activities are conducted pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552(c).

5 U.S.C. 552b (c)(9)(B) provides that agency meetings or portions thereof may be closed to the public where the premature disclosure of information discussed at such meetings is likely to significantly frustrate implementation of a proposed agency action.

Portions of the September 28, 1977, September 27, 1978, December 13, 1978, April 18, 1979 and June 27, 1979 meetings have previously been closed to the public in accordance with 5 U.S.C. 552b (c)(9)(B) to discuss U.S. Government negotiating positions on (1) the CSCE Review of Basket II negotiating provisions of the Helsinki Final Act, (2) future U.S.-Soviet trade in light of validated licensing controls imposed on exports of oil and gas-related equipment to the U.S.S.R., (3) U.S.-P.R.C. Trade and Economic Agreements, and (4) U.S.-Soviet commercial relations.

The U.S. Government is currently continuing to develop its negotiating positions on several issues in its commercial relations with the U.S.S.R. and the P.R.C. Although the United States has discussed these issues wih both countries, negotiations are continuing. In order to provide advice to the Department under the terms of its charter, on October 10, 1979 from 2:00 p.m. to 3:00 p.m. the advisory Committee on East-West Trade will make recommendations on key issues in U.S. commercial relations with China and the Soviet Union to be resolved in future negotiations. Advice and information received from the Committee at this meeting will subsequently be used by the department in formulating and implementing U.S. negotiating positions. Premature public disclosure of this information and advice would be likely to significiantly frustrate implementation of effective U.S. Government negotiations on these commercial matters.

Accordingly, I hereby determine, puruant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the portion of the Committee meeting scheduled from 2:00 p.m.-3:00 p.m. on October 10, 1979 which will address matters discussed in the preceding paragraph, shall be exempt from the provisions of Section 10(a) [1) and (a)[3) relating to open meetings and public partcipation therein, because the aforementioned Committee discussions will be concerned with information listed in 5 U.S.C. 552b (c)(9)(B) in that the premature disclosure of this information would be likely to significantly frustrate implementation of effective U.S. negotiations. U.S. negotiating positions have not been and are not required to be disclosed to the public prior to negotiations.

Remaining portions of the meeting will be open to the public.

Dated: September 26, 1979.

Guy W. Chamberlin, Jr.

Assistant Secretary for Administration.

Dated: September 26, 1979.

Alfred Meisner,

Assistant General Counsel for Administration.

[FR Doc. 79-30530 Filed 10-1-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact Leon Snead, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, NW, Washington, DC 20461, telephone number 202-254-6990.

Firm name	Firm address	Audit date
Abney Amoco	6300 Georgia Ave., NW., Washington, DC 20011.	8/15/79
Drazin Amoco	2600 14th St., NW., Washington, DC 20009.	7/26/79
Harris Amoco Service	33rd St. & South Dakota Ave., Washington, DC 20018.	8/1/79
Martin Shell	1001 Bladensburg Ave., NE., Washington, DC 20002.	8/8/79
Taylor Sunoco	4439 Wheeler Road, Oxon Hill, MD 20021.	8/8/79
New Carrollton Shell	8309 Annapolis Road, New Carrollton, MD 20784.	8/13/79
Kaywood Exxon	4501 Eastern Ave., Mt. Rainier, MD 20822.	8/13/79
Palmer's Texaco	6101 George Palmer Highway, Seat Pleasant, MD 20027.	8/8/79
Ahn Texaco	4934 Marlboro Pike, Coral Hills, MD 20027.	8/9/79
Cost-Plus Amoco	9501 Lanham-Severn Rd., Seabrook, MD 20801.	8/13/79
Orleans Exxon	1921 Orleans Street, Baltimore, MD 21231.	8/6/79
Slade American	Reisterstown Rd. & Slade Ave., Pikesville, MD 21208.	8/6/79
Paul's Gulf Service	2410 Lee Highway, Arlington, VA 22231.	8/6/79
Seat Pleasant Amoco	5818 George Palmer Highway, Seat Pleasant, MD 20027.	8/8/79
Fort Dupont Shell	4107 Alabama Ave., SE., Washington, DC 20019.	8/6/79
Georgetown European	3601 M Street, NW., Washington, DC 20007.	8/7/79
Patrick Amoco	306 Rhode Island Ave., NW., Washington, DC 20001.	8/7/79
Hillcrest Shell Service	2721 Naylor Road, Washington, DC 20020.	8/8/79
Anacostia Exxon	2255 Martin Luther King Ave., SE., Washington, DC 20020.	8/6/79
Johnson's Texaco	13th & Good Hope Rd., SE., Washington, DC 20020.	8/6/79
Branch Ave. Exxon	3201 Pennsylvania Ave., SE., Washington, DC 20020.	8/6/79
Pennsylvania Avenue Sunoco	2305 Pennsylvania Ave., SE., Washington, DC 20020.	8/6/79
Wilson Exxon	900 11th Street, SE., Washington, DC 20003.	8/6/79
Georgia Avenue Shell	4140 Georgia Ave., Washington, DC 20011.	8/7/79
Shell Service	2100 S. Dakota Ave., NE., Washington, DC 20018.	8/7/79
Memorial Exxon	1414 King St., Alexandria, VA 22314.	8/15/79
Lee-Hi Shell	5030 Lee Highway, Arlington, VA 22207.	8/22/79
Blvd. Gulf Service	4885 MacArthur Blvd., NW., Washington, DC 20016.	8/9/79
Stadium Amoco	500 E. 33rd St., Baltimore, MD 21218.	4/4/79
Tenley Sunoco	4530 Wisconsin Ave., NW., Washington, DC 20016.	8/29/79
Georgia Ave. Sunoco	5410 Georgia Ave., NW., Washington, DC 20011.	8/23/79

Issued in Washington, DC on the second day of September, 1979.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 79-30405 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

Delegation of Functions by the Secretary of Energy to the Administrator of the Economic Regulatory Administration and to the Federal Energy Regulatory Commission

AGENCY: Department of Energy.

ACTION: Notice of delegations.

SUMMARY: Notice is hereby given of amended delegations by the Secretary of Energy to the Administrator of the Economic Regulatory Administration (ERA) and to the Federal Energy Regulatory Commission (FERC). The delegations transfer to the FERC the Secretary's authority under the Department of Energy Organization Act in the *Pac Indonesia* liquefied natural gas (LNG) import case to approve or disapprove applications to build and operate LNG receiving facilities at Point Conception, California. ERA retains full authority to approve the importation of Indonesian LNG into the United States and to approve the building of facilities at another site, Oxnard, California.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Ave., N.W., Room 5116, Washington, D.C. 20461 (202) 633–9380.

Barry M. Smoler, Federal Energy Regulatory Commission, Office of General Counsel, 825 North Capitol Street, N.E., Room 8100, Washington, D.C. 20426 (202) 357–8433.

SUPPLEMENTARY INFORMATION: The delegations relate to applications for approval to import or export natural gas under section 3 of the Natural Gas Act (NGA) and applications to build and operate border facilities for the import or export of natural gas pursuant to Executive Order No. 10485. The Secretary of Energy (the Secretary) has the authority to approve or disapprove these applications under the Department of Energy Organization Act (DOE Act), Pub. L. 95–91, 42 U.S.C. 7101, *et seq.* (1977).

The Secretary's authority to regulate imports and exports was divided between the ERA and the FERC by DOE Delegation Orders Nos. 0204–25 (to ERA) and 0204–26 (to FERC) (43 FR 47769, October 17, 1978). They provided a mechanism whereby the Secretary, through his delegate, the Administrator, maintains authority over imports and exports of natural gas to the extent that they broadly concern energy policies on an international, national and interregional scale. The approval of the construction and operation of facilities to receive and process natural gas rests within the FERC's jurisdiction.

The mechanism established in Delegation Orders Nos. 0204–05 and 0204–26 expressly did not apply to ERA Docket No. 77–001–LNG, *Pacific Indonesia LNG Co., et al., (Pac Indonesia).* In that case, the Administrator was to exercise complete section 3 jurisdiction, including the approval of receiving terminal facilities at the two sites requested by the applicants, Oxnard and Point Conception, California. Point Conception is also being considered by the FERC in relation to an application to use the same facilities to receive LNG from Alaska *(Pacific Alaska LNG Co.,* FERC Docket No. CP 75–140, *et al.*).

The Administrator approved both the import of Indonesian LNG into the United States and the construction of facilities at Oxnard in DOE/ERA Opinion and Order No. One, December 30, 1977. Petitions for rehearing of Opinion No. One were duly filed, and rehearing for the purpose of further consideration was granted. DOE/ERA Opinions No. Two and Six (September 29, 1978 and April 24, 1979 respectively) were later issued resolving some of the issues on rehearing.

A final order on rehearing, DOE/ERA Opinion No. Eight dated September 26, 1979, reaffirmed approval of the import itself and the price at the point of importation into either Oxnard or Point Conception. In addition, the construction and operation of facilities at Oxnard were approved and the terminaling costs at that site were found to be reasonable. ERA made no determinations as to the appropriateness of Point Conception as a site for the LNG receiving facilities or the costs of those facilities.

Under the new delegations, signed September 24, 1979, the Secretary transferred to the FERC his authority to approve the use of Point Conception, or any other site other than Oxnard, as the point of entry for the Indonesian LNG and to authorize the construction and operation of facilities at those sites.

ERA retains the responsibility to determine whether the import itself is not inconsistent with the public interest based on the security of supply, the effect of the import on U.S. balance of payments, the import price, consistency with DOE regulations and statements of policy, national need for the gas, and other considerations inherent in section 3 of the NGA, such as regional need for the gas and eligibility of purchasers and participants and their respective shares. In addition, ERA retains the full extent of the Secretary's authority over the construction and operation of facilities at, and the distribution of the imported LNG through, Oxnard.

These delegations are procedural only, and the requirement in section 7(c)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, that proposals "affecting the quality of the environment" be reviewed by the Environmental Protection Agency prior to issuance is therefore not applicable.

The delegation orders are effective October 2, 1979.

(Department of Energy Organization Act, Pub. L. 95–91; E.O. 12009, 42 F.R. 46267.)

Issued in Washington, D.C. on September 27, 1979.

William S. Heffelfinger,

Director of Administration.

DEPARTMENT OF ENERGY

Delegation Order No. 0204–54 to the Administrator of the Economic Regulatory Administration

Pursuant to the authority vested in me as the Secretary of Energy ("Secretary") by the Department of Energy Organization Act ("DOE Act")—

(a) There is hereby delegated to the Administrator of the Economic Regulatory Administration ("Administrator") the authority under Section 3 of the Natural Gas Act and Executive Order 10485, as transferred to the Secretary by Sections 301 and 402(f) of the DOE Act, to determine whether importation or exportation of natural gas is not inconsistent with the public interest, insofar as such determination is based on the following considerations:

(1) In the case of imported natural gas, the security of supply and effect on U.S. balance of payments;

(2) The price proposed to be charged at the point of importation or exportation;

(3) Consistency with duly promulgated and published regulations or statements of policy of the Department of Energy specifically applicable to imports or exports of natural gas;

(4) National need for the natural gas to be imported or exported; and

(5) Such other matters within the scope of Section 3 of the Natural Gas Act as the Administrator shall find in the circumstances of a particular case to be appropriate for his determination, including but not limited to:

(A) Regional needs for the natural gas to be imported or exported;

(B) In the case of imported natural gas, the eligibility of purchasers and participants and their respective shares.

(b) In exercising the functions delegated in paragraph (a)(1) through (5) above, the Administrator may attach such terms and conditions as he shall determine to be necessary to make the import or export not inconsistent with the public interest, which terms and conditions the FERC shall include in any order it may issue which authorizes the import or export pursuant to Delegation Order No. 0204–55.

(c) Notwithstanding paragraph (a)(5) above, the Administrator shall not exercise any authority under Section 3 of the Natural Gas Act to approve or disapprove an import

or export based upon the construction and operation of facilities, the site at which they shall be located, or the place of entry for imported natural gas, except that the Administrator shall have the authority to disapprove the construction and operation of facilities, the site at which they shall be located, or the place of entry for imported natural gas on the basis of the considerations contained in paragraphs (a)(1) and (a)(3) above.

(d)(i) With respect to ERA Docket No. 77-001-LNG, in addition to the functions enumerated in paragraphs (a) and (b) above (and notwithstanding paragraph (c) above), the Administrator is hereby delegated all functions within the jurisdiction of the Secretary under Sections 301 and 402(f) of the DOE Act, with respect to those matters relating to the importation and distribution of natural gas through, and construction and operation of, facilities at Oxnard, California.

(d)(ii) Nothing in this delegation shall be construed to amend or supersede 10 CFR § 1000.1(d) (42 FR 55534, October 17, 1977) or DOE Delegation Orders No. 0204-1, No. 0204-8, and No. 0204-14.

(e) The authority delegated to the Administrator may be further delegated (except to the FERC) in whole or in part, as may be appropriate.

(f) Paragraph 6 of the Delegation Order No. 0204-4, is amended to read as follows:

"6. The functions delegated to the Adminstrator of ERA by Delegation Order No. 0204-55."

(g) This delegation amends and supersedes Delegation Order No. 0204-25.

(h) All actions pursuant to any authority delegated prior to the Order, and all actions encompassed within the scope of the authority delegated by this Order but taken prior to and in effect on the date of this Order, are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

(i) Nothing in this delegation by the Secretary shall preclude the Secretary from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

This Order is effective October 2, 1979.

Charles W. Duncan, Jr.,

Secretary of Energy.

DEPARTMENT OF ENERGY

Delegation Order No. 0204-55 to the Federal Energy Regulatory Commission

Pursuant to the authority vested in me as the Secretary of Energy ("Secretary") by Sections 402(e) and 642 of the Department of Energy Organization Act ("DOE Act"), there is hereby delegated and assigned to the Federal Energy Regulatory Commission ("FERC") such authority under the Natural Gas Act, Executive Order 10485, and Sections 301 and 402(f) of the DOE Act, as is vested in the Secretary to carry out the following functions with respect to the regulation of exports and imports of natural gas:

(1) Except insofar as such functions have been delegated to the Administrator of the Economic Regulatory Administration ("Administrator"), all functions under Section 3 of the Natural Gas Act to approve or disapprove the construction and operation of particular facilities and the site at which they would be located, and with respect to imports of natural gas, the place of entry.

(2) All other functions under Section 3 of the Natural Gas Act, which are not delegated to the Administrator under paragraphs (a)(1) through (4) or (d)(1) of Delegation Order No. 0204-54, and which have not been previously exercised by the Administrator under paragraph (a)(5) of Delegation Order No. 0204-54.

(3) All functions under Sections 4, 5, and 7 of the Natural Gas Act; and

(4) All functions with respect to issuance of such orders, authorizations and certificates which the FERC determines to be necessary or appropriate to implement the respective determinations made by the Administrator under Delegation Order No. 0204-54 (to the extent that he determines such import or export is not inconsistent with the public interest) and by the FERC under this Order.

(5) This Order amends and supersedes Delegation Order No. 0204-26.

This Order does not delegate to the FERC authority to authorize an import or export under Section 3 of the Natural Gas Act unless such authorization adopts such terms and conditions as shall have been previously attached by the Administrator pursuant to the authority delegated to him by Delegation Order No. 0204-54. However, nothing in this paragraph shall require the FERC to authorize an import or export under any section of the Natural Gas Act if it determines that the application, as conditioned by the Administrator pursuant to the authority delegated by Delegation Order No. 0204-54, is inconsistent with provisions of the Natural Gas Act which the FERC has been delegated authority to administer by this Order or which are otherwise vested in the FERC.

The authority delegated and assigned to the FERC may be further delegated within the FERC, in whole or in part, as may be appropriate.

All actions pursuant to any authority delegated prior to this Order, and all actions encompassed within the scope of the authority delegated by this Order but taken prior to and in effect on the date of this Order, are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This Order is effective October 2, 1979.

Charles W. Duncan, Jr.,

Secretary of Energy.

[FR Doc. 79-30565 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1300-5]

Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare a draft environmental impact statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Ms. Alexandria B. Smith, Environmental Evaluation Branch, U.S. Environmental Protection Agency, Region X, 1200 Sixth Avenue, M/S 443, Seattle, Washington 98101. Telephone: (Commercial) 201/442-1285, (FTS) 399-1285.

SUMMARY: 1. *Description of proposed action.* The Environmental Protection Agency will be preparing an EIS for the potential expansion or upgrade of the Municipality of Metropolitan Seattle's (Metro) Renton sewage treatment facility. The preparation and issuance of the EIS will proceed jointly with Metro's Facility Plan. The Renton plant, which is located at 1200 Monster Road S.W., Renton, Washington, currently serves the areas of north Lake Sammamish, south Lake Sammamish, east Lake Washington, south Lake Washington, Green River and a portion of the White River Watershed.

The EIS will consider in detail the environmental impacts of implementing alternative wastewater treatment strategies developed through the planning process. The major issues to be evaluated include the potential changes in land use patterns, the impacts on agricultural lands, open spaces, flood plains and wetlands, the effects of increased discharge of effluent on receiving waters, and secondary impacts associated with the alternatives.

2. *Public and Private Participation in the EIS Process.* Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. *Scoping.* EPA and Metro conducted an initial EIS scoping meeting in September 26, 1979 to familiarize the public with the proposed action and to identify the significant issues to be addressed in the EIS.

4. *Timing.* EPA estimates the draft EIS will be available for public review and comment around June 1981.

5. *Requests for Copies of Draft EIS.* All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on

the distribution list of the draft EIS and related public notices.

Dated: September 26, 1979.

Joseph M. McCabe,

Acting Director, Office of Environmental Review (A-104).

[FR Doc. 79-30395 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1330-3; OPP-50443]

Issuance of an Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such a permit is in accordance with, and subject to, the provisions of 40 CFR Part 172 which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2139-EUP-24. Nor-Am Agricultural Products Inc., Woodstock, IL 60098. This experimental use permit allows the use of 512 pounds of the fungicide propyl [3-(dimethylamino propyl] carbamate monohydrochloride) on turf grass to evaluate control of Pythium blight. A total of 32 acres is involved; the program is authorized only in the States of Alabama, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Maryland, Missouri, New Jersey, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and Wisconsin. The experimental use permit is effective from August 21, 1979 to August 21, 1980. (PM-21, Henry Jacoby, Room: E-305, Telephone: 202/755-2562.)

Interested parties wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for the permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: September 20, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-30393 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1330-2; PF-151]

Pesticide Programs; Filing of Pesticide/Food/Feed Additive Petitions

Pursuant to sections 408(d)(1) and 490(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP9F2252. Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120. Proposes that 40 CFR 180.349 be amended by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl-(1-methylethyl)phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities apples, cherries, and peaches at 0.02 part per million (ppm); meat, fat and meat byproducts of cattle, goats, hogs, horses and sheep at 0.05 ppm; and milk at 0.002 ppm. The proposed analytical method for determining residues is by gas chromatography using a thermionic flame ionization detector.

FAP 9H5236. Mobay Chemical Corp. Proposes that 21 CFR 193 be amended by permitting residues of the above nematocide on apples and peaches with a tolerance limitation of 0.2 ppm resulting in dried apples and dried peaches.

FAP 9H5236. Mobay Chemical Corp. Proposes that 21 CFR 561.232 be amended by permitting residues of the above nematocide on apples with a tolerance limitation of 0.2 ppm resulting in apple pomace.

Interested persons are invited to submit written comments on these petitions. Comments may be submitted, and inquiries directed, to Product Manager (PM) 21, Room E-305, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, DC 20460, telephone number 202/755-2562. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's Office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: September 20, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-30392 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1330-1 and PFT-37]

Pesticide Programs; Filing of Food/Feed Additive Petition

Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, has submitted a petition (FAP 9H5233) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193 and 561 be amended by permitting residues of the herbicide alkanolamine salts (of the ethanol and isopropanol series) of 3,6-dichloro-2-pyridine-carboxylic acid in connection with a proposed experimental program involving the application of the herbicide in the growing of wheat with a tolerance limitation of 5 parts per million (ppm) in milled fractions (except flour) of wheat. Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition. Comments may be submitted, and inquiries directed, to Product Manager (PM) 23, Room E-351, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, DC 20460, telephone number 202/755-1397. Written comments should bear a notation indicating the petition number "FAP 9H5233". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's Office from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

Dated: September 20, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-30394 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1331-1]

Task Force on Environmental Cancer and Heart and Lung Disease; Project Group on Education of the Public and of Health Professionals; Workshop

AGENCY: Task Force on Environmental Cancer and Heart and Lung Disease represented by the Environmental Protection Agency (Chairman); the National Cancer Institute; the National Heart, Lung and Blood Institute; the National Institute for Occupational Safety and Health; the National Institute of Environmental Health Sciences; the National Center for Health Statistics; the Center for Disease Control; and the Food and Drug Administration.

ACTION: Notice of Workshop.

SUMMARY: A workshop on "Environmental Education Needs of Health Professionals" will be held on October 15 and 16, 1979 at the Ramada Inn, 1251 West Montgomery Avenue, Rockville, MD; sessions will convene at 8 a.m. on October 15 and at 9 a.m. on October 16. *Attendance is limited; requests must be made by October 5, 1979.*

The workshop will focus on the health professionals' environmental education needs and on possible actions to increase their capabilities in effective prevention of environmentally related diseases. The three major objectives of the workshop are: (1) To identify and rank the needs, (2) to develop scientific and organizational approaches to meet the needs, and (3) to develop recommendations for addressing the needs and to suggest mechanisms for their implementation. The Project Group has invited representatives from 100 professional organizations and Federal agencies that are concerned with environmental education of health professionals. Initially, participants will be divided into three working group sessions: health scientists, nurses, and physicians. These groups will reassemble at the end of each day for a summary of group activities. The proceedings will be recorded and will be made available to the public, upon request, at a later date.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Gilley or Ms. Genie Riordan, GEOMET, Incorporated, 15 Firstfield Road, Gaithersburg, MD, 20760. Telephone 301/948–0755. GEOMET, Incorporated provides support to the Task Force under EPA Contract Number 68–01–5773.

SUPPLEMENTAL INFORMATION: The Task Force was established in 1977 through Public Law 95–95 (Section 402) to provide a focus for a concerted attack upon the national problem of environmentally related cancer and heart and lung diseases. Congress directed the Task Force to recommend comprehensive programs for quantifying the relationships between environmental pollution and associated diseases and strategies for reducing the risk and incidence of such diseases. It was also directed to coordinate relevant research, stimulate cooperation among Federal agencies, and report to Congress annually on its progress and difficulties in reaching these objectives.

During its first year, the Task Force defined the problem of environmentally related cancer and heart and lung diseases and developed objectives and an organizational capability to address the problem. It also identified Federal resources available and began the exchange of information among its members. During the second year, Project Groups were formed to deal with three areas of special concern which warranted early action; one of these is environmental health education for the public and for health professionals.

The development of an informed citizenry may be the most useful, long-term strategy for reducing both the costs and risks associated with environmental cancer and heart and lung diseases. The lack of awareness and understanding of environmental factors among health professionals has long been identified as a serious deficiency in the prevention of environmental disease. Recognizing these two factors, an interagency Project Group on the Education of the Public and of Health Professionals was formed. This Project Group has concentrated on identifying and assessing available educational programs on environmentally related disease.

Dated: September 25, 1979.

Douglas Costle,

Chairman, Task Force on Environmental Cancer and Heart and Lung Disease, Administrator, Environmental Protection Agency.

[FR Doc. 79–30396 Filed 10–1–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1331–4]

Water Quality Standards; Navigable Waters of the State of Delaware

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of State Water Quality Standards Approval.

SUMMARY: The Environmental Protection Agency has approved a water quality standards revision as adopted by the State of Delaware. This revision becomes part of the State's water quality standards contained in the document, "Water Quality Standards for Streams."

FOR FURTHER INFORMATION CONTACT: Gerald Pollis, EPA, Region III, 6th and Walnut Streets, Curtis Building, Philadelphia, Pennsylvania 19106, telephone 215–597–3425.

SUPPLEMENTAL INFORMATION: On July 27, 1979, the EPA, Region III approved a water quality standard revision amending the limit on total nitrogen in public water supply sources as adopted by the State on March 25, 1979. This action was taken in accordance with section 303(c) of the Clean Water Act (33 U.S.C. 1313(c)). These revisions are consistent with the Clean Water Act as interpreted in the Agency's water quality standards regulations at 40 CFR 35.1550.

AVAILABILITY: Copies of the Delaware water quality standards may be obtained from the Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

(Section 303(c) of the Clean Water Act, as amended (33 U.S.C. 1313(c)).)

Dated: September 25, 1979.

James N. Smith,

Assistant Administrator, Office of Water and Waste Management.

[FR Doc. 79–30397 Filed 10–1–79; 8:45 am]

BILLING CODE 6560–01–M

[OPP–50442A; FRL 1331–8]

Issuance of Experimental Use Permit; Correction

On Monday, September 17, 1979 (44 FR 53786), information appeared pertaining to the issuance of an experimental use permit, No. 1021–EUP–26, to McLaughlin Gormley King Co. In the 4th line "permethrin" should have read "3-phenoxybenzyl d-cis and tans 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate." (PM-17, Franklin Gee, Room: E-373, Telephone: 202/426–9417)

Dated: September 26, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79–30521 Filed 10–1–79; 8:45 am]

BILLING CODE 6560–01–M

[OPP–00106A; FRL 1331–6]

Federal Insecticide, Fungicide and Rodenticide Act Scientific Advisory Panel; Open Meeting; Correction Notice

In FR Doc. 79–29390 appearing at page 54769 in the issue of September 21, 1979, the following correction should be made. In the **SUMMARY** paragraph, lines five and six, the days of the October 9 and 10, 1979 meeting should be ". . . Tuesday and Wednesday. . . .".

Dated: September 26, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79–30523 Filed 10–1–79; 8:45 am]

BILLING CODE 6560–01–M

[OPP-C31029A; FRL 1331-7]

Pesticide Programs; Approval of Application to Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

On June 7, 1979, notice was given (44 FR 32738) that Zoecon Corp., 975 California Ave., Palo Alto CA 94304, had filed an application (EPA File Symbol No. 20954-RL) with the Environmental Protection Agency (EPA) to conditionally register the pesticide product Kabat Tobacco Protector containing 5.0% of the active ingredient methoprene [isopropy (*E,E,*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate]. As stated in the June 7, 1979 notice, the applicant proposed that the use pattern of this pesticide be changed to include the use on stored tobacco to control the cigarette beetle. This pesticide product is presently used as a mosquito larvicide and as a control for horn flies in cow manure.

This application was conditionally approved June 4, 1979 and the product has been assigned EPA Registration No. 20954-15. Kabat Tobacco Protector is classified for general use.

By administrative error, the initial notice of receipt of a changed use pattern application was not forwarded for publication until the reviews of this application were almost complete. Rather than delay registration until 30 days after the **Federal Register** publication, since this is an innovative pesticide and a delay would create hardship for the registrant, the product was registered. No comments were received during the 30-day comment period.

A copy of the approved label and list of data references used to support registration are available for public inspection in the Product Manager's (PM-17) office, Room E-341, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/426-9417. The data and other scientific information used to support registration, except for the material specifically protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136), are available for public inspection in accordance with section 3(c)(2) of FIFRA. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, at the above address. Such requests should: (1) Indentify the product by name and registration number and (2) Specify the data or information desired.

Dated: September 25, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-30522 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Executive Committee Meeting.
Notice of October Meeting.
Thursday, October 18, 1979—9:30 a.m.
Conference Room 8440.
Nassif (D.O.T.) Building.
400 Seventh Street, S.W., at D Street.
Washington, D.C.

Agenda

1. Administrative Matters.
2. Discussion of U.S. Coast Guard Maritime Safety Requirements.
3. Report on FCC Public Coast Station N.O.I.
4. Appointment of Auditor for FY-1979.
5. Approval of Special Committee No. 73.
6. Acceptance of FY-1979 Fourth Quarter Financial Statement.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1974. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30454 Filed 10-1-79; 8:45 am]

BILLING CODE 5712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-598-DR; Docket No. NFD-745]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA-598-DR), dated September 13, 1979, and related determinations.

DATED: September 13, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7825.

Notice

Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 13, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from Hurricane Frederic, beginning on or about September 12, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alabama.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Arthur T. Doyle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance and Public Assistance:

Baldwin	Geneva
Choctaw	Marengo
Clarke	Mobile
Conecuh	Monroe
Covington	Washington
Escambia	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30420 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M

[FEMA-600-DR; Docket No. NFD-746]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-600-DR), dated September 13, 1979, and related determinations.

DATED: September 13, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

Notice

Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 13, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Frederic, beginning on or about September 12, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Florida.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Paul Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance and Public Assistance:

Bay	Santa Rosa
Escambia	Walton
Okaloosa	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30421 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M

[FEMA-599-DR; Docket No. NFD-747]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-599-DR), dated September 13, 1979, and related determinations.

DATED: September 13, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of

May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143), notice is hereby given that, in a letter of September 13, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from Hurricane Frederic, beginning on or about September 12, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Mississippi.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. William H. Mayer of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance and Public Assistance: Clarke, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lauderdale, Pearl River, Perry, Stone, Wayne.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30422 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M

[FEMA-602-DR; Docket No. NFD-748]

Virgin Islands of the United States; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Virgin Islands of the United States (FEMA–602–DR), dated September 16, 1979, and related determinations.

DATED: September 16, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 16, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Virgin Islands of the United States resulting from Hurricane David and Tropical Storm Frederic during the period of August 29 through September 7, 1979, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the Virgin Islands of the United States.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Norman Steirnlauf of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Virgin Islands of the United States to have been affected adversely by this declared major disaster.

The following Islands for Individual Assistance and public Assistance: St. Croix, St. John, St. Thomas.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30423 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 22, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T–3861.

Filing Party: William E. Daily, Assistant Attorney General, State of Indiana, 219 State House, Indianapolis, Indiana 46204.

Summary: Agreement No. T–3861, between the Indiana Port Commission (Port) and Reiss Viking Corporation (RVC), provides for the Port's 10-year (with renewal options) lease to RVC of certain property at Southwind Maritime Centre, Mt. Vernon, Indiana, to be used as a magnetite processing facility. As compensation RCV shall pay Port $9,178 per annum plus all applicable Port tariff charges subject to a $3,000 yearly minimum.

By Order of the Federal Maritime Commission.

Dated: September 27, 1979.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 79-30417 Filed 10-1-79; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review an approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be

submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 12, 1979. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violations or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos. T-2903-3 and T-2903-B.

Filing Party: Russell T. Weil, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

Summary: Agreement No. T-2903-3, between United States Lines, Inc. (USL) and Farrell Lines Incorporated (Farrell), modifies the parties' basic agreement by reflecting a change in ownership of Howland Hook Marine Terminal Corporation, which was formerly owned jointly by by USL and Farrell and which, under the terms of the present amendment, will become solely owned by Farrell. Agreement No. T-2903-B is a terminal operating contract, setting forth the terms under which Howland Hook Marine Terminal will provide marine terminal operating services for USL.

By Order of the Federal Maritime Commission.

Dated: September 27, 1979.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 79-30418 Filed 10-1-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-89]

Hanover Brands, Inc. v. Sea-Land Service, Inc.; Filing of Complaint

Notice is given that a complaint filed by Hanover Brands, Inc. against Sea-Land Service, Inc. was served September 25, 1979. Complainant alleges that respondent has applied a rate to a shipment of frozen vegetables which is so unreasonably high as to be detrimental to commerce in violation of 46 U.S.C. 817(b)(5) (section 18(b)(5) of the Shipping Act, 1916).

Hearing in this matter, if any is held, shall commence on or before March 25, 1980. This hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 79-30416 Filed 10-1-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-90]

Ernest L. Levine d.b.a. Gerald Export & Import Co. v. Hapag-Lloyd, A.G.; Filing of Complaint

Notice is given that a complaint filed by Ernest L. Levine d.b.a. Gerald Export & Import Company against Hapag-Lloyd, A.G. was served September 25, 1979. Complainant alleges that respondent has violated sections 14(b), 16 and 18 of the Shipping Act, 1916 in regard to establishment and assessment of ocean freight rates in the trade encompassed by the North Atlantic United Kingdom Freight Conference.

Hearing in this matter, if any is held, shall commence on or before March 25, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 79-30415 Filed 10-1-79; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[F-79-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Tennessee Public Service Commission involving intrastate telecommunication service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Tennessee Public Service Commission involving the application of the South Central Bell Telephone Company for increases in its rates for private line communications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30402 Filed 10-1-79; 8:45 am]

BILLING CODE 6820-38-M

[E-79-13]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Illinois Commerce Commission involving revised water tariffs.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Illinois Commerce Commission involving the application of the Illinois American Water Company for an increase in its annual water costs.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30473 Filed 10-1-79; 8:45 am]

BILLING CODE 6820-AM-M

[F-79-2]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico State Corporation Commission involving interstate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New Mexico State Corporation Commission involving the application of the Mountain States Telephone & Telegraph Company for increases in rates for intrastate telecommunication services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,

Administrator of General Services.

[Fr Doc. 79-30474 Filed 10-1-79; 8:45 am]

BILLING CODE 6820-AM-M

[E-79-12]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegtion authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a proceeding before the Virginia State Corporation Commission involving an application of the Potomac Electric Power Company for an increase in its electric rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Virginia State Corporation Commission involving the application of the Potomac Electric Power Company for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30475 Filed 10-1-79; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Basic Behavioral Processes Research Review Committee; Meeting Changes

In FR Doc. 79-28816, appearing on pages 54121-24 in the issue of Tuesday, September 18, 1979, the date of the meeting of the Basic Behavioral Processes Research Review Committee has been changed from October 24-26 to October 25-26. As a result, the meeting will be open to the public from 9:00 to 9:30 a.m., October 25, instead of October 24 as previously announced. All other arrangements for the meeting remain as announced September 18.

Dated September 26, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-30463 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Adam Trujillo, District Director, Orlando District Office, Orlando, FL.

DATE: The meeting will be held from 9 a.m. to 11:30 a.m., Thursday, November 8, 1979.

ADDRESS: The meeting will be held at the University of Miami, Whitten Memorial Student Union, Rm. 237, Coral Gabels, FL.

FOR FURTHER INFORMATION CONTACT: Lynn C. Trauba, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, P.O. Box 118, Orlando, FL 32802, 305-855-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Orlando District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 25, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-30295 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0332]

Borg-Warner Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Borg-Warner Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of cyclic neopentanetetrayl bis(octadecyl phosphite) containing triisopropanolamine as an antioxidant and/or stabilizer for polymers in contact with food.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3319) has been filed by Borg-Warner Chemicals, Technical Centre, Washington, WV 26181, proposing that § 178.2010 *Antioxidants*

and/or stabilizers for polymers (21 CFR 178.2010) be amended to provide for the safe use of cyclic neopentanetetrayl bis(octadecyl phosphite) containing triisopropanolamine as an antioxidant and/or stabilizer for polymers in contact with food.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the agency concludes that an environmental impact statement is not required, the notice of availability of the environmental impact analysis report, statement of exemption, and environmental assessment report, as applicable, will be published in the **Federal Register** regulation, as provided by 21 CFR 25.25(b).

Dated: September 21, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-30408 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0331]

H&C Industries, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: H&C Industries, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of rice bran wax as a release agent in the processing of plastic packaging materials intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3430) has been filed by H&C Industries, Inc., Del Amo Executive Plaza, 3438 Carson St., Torrance, CA 90503, proposing that Part 178—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (21 CFR Part 178) be amended to provide for the safe use of rice bran wax as a release agent in the manufacture of plastic packaging materials intended to contact dry foods only.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the requirements of an environmental impact analysis report and that no environmental impact statement is necessary.

Dated: September 21, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-30409 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0333]

Monsanto Co.; Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (FAP 3B2828) proposing the safe use of phenol-formaldehyde resins chemically modified with cyanoguanidine and urea in the manufacture of resin-bonded glass fiber filters intended for filtering food.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration. Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 384(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Monsanto Co., 1101 17th St. NW., Washington, DC 20036, has withdrawn its petition (FAP 3B2828), notice of which was published in the **Federal Register** of October 11, 1972 (37 FR 21452) proposing that § 121.2536 (recodified § 177.2260) *Filters, resin-bonded* (21 CFR 177.2260) be amended to provide for the safe use of phenol-formaldehyde resins chemically modified with cyanoguanidine and urea in the manufacture of resin-bonded glass fiber filters intended for filtering food.

Dated: September 21, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-30407 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0308]

Tenneco Chemicals; Notice of Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Tenneco Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a certain preservative in materials used in the fabrication of food containers.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3420) has been filed by Tenneco Chemicals, P.O. Box 365, Piscataway, NJ 08854, proposing that § 176.180 *Components of paper and paperboard in contact with dry food* and § 175.105 *Adhesives* be amended to provide for the safe use of an aqueous solution containing 5-hydroxymethoxymethyl-1-aza-3,7-dioxabicyclo (3.3.0) octane, 5-hydroxymethyl-1-aza-3,7-dioxabicylo (3.3.0) octane and 5-hydroxyploy[methyleneoxy]methyl-1-aza-3,7-dioxabicyclo (3.3.0) octane as a preservative in the manufacture of articles used in packaging, transporting or holding foods.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the need of an environmental impact analysis report, and that no environmental impact statement is necessary.

Dated: September 21, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79-30406 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-03-M

Warner-Lambert/Parke-Davis & Co.; Benylin; Final Decision

Correction

In FR Doc. 79-27010, appearing in the issue of Friday, August 31, 1979, at page 51512, make the following corrections:

(1) On page 51428, in the last column, under item number "6 *Subjective Evaluation Generally*", *in the third paragraph, the fourtheeth line down, delete the "a" which appears between the ";" and the "G-68".*

(2) On page 51537, in the middle column under the heading of **"VIII References", in the paragraph designated as "3", the second line, delete the "7" which appears between the "Rx" and "OIC"**

BILLING CODE 1505-01-M

National Institutes of Health

Report on Bioassay of 4,4'-Methylenebis(N,N-Dimethyl)Benzenamine for Possible Carcinogenicity; Availability

4,4'-Methylenebis(N,N-dimethyl)benzenamine (CAS 101–61–1) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for the possible carcinogenicity of 4,4'-methylenebis(N,N-dimethyl)benzenamine was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an intermediate in the manufacture of dyes. 4,4'-Methylenebis(N,N-dimethyl)benzenamine was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, 4,4'-methylenebis(N,N-dimethyl)benzenamine was carcinogenic in Fischer 344 rats, inducing thyroid follicular-cell carcinomas in both males and females. Administration of the compound was carcinogenic in female B6C3F1 mice, inducing liver neoplasms. There was no conclusive evidence that 4,4'-methylenebis(N,N-dimethyl)benzenamine was carcinogenic in male B6C3F1 mice.

Single copies of the report, Bioassay of 4,4'-Methylenebis(N,N-dimethyl)benzenamine for Possible Carcinogenicity (T.R. 186), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: September 25, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-30297 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-08-M

Report on Bioassay of Malathion for Possible Carcinogenicity; Availability

Malathion (CAS 121–75–5) has been tested for cancer-causing activity with rats in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for malathion for possible carcinogenicity was conducted by administering the test chemical in feed to F344 rats. Applications of the chemical include use as an insecticide.

It was concluded that under the conditions of this bioassay, malathion was not carcinogenic in male or female rats, but the females may not have received a maximum tolerated dose.

Single copies of the report, Bioassay of Malathion for Possible Carcinogenicity (T.R. 192), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: September 25, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-30298 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-08-M

Report on Bioassay of Bis(2-Chloro-1-Methylethyl) Ether for Possible Carcinogenicity

Bis(2-chloro-1-methylethyl) ether (CAS 108–60–1) has been tested for cancer-causing activity with rats in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade bis(2-chloro-1-methylethyl) ether for possible carcinogenicity was conducted by administering the test chemical by gavage to F344 rats. The chemical is a byproduct of the manufacture of certain other chemicals.

It is concluded that under the conditions of this bioassay, the technical-grade test material, bis(2-chloro-1-methylethyl) ether, was not carcinogenic for F344 rats for either sex.

Single copies of the report, Bioassay of Bis(2-Chloro-1-Methylethyl) Ether for Possible Carcinogenicity (T.R. 191), are available from the Office of Cancer Communications, National Cancer Institute, Bethesda, Maryland 20205.

Dated: September 25, 1979.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-30299 Filed 10-1079; 8:45 am]

BILLING CODE 4110-08-M

Office of Education

National Advisory Council on Adult Education.

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, Sec. 10(a)(2)).

DATE: October 24, 1979, 7:00 p.m. to 10:00 p.m., Executive Committee Meeting; October 25, 1979, 9:00 a.m. to 4:30 p.m.; October 26, 1979, 9:00 a.m. to 3:30 p.m.

ADDRESS: October 24, 1979, Council Offices, 425 13th St., N.W., Suite 323, Washington, D.C.; October 25–26, 1979, The Hotel Washington, 15th at Pennsylvania Ave., N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, includng policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect therto, and make annual reports to the President of its findings and recommendatons (including recommendations for changes in this title and other Federal laws relating to adult education activiteis and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

Census and Adult Education Demography Evaluation Project
Rules and Regulations
National Report on Illiteracy
Legislation/Appropriations
Committee Structures
White House Conference on the Family.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C. on September 24, 1979.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 79-36400 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-14015]

Alaska Native Claims Selection

Correction

In FR Doc. 79-28209 appearing on page 52890 in the issue for Tuesday, September 11, 1979, third column, first line, insert "9-Scott," before "10".

BILLING CODE 1505-01-M

District Grazing Advisory Board, Susanville, Calif.; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Susanville District Grazing Advisory Board will be held on November 7, 1979.

The meeting will begin at 10:00 a.m. in the Conference Room of the Bureau of Land Management Office at 705 Hall Street, Susanville, California.

The agenda for the meeting will include: (1) Suprise/Warner Stewardship Program; (2) Tuledad/Home Camp AMP Implementation; (3) Cowhead/Massacre ES as it relates to AMP's; (4) Cal-Neva Inventory as it relates to AMP's; (5) Wild Horse Program as it relates to AMP's; (6) Wilderness as it relates to AMP's; (7) Policy for maintenance of range improvement projects; (8) Predator Control in AMP's; (9) Advisory Board funds; (10) Scheduling next meeting and agenda topics.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m., or file a written statement for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California, 96130, by November 1, 1979. Depending on the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the board meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Sincerely,

C. Rex Clearly,

District Manager.

[FR Doc. 79-30403 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 24276 G]

Colorado; Right-of-Way Application for Pipeline

September 22, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., P.O. Box 840, Denver, CO 80201, has applied for a right-of-way for a 4½ o.d. natural gas pipeline for the East Douglas Gathering System approximately 0.30 miles on the following public land:

Sixth Principal Meridian, Rio Blanco County, Colorado

T. 2 S., R. 101 W.
Section 35: SW¼SW¼
T. 3 S., R. 101 W.
Section 2: NW¼NW¼

The expansion of the above-named gathering system will enable the applicant to collect and deliver natural gas.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Western Slope Gas Company.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this service.

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-30476 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

Lakeview District Office Oregon; Restriction of Use of Motorized Vehicles on Public Lands

Notice is hereby given that certain public lands in the Fossil Lake area are closed to all motorized vehicles in accordance with the provisions of 43 CFR Part 8340. These restrictions do not apply to military, fire, emergency or law enforcement vehicles or to Federal or other Government vehicles while being used for official or emergency purposes, or vehicles authorized by permit or contract.

The areas affected by this designation are located approximately eleven miles northeast of Christmas Valley, Oregon. The legal description of the closed lands is:

Township 26 South, Range 19 East, Willamette Meridian

Section 7, NE¼Se¼, S½SE¼
Section 8, S½N½, S½
Section 9, S½, S½NW¼, S½NE¼, NE¼NE¼
Section 10, All
Section 11, All
Section 14, All
Section 15, All
Section 17, All
Section 18, E½
Section 21, All
Section 22, All
Section 23, All
Total Acres 6550

The use of these public lands by vehicles in the past has destroyed verterbrate fossils that have significant scientific value. After consultation with various universities, museums and individuals throughout the United States, a motorized vehicle closure was determined to be necessary to protect the paleontological values (fossils) from further destruction and disturbance. The need for the original vehicle closure was discussed at formal public meetings for the Christmas Lake Planning Unit and informally with various off-road vehicle clubs using the area for recreation. New inventory work completed in the area during the period of restriction and further informal consultation with universities, museums and individuals, has shown the need of the restriction to protect paleontological value (fossils). In addition, significant cultural values (archeological) were identified which also are in need of protection from further disturbance and destruction.

The restriction is effective immediately. Maps showing the areas

described above are available at the Bureau of Land Management, Lakeview District Office, 1000 South 9th Street, (P.O. Box 151), Lakeview, Oregon 97630.

Dated: September 24, 1979.

Richard A. Gerity,

District Manager.

[FR Doc. 79-30477 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

Medford District Office, Oregon; Designation of Public Lands for Off-Road Vehicle Use

The following closed, limited, and open designation of public lands for off-road vehicle use are the result of decisions made in the Josephine Sustained Yield Unit Management Framework Plan and received full public review during a formal comment period.

ORV Use Designations

Notice is hereby given that use off-road motorized vehicles (ORV's) on certain public lands in Josephine, Jackson, Coos, and Curry counties, Oregon is permanently allowed, prohibited or limited as listed below. These designations are in accordance with 43 CFR Part 8340. These designations do not apply to nonamphibious registered motorboats; any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; vehicles in official national defense emergencies.

The areas permanently closed to ORV use include:

1. Brewer Spruce Research Natural Area, located approximately ten (10) air miles northeast of Cave Junction, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 39 S., R. 6 W.,
Section 5, N½NW¼SW¼, SW¼NW¼SW¼
Section 6, SE¼NE¼SW¼, SE¼SW¼, NE¼SE¼, SW¼SE¼, S½NW¼SE¼, S½ Lot 7 and
T. 39 S., R. 7 W.,
Section 1, Lots 5 and 6; Total Acress 426.

This area is closed to ORV use to prevent damage to an area having significant research values.

2. Woodcock Bog Research Natural Area, located approximately three (3) air miles southwest of Cave Junction, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 39 S., R. 8 W.,
Section 31, NE ¼, N½SE¼, SW¼SW¼; Total Acres 262.26.

This area is closed to ORV use to prevent damage to an area having significant research values and candidate threatened and proposed endangered species of plants.

3. Upper Table Rock Research Natural Area, located approximately nine (9) air miles north of Medford, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 35 S., R. 2 W.,
Section 34, SE¼
Section 35, S½NE¼, NW¼, SW¼, SE¼, and
T. 36 S., R. 2 W.,
Section 1, S½NW¼, SW¼, NW¼SE¼; Total Acres 840.

This area is closed to ORV use to prevent damage to an area having significant research values and candidate threatened and proposed endangered species of plants.

4. Lower Table Rock, located approximately eight (8) air miles north of Medford, Oregon. the legal description of the closed lands is:

Willamette Meridian

T. 36 S., R. 2 W.,
Section 9, S½NW¼, SW¼; Total Acres 240.

This area is closed to ORV use to prevent damage to an area having candidate threatened and proposed endangered species of plants.

5. Wild Rogue Wilderness Area, located approximately twenty-three (23) air miles west of Glendale, Oregon. The legal description of the closed lands is referenced in the Endangered American Wilderness Act of 1978, Section 6 and shown on a map available at the Medford District, Bureau of Land Management Office; it includes portions of the Mule Creek Drainage tributary to the Rogue River near Marial, Oregon; Total Acres 8,971.29

The closure of these lands is mandated by the Wilderness Act of 1964.

6. The Kerby Peak Trail, located approximately ten (10) air miles northeast of Cave Junction, Oregon. The trail is located in portions of the following sections as shown on a map available at the Medford District, Bureau of Land Management office:

Willamette Meridian

T. 38 S., R. 7 W.,
Section 25
Section 36, and
T. 38 S., R. 6 W.,
Section 30
Section 31, and
T. 39 S., R. 7 W.,
Section 1; approximately four (4) miles.

This trail is closed to ORV use as a safety measure to non-motorized users of the trail and to prevent damage to the trail environment.

7. Certain Public lands bearing granitic soils and located in the area extending westward from Grants Pass, Oregon, to the Rogue River and northward to the town of Hugo, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 34 S., R. 6 W.,
Section 33, E½SW¼, SW¼SW¼; and
T. 33 S., R. 6 W.,
Section 5, W½NE¼, SE¼SW¼, SE¼
Section 11, E½NE¼, SW¼NE¼, NE¼SE¼
Section 19, NE¼ N½NW¼
Section 29, NW¼NW¼; and
T. 36 S., R. 6 W.,
Section 3, SW¼, S½SE¼
Section 17, N½NW¼; Total Acres 1,239.84.

These lands are closed to ORV use to prevent damage to the vegetatation, watersheds, and the extremely fragile soils in the area.

8. An area of Public lands bearing granitic soils, located aproximately two (2) air miles south of Grants Pass, Oregon. The legal description of the closed lands is:

Willamette Meridan

T. 36 S., R. 5 W.,
Section 31, NE¼, SE¼NW¼, E½SW¼NW¼, E½SE¼, NW¼SE¼; Total Acres 340.

This area is currently being damaged by ORV activity and this closure is to prevent further damage to the vegetation, watersheds, and the extremely fragile soils in the area.

9. All public lands within the Wild Section and Recreation Section of the Rogue National Wild and Scenic River Corridor except for the four (4) areas listed under "Limited Areas". The legal descriptions of the Rogue National Wild and Scenic River corridor can be found in the **Federal Register**, Vol. 37, No. 131, Friday, July 7, 1972, pages 13415 and 13416; total approximate acres 12,768.

These lands are closed to ORV use to prevent damage to vegetation, soils, and wildlife in the area, to alleviate conflicting recreational uses, and to comply with the intent of the Wild and Scenic Rivers Act of 1976.

Limited Areas

The areas where ORV use is subject to special restrictions lie within the recreation section of the Rogue National Wild and Scenic River corridor. These areas are closed to ORV use from Memorial Day to Labor Day, inclusive.

The limited areas are:

1. Rand Recreation Area, located approximately two (2) air miles north of

Galice, Oregon, the legal description of the restricted lands is:

Willamette Meridian

T. 34 S., R. 7 W.,
Section 19, Lot 4; Total Acres 40.29.

2. Rocky Riffle Recreation Area, located approximately one-half (½) mile north of Galice, Oregon. The legal description of the restricted lands is:

Willamette Meridian

T. 34 S., R. 8 W.,
Section 36, Lot 2; Total Acres 12.38.

3. Griffin Park Proposed Group Recreation Area, located approximately eight (8) air miles west of Grants Pass, Oregon. The legal description of the restricted lands is:

Willamette Meridian

T. 36 S., R. 7 W.,
Section 11, E½E½ Lot 6, E½E½ Lot 7, E½E½ Lot 8; Approximate Total Acres 43.

4. Applegate Landing, located approximately five (5) air miles west of Grants Pass, Oregon at the confluence of the Rogue and Applegate Rivers. The legal description of the restricted lands is:

Willamette Meridian

T. 36 S., R. 6 W.,
Section 19, Lot 1, Lot 3
Section 20, Lot 4; Total Acres 121.55.

The above limitations to ORV use are done to prevent conflicting recreation uses and to comply with the intent of the Wild and Scenic Rivers Act of 1976.

The Public lands in the Glendale, Galice, and Grants Pass Resource Areas that are not listed in the permanent closures or limited areas are designated as open to ORV use. The approximate total acres designated as open are 401,783.90.

All lands designated as closed, open, and limited are depicted on the ORV designation map which is available from the Medford District Office, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501.

All designations are effective immediately and will remain in effect until revised, revoked, or amended by the authorized officer pursuant to 43 CFR Part 8340.

Dated: September 26, 1979.

George C. Francis,

District Manager.

[FR Doc. 79-30478 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

[C-16101]

Colorado; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

Correction

In FR Doc. 79-29118 appearing at page 54552 in the issue for Thursday, September 20, 1979, in the second column, under the heading of "New Mexico Prinicpal Meridian", under the subheading "South Branch Lake Recreation Area", on the second line, "Sec. 36, W½NW¼NW¼," should be "Sec. 36, W½NW¼NE¼,".

BILLING CODE 1505-01

Heritage Conservation and Recreation Service

National Register of Historic Places; Additions, Deletions, and Corrections

By notice in the **Federal Register** of February 6, 1979, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

Charles A. Herrington,

Acting Keeper of the National Register.

The following list of properties has been added to the National Register of Historic Places since notice was last given in the February 6, 1979, **Federal Register.** National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; properties recorded by the Historic American Engineering Record are designated by HAER; properties receiving grants-in-aid for historic preservation are designated by G.

Alabama

Dallas County

Selma vicinity, *Riverdale*, NE of Selma on River Rd. (9-10-79).

Marshall County

Guntersville, *Henry-Jordan House*, 301 Blount Ave. (9-4-79).

Montgomery County

Montgomery, *Stay House*, 631 S. Hull St. (9-10-79).

ALASKA

Fairbanks Division

Delta Junction vicinity, *Sullivan Roadhouse*, W of Delta Junction (8-10-79).

ARIZONA

Pinal County

Sacaton vicinity, *Ho-ak Site* (9-6-79).

Yuma County

Yuma, *Ocean to Ocean Highway Bridge*, Penitentiary Ave. (9-11-79).

CALIFORNIA

Alameda County

Oakland, *Oakland Hotel*, 260 13th St. (9-4-79).

Calaveras County

Altaville, *Altaville Grammar School*, 125 N. Main St. (8-24-79).

Los Angeles County

Chatsworth, *Palmer, Minnie Hill, House (Homestead Acre)* Chatsworth Park South (9-4-79).
Hollywood, *Guaranty Building*, 6331 Hollywood Blvd. (9-4-79).
Los Angeles, *Bernard, Susana Machado, House and Barn*, 845 S. Lake St. (9-4-79).
Pasadena, *House at 530 S. Marengo Ave.* (9-13-79).

Merced County

Los Banos, *Bank of Los Banos Building*, 836, 840, 842 and 848 6th St. (8-24-79).

Napa County

St. Helena vicinity, *Nichelini Winery*, E of St. Helena at 2950 Sage Canyon Rd. (8-24-79).

Orange County

San Juan Capistrano, *Harrison House*, 27832 Ortega Hwy. (8-21-79).
Santa Ana, *Spurgeon Block*, 206 W. 4th ST. (8-31-79).

Placer County

Tahoe City, *Watson Log Cabin*, 560 N. Lake Blvd. (8-24-79).

Riverside County

Rubidoux, *Jensen, Cornelius, Ranch*, 4350 Riverview Dr. (9-6-79).

San Diego County

San Diego, *Grant, U.S. Hotel*, 326 Broadway St. (8-27-79).
San Deigo, *Medico-Dental Building*, 233 A St. (9-4-79).
San Deigo, *San Diego Rowing Club*, 525 E. Harbor Dr. (8-30-79).

Stanislaus County

La Grange, *La Grange Multiple Resource Area (Partial Inventory)*. This area includes various properties at various locations.

Details available upon request.

Solano County

Benicia, *Carr House*, 165 E. D St. (9–13–79) HABS.

Yolo County

Davis, *Tufts, Joshua B., House*, 434 J St. (9–6–79).

COLORADO

Chaffee County

Buena Vista, *Chaffee County Courthouse and Jail Buildings*, 501 E. Main St. (9–10–79).

Denver County

Denver, *Guerrieri-DeCunto House*, 1650 Pennsylvania St. (9–10–79).

El Paso County

Colorado Springs, *Atchison, Topeka and Santa Fe Passenger Depot*, 555 E. Pikes Peak Ave. (9–10–79).
Colorado Springs, *Bemis, Judson Moss, House*, 506 N. Cascade Ave. (9–14–79).
Colorado Springs, *Y.W.C.A.*, 130 E. Kiowa St. (9–10–79).

Fremont County

Canon City, *McClure House, The (Strathmore Hotel)* 323—331 Main St. (9–14–79).

CONNECTICUT

Fairfield County

Greenwich, *Putnam Hill Historic District*, U.S. 1 (8–24–79).
Stamford, *Starr, C. J., Barn and Carriage House*, 200 Strawberry Hill Ave. (9–14–79).

Hartford County

Hartford, *Barbour, Lucius, House*, 130 Washington St. (8–21–79).
Suffield vicinity, *Hastings Hill Historic District*, 987—1308 Hill St., 1242 Spruce St. and 1085—1162 Russell Ave. (9–14–79).

Litchfield County

Roxbury, *Roxbury Iron Mine and Furnace Complex*, Hodge and Mine Hill Rds. (8–24–79).

New Haven County

Milford, *St. Peter's Episcopal Church*, 61, 71, 81 River St. (8–21–79).
Milford, *Taylor Memorial Library*, 5 Broad St. (8–21–79).
North Haven, *Rising Sun Tavern*, Old Tavern Lane (8–21–79).

New London County

East Lyme, Avery, Thomas, House, Society Rd. (8–22–79).
Mystic, *Mystic Bridge Historic District*, U.S. 1 and CT 27 (8–31–79).
West Mystic, *Mystic River Historic District*, U.S. 1 and CT 215 (8–24–79).

Windham County

Wauregan, *Wauregan Historic District*, CT 2–5.

DELAWARE

New Castle County

Newport vicinity, *Wooddale Historic District*, NW of Newport on Wooddale Rd. (8–24–79).
Wilmington, *Quaker Hill Historic District*, Roughly bounded by Tatnall, Jefferson, 2nd and 7th Sts. (9–6–79).

FLORIDA

Dade County

Miami, *Freedom Tower*, 600 Biscayne Blvd. (9–10–79).

Monroe County

Florida Keys, *Overseas Highway and Railway Bridges, (Long Key Bridge, Knight Key Bridge, Old Bahia Honda Bridge)* bridges on U.S. 1 between Long and Conch Key, Knight and Little Duck Key, and Bahia Honda and Spanish Key. (8–13–79).

GEORGIA

Fulton County

Atlanta, *Van Winkle, E., Gin and Machine Works*, Foster St. (9–10–79).

Hall County

Gainesville vicinity, *Tanner's Mill*, S of Gainesville on SR 3 (9–10–79) HAER.

Henry County

Hampton, *Hampton Depot*, E. Main St. (9–10–79).

GUAM

Agat vicinity, *Cable Station Ruins*, 6 mi. N of Agat (9–6–79).

HAWAII

Hawaii County

Hilo, *District Courthouse and Police Station*, 141 Kalahaua St. (9–4–79).
Kapaau, *Kohala District Courthouse*, Government Rd. (8–31–79).

Honolulu County

Honolulu, *Alexander and Baldwin Building*, 822 Bishop St. (9–7–79).
Honolulu, *Dillingham Transportation Building*, 735 Bishop St. (9–7–79).

Kauai County

Hanalei, *Hanalei Pier*, Hanalei Bay (9–13–79).
Kapaa, *Seto Building*, Kuhio Hwy. (9–4–79).

Maui County

Kalae, *Meyer, R. W., Sugar Mill*, HI 47 (9–4–79).

IDAHO

Ada County

Boise, *Hopffgarten House*, 1115 W. Boise Ave. (8–30–79).
Boise, *McCarthy, Judge Charles P., House*, 1415 Fort St. (8–30–79).
Boise, *O'Farrell, John A., House*, 420 W. Franklin St. (9–4–79).

Bannock County

Lava Hot Springs, *Riverside Inn*, 112 Portneuf Ave. (8–29–79).

Bingham County

Blackfoot, *North Shilling Historic District*, N. Shilling Ave. (8–29–79).
Blackfoot, *Standrod Bank (Brown-Hart Store Building)*, 59 and 75 NW. Main St. (8–30–79).

Bonneville County

Ririe vicinity, *Shelton L.D.S. Ward Chapel*, SW of Ririe on Shelton Rd. (8–30–79).

Canyon County

Caldwell, *North Caldwell Historic District*, 9th, Albany and Belmont Sts. (9–5–79).

Oneida County

Malad City, *Evans, D. L., Sr., Bungalow*, 203 N. Main St. (8–30–79).

Twin Falls County

Twin Falls, *Stricker Store and Farm*, N of Rock Creek (8–30–79).

ILLINOIS

Cook County

Chicago, *Municipal Pier*, 200 Streeter Dr. (9–13–79).
Chicago, *Quinn Chapel of the A.M.E. Church*, 2401 S. Wabash Ave. (9–4–79).
Chicago, *Unity Building*, 127 N. Dearborn St. (9–6–79) HABS.
Chicago, *Villa Historic District*, Roughly bounded by Avondale, W. Addison, N. 40th and N. Hamlin Aves. (9–11–79).

Kane County

Geneva, *Central Geneva Historic District*, Roughly bounded by Fox River, South, 6th and W. State Sts. (9–10–79).

Lake County

Libertyville vicinity, *Church of the St. Sava Serbian Orthodox Monastery*, N of Libertyville on N. Milwaukee Ave. (9–6–79).

Marion County

Kinmundy, *Rohrbough, Calendar, House (Grissom House)*, 3rd and Madison Sts. (9–6–79).

Peoria County

Peoria, *Proctor, John C., Recreation Center*, 300 S. Allen St. (9–6–79).

Putnam County

Hennepin, *Pulsifer, Edward, House*, IL 71 (9–4–79).

Sangamon County

Springfield, *Lewis, John L., House*, 1132 W. Lawrence Ave. (9–10–79).

Winnebago County

Rockford, *Coronado*, 312–324 N. Main St. (9–6–79).

INDIANA

DeKalb County

Garrett, *Mountz House*, 507 E. Houston St. (9–11–79).

Marion County

Indianapolis, *Johnson-Denny House*, 4456 N. Park Ave. (8–24–79).

Tippecanoe County

Lafayette, *Perrin Historic District*, roughly bounded by Murdock Park, Sheridan Rd., Columbia, Main and Unions Sts. (9–10–79).
West Lafayette, *West Lafayette Baptist Church*, 123 N. Chauncey St. (9–6–79).

Vanderburgh County

Evansville, *Louisville and Nashville Railroad Station*, 300 Fulton Ave. (8–24–79).

Vigo County

North Terre Haute, *Markle House and Mill Site*, 4900 Mill Dam Rd. (9–10–79).

KENTUCKY

Fayette County

Lexington, *Central Christian Church*, 207 E. Short St. (9–11–79).
Lexington, *Northside Historic Residential District*, roughly bounded by RR tracks, N. Limestone, W. Short and Newtown Sts. (8–28–79).

Green County

Greensburg, *Greensburg Bank Building*, E. Court St. (8–21–79).

Jefferson County

Louisville, *Crescent Hill Reservoir*, Reservoir Ave. (9–10–79).
Louisville, *Meek-Miller House*, 3123 N. Western Pkwy. (9–10–79).

Laurel County

London, *Bennett, Sue, Memorial School Building*, College St. (9–11–79).

Scott County

Georgetown vicinity, *Oxford Historic District*, NE of Georgetown at U.S. 62 and KY 922 (9–11–79).
Midway vicinity, *Payne's Depot Multiple Resource Area (Partial Inventory)*. This area includes various properties at various locations. Details available upon request. (8–28–79).

Lafourche Parish

Thibodaux, *Lafourche Parish Courthouse*, 200 Green St. (8–21–79).

Natchitoches Parish

Natchez vicinity, *Prud'homme, Jean Pierre Emmanuel, Plantation*, SE of Natchez on LA 19 (8–29–79).

St. Tammany Parish

Covington vicinity, *Sunnybrook*, N of Covington on LA 21 (8–29–79).

Tangipahoa Parish

Tangipahoa vicinity, *Camp Moore*, Off LA 440 (8–21–79).

West Feliciana Parish

Hardwood, *Oaks, The*, U.S. 61 (8–20–79).

MAINE

Piscataquis County

Millinocket Lake vicinity, *Munsungan-Chase Lake Thoroughfare Archeological District* (9–6–79).

York County

North Berwick, *Hurd, Mary R., House*, Elm St. (9–11–79).

MARYLAND

Charles County

Faulkner vicinity, *Timber Neck Farm*, SE of Faulkner (9–6–79).

Frederick County

Brunswick, *Brunswick Historic District*, Roughly bounded by Potomac River, Central, Park and 10th Aves., and C St. (8–29–79).
Federick vicinity, *Edgewood*, N of Frederick off Poole Jones Rd. (9–6–79).

Harford County

Jappatowne vicinity, *Old Joppa Site*, Off U.S. 40 (8–24–79) HABS.

Kent County

Chestertown, *Middle, East and West Halls*, Washington Ave. (9–6–79).

MASSACHUSETTS

Dukes County

Oak Bluffs, *Flying Horses*, 33 Oak Bluffs Ave. (8–27–79).

Essex County

Lynn, *Lynn Armory*, 36 S. Common St. (9–7–79).
Lynn, *Lynn Masonic Hall*, 64–68 Market St. (8–21–79).
Lynn, *Lynn Public Library*, 5 N. Common St. (8–21–79).
Lynn, *St. Stephen's Memorial Church*, 74 S. Common St. (9–7–79).

Plymouth County

Hanover, *Stetson House*, Hanover St. (9–7–79).

Suffolk County

Boston, *Bedford Building*, 89–103 Bedford St. (8–21–79).
Boston, *International Trust Company Building*, 39–47 Milk St. (9–10–79).

Worcester County

Lancaster, *Atherton Bridge*, Bolton Rd. (9–10–79).
Lancaster vicinity, *Ponakin Bridge*, N of Lancaster on Ponakin Rd. (9–10–79).
Southbridge, *Centre Village Historic District*, Along Main St. (9–7–79).

MICHIGAN

Calhoun County

Homer, *Cortright-Van Patten Mill*, 109 Byron St. (8–31–79).

Genesee County

Flint, *Civic Park Historic District*, Roughly bounded by Welch and Brownell Blvds., Trumbull Ave., Dupont and Dartmouth Sts. (9–7–79).

Kalamazoo County

Kalamazoo, *South Street Historic District*, South St. between Oakland Dr. and Westnedge Ave. (8–28–79).

Leelanau County

Glen Haven, *Sleeping Bear Inn*, MI 209 (9–6–79).

MINNESOTA

Rice County

Lonsdale, *Lonsdale Public School*, 3rd Ave., SW. (8–30–79).

St. Louis County

Virginia, *Valon Tuote Raittiusseura (Reward of Light Temperance Society)* 125 3rd St. North (8–24–79).

MISSOURI

St. Louis County

Florissant, *ST. FERDINAND CITY MULTIPLE RESOURCE AREA (Partial Inventory)*. This area includes various properties at various locations. Details available upon request. (9–12–79).

NEBRASKA

Douglas County

Boys Town, *Father Flanagan's House*, Off U.S. 6 (9–6–79).
Omaha, *Standard Oil Company Building*, 500 S. 18th St. (8–24–79).

Saline County

Crete, *Trinity Memorial Episcopal Church*, 14th and Juniper Sts. (9–14–79).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *New Hampshire Bank Building*, 22–26 Market Sq. (9–10–79).
Portsmouth, *South Parish*, 292 State St. (8–21–79).

NEW JERSEY

Atlantic County

Mays Landing, *Richards, Samuel, Hotel*, 106 E. Main St. (8–31–79).

Bergen County

Bergenfield, *South Church Manse*, 138 W. Church St. (8–24–79).

Burlington County

Chatsworth, *Shamong Hotel (Whitehorse Inn)* Main St. (9–13–79).
Wrightstown vicinity, *Upper Springfield Meetinghouse*, W of Wrightstown (8–24–79).

Essex County

Newark, *Newark Female Charitable Society*, 305 Halsey St., 41–43 Hill St. (9–12–79).

Mercer County

Lawrenceville vicinity, *Baker-Brearley House*, E of Lawrenceville on Meadow Rd. (8–31–79).
Trenton, *Kuser, Rudolph V., Estate*, 315 W. State St. (8–24–79).

Middlesex County

Jamesburg, *Ensley-Mount-Buckalew House*, Buckalew Ave. (9–12–79).
Jamesburg vicinity, *Holmes-Tallman House*, NW of Jamesburg at Cranbury and Brown's Corner Rds. (9–12–79).
Sayreville, *Sayre and Fisher Reading Room (Sayreville Hall)* Main St. and River Rd. (9–12–79).

Monmouth County

Asbury Park, *Winsor Building*, 400–420 Main St. and 715–131 Bangs Ave. (9–13–79).

Union County

Springfield, *Sayre Homestead*, Sayre Homestead Lane (8–24–79).

Warren County

Alpha vicinity, *Hunt, George, House*, SW of Alpha at 135 Warren Glen Rd. (9–12–79).

NEW MEXICO

Bernalillo County

Albuquerque, *San Ignacio Church*, 1300 Walter St., NE. (8–21–79).

NEW YORK

Bronx County

Bronx, *Hall of Fame Complex*, Bronx Community College campus (9–7–79).

Columbia County

Valatie, *First Presbyterian Church*, Church St. (9–7–79).

Genesee County

LeRoy, *Keeney House*, 13 W. Main St. (9–11–79).

Greene County

Windham, *Centre Presbyterian Chuch*, Main and Church Sts. (9–7–79).

Kings County

Brooklyn, *Flatlands Dutch Reformed Church*, Kings Hwy. and E. 40th St. (8–30–79).

Onondaga County

Delphi Falls, *Delphi Baptist Church*, Oran-Delphi Rd. (8–24–79).

Orleans County

Albion, *Orleans County Courthouse Historic District*, Courthouse Sq. and environs (8–31–79).

Rensselaer County

Mathews, David, House. Reference—see Bennington County, VT. (9–10–79).
Troy, *St. Paul's Episcopal Church Complex*, 58 3rd St. (9–7–79).
Troy, *Willard, Emma, School*, Pawling and Elmgrove Aves. (8–30–79).

Saratoga County

Saratoga Springs, *Broadway Historic District*, Broadway, Washington and Rock Sts. (9–12–79).

Schoharie County

Gallupville, *Gallupville House*, Main St. (9–7–79).

Ulster County

Kingston, *Randout-West Strand Historic* District, U.S. 9w (8–24–79).

Westchester County

New Rochelle, *First Presbyterian Church and Pintard, Lewis, House*, Pintard Ave. (9–7–79)
White Plains, *Purdy, Jacob, House*, 60 Park Ave. (8–31–79).

NORTH DAKOTA

Cass County

Fargo, *Grand Lodge of North Dakota, Ancient Order of United Workmen*, 112–114 N. Roberts St. (8–24–79)

OHIO

Cross-Tipped Churches of Ohio Thematic Resources. Maria Stein and its environs, Within a 22-mile radius of the convent at Maria Stein. Also in Mercer, Auglaize, Dark, and Shelby Counties. For detailed information contact National Register officer (7–26–79).

Columbiana County

Lisbon, *Lisbon Historic District*, U.S. 30 and OH 45 (8–24–79)

Cuyahoga County

Bratenahl, *Pickands, Jay M., House*, 9619 Lake Shore Blvd. (8–24–79).
Cleveland, *Wheatley, Phillis, Association*, 4450 Cedar Ave. (8–24–79)
Lakewood, *Nicholson, James, House*, 13335 Detroit Ave. (8–24–79) HABS.

Erie County

Vermilion, *Francis, Joseph, Iron Surf Boat*, 480 Main St. (9–13–79)

Franklin County

Columbus, *Higgins, H. A., Building (Flatiron Building)* 129 E. Naghten St. (8–27–79).

Geauga County

Burton, *Domestic Arts Hall and Flower Hall*, N. Cheshire St. (8–24–79).

Greene County

Xenia, *East Second Street District*, 184–271 E. 2nd St. (9–10–79).

Guernsey County

Guernsey vicinity, *Booth Homestead*, N of Guernsey at 8433 Wheeling Twnshp. Rd. (9–6–79).

Hamilton County

Cincinnati, *Columbia-Tusculum Multiple Resource Area (Partial Inventory)*. This area includes various properties at various locations. Details available upon request. (8–24–79).

Lake County

Wickliffe, *Coulby, Harry, Mansion*, 28730 Ridge Rd. (8–24–79).

Logan County

Bellafontaine, *Lawrence, William, House*, 325 N. Main St. (8–24–79).

Montgomery County

Dayton, *Pretzinger, Rudolph, House*, 908 S. Main St. (8–24–79).

Morrow County

Chesterville, *Chesterville Multiple Resource Area*. This area includes various properities at various locations. Details available upon request. (8–21–79).

Muskingum County

Frazeysburg vicinity, *Baughman Memorial Park*, W of Frazeysburg on OH 586 (8–27–79).
Zanesville, *McIntire Terrace Historic District*, Roughly bounded by Peter Alley, McIntire, Moorehead, Findley, Blue, and Adair Aves.(9–6–79).
Zanesville, *Tannehill, Capt. James Boggs, House*, 367 Taylor St. (8–27–79).

Perry County

Thornville vicinity, *Whitmer, Solaman, House*, N of Thornville at 13917 Zion Twnshp. Rd., NW. (9–5–79).

Scioto County

Portsmouth, *St. Mary's Roman Catholic Church*, 5th and Markets Sts. (8–24–79).

OKLAHOMA

Oklahoma City, Stockyards City Historic District, An irregular pattern along Agnew and Exchange Aves. (8–24–79).

Payne County

Stillwater, *Magruder Plots*, Oklahoma State Universiy (8–29–79).

Tulsa County

Tulsa, *Convention Hall*, 105 W. Brady St. (8–29–79).
Tulsa, *Philtower*, 427 S. Boston Ave. (8–29–79).

OREGON

Linn County

Shedd vicinity, *Boston Flour Mill (Thompson's Flour Mill)* E of Shedd on Boston Mill Rd. (8–21–79).

Multnomah County

Portland, *Bates-Seller House*, 2381 NW. Flanders St. (8–29–79).
Portland, *Fenton, William D., House*, 626 SE. 16th Ave. (8–29–79).
Portland, *Kendall, Joseph, House*, 3908 SE. Taggart St. (8–29–79).
Portland, *Kerr, Albertina, Nursery*, 424 NE. 22nd Ave. (8–29–79).

PENNSYLVANIA

COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES. Reference—see individual listings under Northumberland County.

Alleghany County

McKeesport vicinity, *Bowman Homestead*, N of McKeesport at 3500 The Lane (9–7–79).
Pittsburgh, *Henderson-Metz House*, 1516 Warren St. (8–22–79).
Pittsburgh, *Sellers House*, 400 Shady Ave. (9–7–79).
Pittsburgh, *West End-North Side Bridge, Western Ave. and Carson St. (8–24–79).*

Berks County

Reading, *Bethel A.M.E. Church*, 119 N. 10th St. (9–7–79).
Wernersville, *Lerch Tavern*, 182–184 W. Penn Ave. (9–12–79).

Chester County

Downingtown, *General Washington Inn*, Uwchlan and E. Lancaster Aves. (8–22–79).
Elverson vicinity, *Lahr Farm*, E of Elverson on PA 23 (9–7–79).

Dauphin County

Dauphin vicinity, *Ayres, John, House*, NW of Dauphin on PA 325 (9–7–79).
Harrisburg, *Keystone Building*, 18–22 S. 3rd St. (9–7–79).

Franklin County

Greencastle vicinity, *Stover-Winger Farm*, Leitersburg Rd. (8-24-79).

Lancaster County

Marietta, *Bucher, Joseph, House*, 104 E. Front St. (9-7-79).

Luzerne County

Wyoming, *Luzerne Presbyterial Institute (Wyoming Institute)* Institute St. (9-7-79) HABS.

Monroe County

Bushkill vicinity, *Schoonover Mountain House*, S of Bushkill (8-21-79).
Monroe vicinity, *Cold Spring Farm Springhouse*, NE of Monroe (8-24-79). HABS.

Northumberland County

Elysburg vicinity, *Kreigbaum Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* E of Elysburg (8-8-79).
Elysburg vicinity, *Richards Covered Bridge (Covered Bridges of Northumberland County Thematic Resources* E of Elysburg (8-8-79).
Knoebel's Grove, *Knoebel, Lawrence L., Covered Bridge (Covered Bridges of Northumberland County Thematic Resources* (8-8-79).
Montandon vicinity, *Rishel Covered Bridge (Covered Bridges of Northumberland County Thematic Resources* E of Montandon (8-8-79).
Potts Grove vicinity, *Brown, Gottlieb, Covered Bridge (Covered Bridges of Northumberland County Thematic Resources* E of Potts Grove (8-8-79).
Rebuck vicinity, *Himmel's Church Covered Bridge (Covered Bridges of Northumberland County Thematic Resources* NE of Rebuck (8-8-79).
Sunbury vicinity, *Keefer Station Covered Bridge (Covered Bridges of Northumberland County Thematic Resources* E of Sunbury (8-8-79).
Turbotville vicinity, *Hower-Slote House*, W of Turbotville (8-22-79).

Pike County

Bushkill, *Peters House*, U.S. 209 (8-24-79).

York County

York, *York Historic District*, Roughly bounded by RR tracks, Hartley St., Lilac Lane and Codorus Creek (8-29-79).

RHODE ISLAND

Newport County

Tiverton, *Hicks, Joseph, House*, 494 Main Rd. (9-10-79).

Providence County

North Scituate, *Smithville-North Scituate*, U.S. 6 and RI 116 (8-29-79).

Beaufort County

Beaufort vicinity, *Fort Lyttelton Site*, S of Beaufort on Spanish Point Dr. (9-13-79).

Richland County

Columbia, *Columbia Multiple Resource Area (Partial Inventory) (additions)* This area includes various properties at various locations. Details available upon request. (8-28-79).

SOUTH DAKOTA

Bon Homme County

Scotland, *Methodist Episcopal Church*, 811 6th St. (9-12-79).

Day County

Andover, *Waldorf Hotel*, Main St. (9-13-79).

Spink County

Turton, *First Congregational Church*, Oak and 2nd Sts. (9-14-79).

TENNESSEE

Maury County

Spring Hill vicinity, *Thompson, Absalom, House (Oaklawn)* S of Spring Hill on Denning Rd. (9-11-79).

Shelby County

Memphis, *Second Presbyterian Church (Clayborn Temple)* 280 Hernando St. (9-4-79).

TEXAS

Bowie County

Texarkana, *Hotel McCartney, State Line Ave. (9-6-79)*.

Brown County

Brownwood, *St. John's Episcopal Church*, 700 Main Ave. (9-4-79).

Fayette County

Schulenburg, *Schulenburg Cotton Compress*, James and Main Sts. (9-13-79).

Galveston County

Galveston, *Trinity Protestant Episcopal Church*, 22nd St. and Ave. G (9-4-79).

Hidalgo County

Linn vicinity, *El Sal del Rey Archeological District*, E. of Linn off TX 186 (8-27-79).

Jackson County

Edna, *Texana Presbyterian Church*, Apollo Dr. and Country Club Lane (9-12-79).

Nueces County

Port Aransas, *Tarpon Inn*, 200 E. Cotter St. (9-14-79).
Violet, *Old St. Anthony's Catholic Church*, S. Violet Rd. and TX 44 (9-7-79).

Walker County

Riverside vicinity, *Riverside Swinging Bridge*, NE of Riverside (9-12-79).

VERMONT

Bennington County

Bennington vicinity, *Mathews, David, House*, VT 67 (9-10-79) (also in Rensselaer County, NY).
Stamford, *Tudor House*, VT 8 (9-10-79).

Orange County

Barre vicinity, *Whitcomb, Harlie, Farm*, NE of Barre off U.S. 302 (9-11-79).

Washington County

Barre, *Barre Downtown Historic District*, VT 302 (9-4-79).

Waterbury vicinity, *Colby Mansion*, N of Waterbury on VT 100 (9-10-79).

Windham County

Rockingham, *Rockingham Meetinghouse*, Off VT 103 (9-10—79).

VIRGINIA

Danville (independent city).
Penn-Wyatt House, 862 Main St. (9-7-79).

Gloucester County

Wicomico vicinity, *Timberneck*, E of Wicomico off VA 635 (9-10-79).

Pittsylvania County

Chatham vicinity, *Mountain View*, 2 mi. S of Chatham on VA 703 (9-10-79).

Prince Edward County

Worsham, *Old Prince Edward County Clerk's Office*, U.S. 15 (9-10-79).
Richmond (independent city).
Fourth Baptist Church, 2800 P St. (9-7-79).

Shenandoah County

Edinburg, *Edinburg Mill*, U.S. 11 (9-7-79).
Winchester (independent city).
Glen Burnie, 801 Amherst St. (9-10-79) HABS.

WEST VIRGINIA

Braxton County

Sutton, *Old Sutton High School*, N. Hill Rd. (8-29-79).

Fayette County

Fayetteville, *Altamont Hotel*, 110 Fayette Ave. (8-29-79).

Hardy County

Moorefield, *Maslin, Thomas, House (Gamble, Mortimer, House)* 131 Main St. (8-29-79).

Jackson County

Ravenswood, *Old Ravenswood School*, Henry St. (8-29-79).

Jefferson County

Summit Point vicinity, *White House Farm*, E of Summit Point of SR 13 (8-29-79) HABS.

Marion County

Fairmont, *Fleming, Thomas W., House*, 300 1st St. (8-29-79).

Mason County

Point Pleasant, *Lewis-Capehart-Roseberry House*, 1 Roseberry Lane (8-29-79).

McDowell County

Welch, *McDowell County Courthouse*, Wyoming St. (8-29-79).

Ohio County

Wheeling, *Oglebay Mansion Museum*, Oglebay Park (8-29-79).

Pocahontas County

Marlinton, *Marlinton Chesapeake and Ohio Railroad Station*, 8th St. and 4th Ave. (8-29-79).

Randolph County

Elkins, *Albert and Liberal Arts Halls*, Davis and Elkins College campus (8-29-79).

Tucker County

Thomas, *Cottrill Opera House (Sutton's Opera House)* East Ave. (8–29–79).

Wood County

Parkersburg, *Wood County Courthouse*, Court Sq. (8–29–79).

WISCONSIN

Barron County

Rice Lake, *Rice Lake Mounds (47 Bn–90)* (9–7–79).

Columbia County

Columbus, *Columbus City Hall*, 105 N. Dickason St. (9–4–79).

Crawford County

Prairie du Chien, *Powers, Strange, House*, 338 N. Main St. (8–27–79).

Dodge County

Waupun, *Waupun Public Library*, 22 S. Madison St. (9–4–79).

Fond du Lac County

Ripon, *First Congregational Church*, 220 Ransom St. (9–4–79).

Iron County

Hurley vicinity, *Annala Round Barn*, S of Hurley (8–27–79).

Milwaukee County

Glendale, *Spring Grove Site* (9–10–79).
Milwaukee, *North Point South Historic District*, Roughly bounded by North Ave., Summit, Terrace, and Lafayette Sts. (9–4–79).

Winnebago County

Oshkosh, *Oviatt House*, 842 Algoma Blvd. (8–27–79).
Winneconne vicinity, *Lasley's Point Site* (9–6–79).

* * * * *

The following is a list of corrections to properties previously listed in the **Federal Register**. Additional corrections may appear in subsequent updates.

ARIZONA

Pinal County

Oracle vicinity, *American Flag Post Office and Ranch Headquarters*, 5 mi. SE of Oracle (6–20–79) (previously listed as American Flag Post Office and Ranch).

NEW YORK

Chenango County

Greene, *Clinton-Rosekrans Law Building*, 62 Genesee St. (7–27–79) (previously listed as Rosekrans Building).

* * * * *

The following properties have been demolished and/or removed from the National Register of Historic Places. This action does not modify the applicability, if any, of provisions of section 2124 of the Tax Reform Act.

CALIFORNIA

San Francisco County

San Francisco, *Phelps, Abner, House*, 1111 Oak St. (removed).

KANSAS

Leavenworth County

Easton vicinity, *Biehler Barn*, 2.5 mi. N of Easton (demolished).

KENTUCKY

Boone County

Burlington vicinity, *Piatt's Landing*, S of Burlington off KY 338 (demolished).

MONTANA

Deer Lodge County

Anaconda, *Marcus Daly Hotel*, Park Ave. and S. Main St. (removed).

NEBRASKA

York County

York, *York County Courthouse*, 5th St. and Lincoln Ave. (demolished).

NEW JERSEY

Atlantic County

Atlantic City, *Blenheim Hotel*, Boardwalt and Ohio Aves. (demolished).
Brigantine City vicinity, *U.S. Coastguard Station*, About 3 mi. NNE of Brigantine City (demolished).

NEW YORK

Rockland County

West Haverstraw, *Garner, Henry, Mansion*, 18 Railroad Ave. (demolished).

PENNSYLVANIA

Luzerne County

Hazelton, *Keller House*, 217 W. Broad St. (demolished).

Wayne County

Starrucca, *Stone Arch Bridge, Starucca Creek*, SR 57054 (demolished).

RHODE ISLAND

Washington County

North Kingstown, *Shaw, Dr. William G., House*, 41 Brown St. (removed).

SOUTH CAROLINA

McCormick County

Troy vicinity, *Bradley's Covered Bridge*, 3 mi. W of Troy on SC 36 (demolished).

TENNESSEE

Franklin County

Belvidere vicinity, *Circular Barn at Cloverdale Farm*, S of Belvidere off U.S. 64 (demolished).

TEXAS

Brazoria County

Brazoria vicinity, *Ellerslie Plantation*, SE of Brazoria off TX 36 (removed).
Houston, *Covington, Dr. B. J., House*, 2219 Dowling St. (demolished).

* * * * *

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requestion determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR Part 800. Properties determined to be eligible under § 63.3 of the procedures for requestion determinations of eligibility are designated by (63.3).

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before any agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation, shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

ARIZONA

Salt-Gila Aqueduct Archeological Sites (40 sites, Queen Creek Archeological District and Florence Archeological District).

Navajo County

Black Mesa, *Archeological Sites along Navajo 41* (40 sites) (63.3).
Joseph City vicinity, *Archeological Sites AZ P:3:11 and AZ P:3:12*, Off AZ 40 (63.3).

ARKANSAS

Lawrence County

Portia, *Archeological Site 3 LW 501.*

Pulaski County

Little Rock, *Little Rock City Hall*, Markham and Broadway Sts. (63.4c).
Little Rock, *Little Rock Fire Department Building*, Markham and Arch Sts. (63.4c).
Little Rock, *Marion Hotel*, Markham St. (63.4c).
Little Rock, *New Pulaski County Courthouse*, 2nd, Spring, Markham and Broadway Sts. (63.4c).
Little Rock, *Old Pulaski County Courthouse*, 2nd, Spring, Markham and Broadway Sts. (63.4c).
Little Rock, *Robinson Memorial Auditorium*, Markham and Broadway Sts. (63.4c).

CALIFORNIA

Humboldt County

Bayside vicinity, *McGuire Barn*, S of Bayside on Myrtle Ave. (63.3).
Indianola vicinity, *Pinkerton, George, Montgomery-Williamson House and Barn*, N of Indianola on Myrtle Ave. (63.3).

Marin County

Olema vicinity, *Randall, Sarah Seaver, House*, Olema-Bolinas Rd.

Orange County

Fullerton, *Pacific Electric Depot*, 128 E. Commonwealth Ave.
Fullerton, *Santa Fe Depot*, E. Santa Fe Ave.

Plumas County

La Porte vicinity, *Harrison Diggins Site CA-PLU-380*, Plumas National Forest (63.3).

COLORADO

Douglas County

Roxborough State Park Archeological District, Roxborough State Park (63.3).

El Paso County

Colorado Springs, *Old Colorado City Historic District-Alternate B.*

Mesa County

Gran Junction vicinity, *Colorado National Monument Multiple Resource Area (Partial Inventory)* This area includes: *Comfort Station; Devil's Kitchen Picnic Shelter; Headquarters Historic District; Maintenance Yard Historic District; Trail of the Serpent* (63.3).

Weld County

Greeley, *Plumb, Charles, House*, 4001 W. 10th St. (63.3).

CONNECTICUT

Fairfield County

Greenwich, *St. Mary's Church and Rectory* (63.3).

New Castle County

Wilmington, *Wilmington Yards and Shops*, Off 12th St.

New London County

Norwich, *City Hall*, Union and Broadway Sts.

DISTRICT OF COLUMBIA

Washington

American Mosiac Building (63.4c).
Elements of the L'Enfant Plan (63.4c).
Mount Vernon Apartments (63.4c).
Mount Vernon Theatre (63.4c).
Pepco Power Substation (63.4c).
Washington Lodge No. 15 B.P.O. Elks (63.4c).

GEORGIA

Liberty County

Hinesville, *Quarterman-Kozma House*, U.S. 82 (63.3).

ILLINOIS

Cook County

Chicago, *House at 3639 South Michigan Avenue* (63.3).
Chicago, *House 3657 South Michigan Avenue* (63.3).

INDIANA

Clark County

Jeffersonville, *East Riverside Drive Historic District.*
Jeffersonville, *Spring Street Historic District.*
Jeffersonville, *West Riverside Drive Historic District.*

IOWA

Jackson County

Maquoketa vicinity, *Nickerson, Tertullus, House*, IA 64 (63.3).

Scott County

Davenport, *Chicago, Milwaukee, St. Paul and Pacific Railroad Trestle.*

MARYLAND

Baltimore County

Fort Howard (63.3).

MASSACHUSETTS

Berkshire County

Glendale, *Glendale Powerhouse Station*, Hoeatonic River.

Essex County

Lynn, *Broad Street Historic District.*
Salem, *Elevator Works*, 76–80 Lafayette St.

MICHIGAN

Bay County

Bay City, *Archeological Sites 20BY76, 20BY77, 20BY78 and 20BY79* (63.3).

Wayne County

Detroit, *Detroit Public Library Downtown Branch*, Bounded by Library, Farmer and State Sts. (63.3).
Detroit, *Detroit Street Plan* (63.3).
Detroit, *Hudson, J. L., Company Building*, Bounded by Woods Rd., Grand River, Farmer and State Sts. (63.3).
Detroit, *Randolph Street Commercial Buildings*, 1208–1244 Randolph St. (63.3).
Detroit, *Siegel, B., Company Building*, State and Woodward Sts. (63.3).

MISSISSIPPI

Tallahatchie County

Archeological Site 22-TL-520 (63.3).

MISSOURI

Marion County

Hannibal, *Marion County Courthouse.*
Palmyra, *Marion County Jail.*

Monroe County

Paris, *Monroe County Courthouse.*

MONTANA

Deer Lodge County

Anaconda, *Anaconda Historic Lighting* (63.3).

Glacier County

Glacier National Park, *Cut Bank Ranger Station*, Cut Bank Creek Rd. (63.3).

NEVADA

Clark County

Pueblo Grande de Nevada, Lake Mead National Recreation area (63.3).

NEW HAMPSHIRE

Rockingham County

Newmarket, *Newmarket Central School*, Church St. (63.3).

NEW JERSEY

Morris County

East Hanover, *Definis Site (28-MR-161)* Off Rte. 280 (63.3).
East Hanover, *Steppel Site* (63.3).
Madison, *Sayre, Ephraim, House*, 31 Ridgedale Ave.

Albany County

Lock 5, Erie Canal

Albany, *Clinton Avenue-North Pearl Street Historic District* (63.3).

Kings County

New York, *Floyd Bennett Field Historic District*, Flatbush Ave. (63.3).
New York, *Loew's Kings Theater*, 1027 Flatbush Ave. (63.3).

Warren County

Glen Falls and Hudson Falls, *Glen Falls Feeder Canal* (also in Washington County) (63.3).

Washington County

Glen Falls Feeder Canal, Reference—see Warren County.

NORTH CAROLINA

Yancey No. 194 Metal Truss Bridge (63.3).

Alleghany County

Alleghany No. 107 Metal Truss Bridge, SR 1308 over King's Creek.

Ashe County

Ashe No. 455 Metal Truss Bridge, SR 1573.

Bladen County

Bladen No. 701-42-20N Metal Truss Bridge, U.S. 701.

Buncombe County

Buncombe No. 213 Metal Truss Bridge, SR 1408.

Burke County

Burke No. 2 Metal Truss Bridge, SR 1501
Burke No. 126-85-10 Metal Truss Bridge, NC 126.

Caldwell County

Caldwell No. 272 Metal Truss Bridge, SR 1328.

Carteret County

Carteret No. 101-16-10 Metal Truss Bridge, NC 101.

Catawba County

Catawba No. 1 Metal Truss Bridge, SR 1006.
Cataba No. 58 Metal Truss Bridge, SR 1116.

Chatham County

Chatham No. 147 Metal Truss Bridge, SR 1963.

Chotham No. 155 Metal Truss Bridge, SR 2153.

Davidson County

Davidson No. 249 Metal Truss Division, SR 2294.

Durham County

Durham No. 28 Metal Truss Bridge, SR 1004.

Guilford County

Guilford No. 53 Metal Truss Bridge, SR 1334.
Guilford No. 158 Metal Truss Bridge, SR 2784.

Haywood County

Haywood No. 79 Metal Truss Bridge, SR 1112.
Haywood No. 291 Metal Truss Bridge, SR 1625.

Henderson County

Henderson No. 63 Metal Truss Bridge, SR 1882.

Jackson County

Jackson No. 63 Metal Truss Bridge, SR 1392.

Lincoln County

Lincoln No. 22 Metal Truss Bridge, SR 1414.

McDowell County

McDowell No. 126–87–10 Metal Truss Bridge, NC 126.

Mitchell County

Mitchell No. 229 Metal Truss Bridge, SR 1336.

Montgomery County

Montgomery No. 60 Metal Truss Bridge, SR 1567.

Nash County

Nash No. 271 Metal Truss Bridge, SR 1331.

Pasquotank County

Newland vicinity, 31 PK 5 (17–1) Brick Road, SE of Newland on U.S. 17.

Person County

Person No. 35 Metal Truss Bridge, SR 1120.

Pitt County

Pitt No. 411 Metal Truss Bridge, SR 1531.

Randolph County

Randolph No. 19 Metal Truss Bridge, SR 1170.

Robeson County

Robeson No. 430 Metal Truss Bridge, SR 1539.

Rockingham County

Rockingham No. 98 Metal Truss Bridge.

Rowan County

Rowan No. 27 Metal Truss Bridge, SR 1003.

Rutherford County

Rutherford No. 270 Metal Truss Bridge, SR 1155.

Stokes County

Stokes No. 75 Metal Truss Bridge, SR 1417.
Stokes No. 197 Metal Truss Bridge, SR 1665.

OHIO

Hamilton County

Cincinnati, *Properties in lane Seminary Recreation Site* (17 sites).

OREGON

Lane County

Eugene, *Eakin-Snodgrass House*, 437 Lawrence St.
Eugene, *Elliott House*, 938 Jefferson St.
Eugene, *Ham House, 347 ½ High St.*
Eugene, *McMurray House*, 930 E. 21st. Ave.
Eugene, *Soults-Westfall Duplex*, 1412 Pearl St.

Wallawa County

Enterprice vicinity, *Elk Mountain Site*, Elk Mountain.

SOUTH CAROLINA

Berkeley County

Honey Hill Site (38BK134) Francis Marion National Forest.

TENNESSEE

Polk County

Ocoee, *Ocoee Hydroelectric Plant No. 2*, U.S. 64 (63.3).

Washington County

Johnson City, *Mountain Home Medical Center.*

TEXAS

Brazoria County

Brazoria vicinity, *Ellerslie Plantation* (63.4(b)).

WISCONSIN

Milwaukee County

Milwaukee, *Giebisch, H., Building*, 2569–2573 N. 3rd St. (63.3).
Milwaukee, *Middough, B. A., House*, 1612 E. Kane Pl. (63.3).
Milwaukee, *Teutonia Avenue State Bank*, 2803 N. Teutonia Ave. (63.3).

Oconto County

Oconto, *Main Post Office*, 141 Congress St. (63.3).

[FR Doc. 79–30095 Filed 10–1–79; 8:45 am]
BILLING CODE 4310–03–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before September 21, 1979. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by October 12, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

CALIFORNIA

Lost Angeles County

Pasedena, *Holly Street Livery Stable*, 110 E. Holly St.

Merced County

Merced, *Leggett House*, 352 W. 22nd St.

Napa County

St. Helena vicinity, *Larkmead Winery*, NW of St. Helena at 1091 Larkmead Lane.

Orange County

Yorba Linda, *Pacific Electric Railway Company Depot*, 18132 Imperial Hwy.

Santa Clara County

San Jose, *Leib Carriage House*, 60 N. Keeble Ave.

COLORADO

Denver County

Denver, *Neef, Frederick W., House*, 2143 Grove St.
Denver, *U.S. Customhouse*, 721 19th St.

La Plata County

Durango, *Newman Block*, 801–813 Main Ave.

Larimer County

Fort Collins, *Anderson, Peter, House*, 300 S. Howes St.

CONNECTICUT

Fairfield County

Bridgeport, *Stratfield Historic District*, CT 59 and U.S. 1.

IDAHO

Adams County

New Meadows, *Meadows Schoolhouse*, ID 55.

Canyon County

Parma, *Stewart, A. H., House (Hotel Parma)*, 3rd St. and Bates Ave.

Washington County

Weiser, *Intermountain Institute*, Paddock Ave.

LOUISIANA

Bienville County

Gibsland vicinity, *Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources.* Reference—See individual listings under Bienville Parish.

Bienville Parish

Gibsland vicinity, *Colbert House (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 517.
Gibsland vicinity, *Dog Trot (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 517.
Gibsland vicinity, *Down House (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.

Gibsland vicinity, *Jones House (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.
Gibsland vicinity, *Mount Lebanon Baptist Church (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.
Gibsland vicinity, *Stage Coach Inn (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 517.
Gibsland vicinity, *Thurmond House (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.
Gibsland vicinity, *Wayside Inn (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.

Iberville Parish

Bayou Goula, *Tally-Ho Plantation House,* River Rd.

St. Tammany Parish

Covington, *Christ Episcopal Church,* 120 N. New Hampshire St.

MAINE

Cumberland County

Westbrook, *Westbrook High School,* 765 Main St.

Oxford County

Rumford, *Rumford Commercial Multiple Resource Area (Partial Inventory).* This area includes: *Mechanic Institute,* 44—56 Congress St.; *Minicipal Building,* Congress St.; *Rumford Falls Power Company Building,* 59 Congress St.; *Strathglass Building,* 33 Hartford St.

York County

Highpine, *Emergy House (Wells Township Cape Cod Houses Thematic Resources)* Sanford Rd.
N. Berwick vicinity, *Eaton House (Wells Townwship Cape Code Houses Tematic Resources)* Sanford Rd.
N. Berwick vicinity, *Hatch House (Wells Township Cape Code Houses Thematic Resources)* Sanford Rd.
N. Berwick vicinity, *Littlefield-Chase Farmstead (Wells Township Cape Code Houses Thematic Resources)* Rte. 9 N. Berwick Rd.
N. Berwick vicinity, *Littlefield-Dustin Farm (Wells Township Cape Code Houses Thematic Resources)* Dodge Rd.
N. Berwick vicinity, *Littlefield-Keeping House (Wells Township Cape Code Houses Thematic Resources)* Rte. 9B Charles Chase L. Rd.
N. Berwick vicinity, *Littlefield Tavern (Wells Township Cape Code Houses Thematic Resources)* 9B Charles Chase L. Rd.
Wells, *Early Post Office (Wells Township Cape Code Houses Thematic Resources)* Bragdon's Crossing.
Wells, *Lord Farm (Wells Township Cape Cod Houses Thematic Resources)* Laudholm Rd.
Wells, *Wells Homestead (Wells Township Cape Code Houses Thematic Resources)* Sanford Rd.
Wells vicinity, *Auston-Hennessey House (Wells Township Cape Cod Houses Thematic Resources)* Burnt Mill Rd.
Wells vicinity, *Dorfield, Farm (Wells Township Cape Cod Houses Thematic Resources)* Harrisecket Rd.
Wells vicinity, *Littlefield Homestead (Wells Township Cape Cod Houses Thematic Resources)* Chick's Crossing Rd.
Wells vicinity, *Wells Baptist Church Parsonage (Wells Township Cape Cod Houses Thematic Resources)* ME 9A.
Wells vicinity and environs, *5Wells Township Cape Cod Houses Thematic Resources.* Reference—see individual listings under York County.
Ogunquit, *Capt. Winn House (Wells Township Cape Cod Houses Thematic Resources)* King's Hwy.
Ogunquit, *Goodale-Bourne Farm (Wells Township Cape Cod Houses Thematic Resources)* N. Village Rd.
Ogunquit, *Goodale-Stevens Farm (Wells Township Cape Code Houses Thematic Resources)* N. Village Rd.
Ogunquit, *Perkins, Charles, House (Wells Township Cape Code Houses Thematic Resources)* Scotch Hill.
Ogunquit vicinity, *Mill House (Wells Township Cape Cod Houses Thematic Resources)* Post Rd.

MONTANA

Flathead County

Columbia Falls, *St. Richard's Church,* 505 4th Ave. West.

Gallatin County

Gallatin Gateway, *Gallatin Gateway Inn,* U.S. 191.
Three Forks, *Sacajawea Inn,* 5 Main St.

Missoula County

Missoula, *Wilma Theatre,* 104 S. Higgins Ave.
Missoula vicinity, *Flynn Farm,* W of Missoula on Mullan Rd. West.

Rosebud County

Forsyth, *Rosebud County Deaconess Hospital,* N. 17th Ave.

NEBRASKA

Dawson County

Gothenburg, *Calling, Ernest A., House,* 1514 Lake Ave.

NEW HAMPSHIRE

Chesire County

Ashuelot, *Ashuelot Covered Bridge,* NH 119 and Bolton Rd.
Fitzwilliam vicinity, *Old Patch Place,* W of Fitzwilliam on Rhododendron Rd.

Merrimack County

Concord, *Merrimack County Courthouse,* 163 N. Main St.

Sullivan County

Claremont, *English Church (Union Episcopal Church)* Old Church Rd.

NEW MEXICO

Lincoln County

Nogal vicinity, *El Paso and Southwestern Railway Water Supply System,* S of Nogal.

NEW YORK

Jefferson County

Watertown, *Paddock Mansion,* 228 Washington St.

New York County

New York, *Flatiron Building,* 5th Ave. and Broadway St.

St. Lawrence County

West Stockholm, *West Stockholm Historic District,* W. Stockholm and Livingston Rds.

Schoharie County

Schoharie vicinity, *Becker Stone House,* E of Schoharie on Murphy Rd.
Schoharie vicinity, *Becker-Westfall House,* E of Schoharie on NY 443.

Westchester County

Dobbs Ferry, *Estherwood and Carriage House,* Clinton Ave.

NORTH DAKOTA

McLean County

Underwood vicinity, *Pulver Mound Group.*

Mountrail County

New Town vicinity, *Evans Site.*

Oliver County

Price vicinity, *Ring Hill Site.*

Ransom County

Enderlin vicinity, *Nelson Site.*
Enderlin vicinity, *Peterson Site.*
Lisbon vicinity, *Biesterfeldt Site.*

OHIO

Wayne County

Wooster, *College of Wooster,* OH 3.

OKLAHOMA

Seminole County

Wewoka, *Brown, Jackson, House,* 1200 S. Muskogee Pl.

OREGON

Clackamas County

Zigzag vicinity, *St. John the Evangelist. Roman Catholic Church,* SW of Zigzag on Truman Rd.

Deschutes County

Bend, *Reid School,* 460 NW. Wall St.

TEXAS

Cameron County

Brownsville, *Stillman, Charles, House,* 1305 E. Washington St.

Chambers County

Anahuac, *Chambersea,* Washington and Cummings Sts.
Anahuac, *Fort Anahuac,* TX 564.

Frio County

Pearsall, *Old Frio County Jail,* E. Medina and S. Pecan Sts.

Hudspeth County

Sierra Blanca vicinity, *Gunsight Site,* Diablo Canyon.
Sierra Blanca vicinity, *Kate Pease Site.* Off I-10.

UTAH

Carbon County

Spring Glen, *Millarich, Martin, Hall,* Main St.

Sanpete County

Spring City, *Spring City Historic District,* UT 117.

WISCONSIN

Dane County

Madison, *Miller House,* 647 E. Dayton St.

[FR Doc. 79-30094 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

[INT DES 79-55]

Proposed General Management Plan, Redwood National Park, Calif.; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed General Management Plan, Redwood National Park, California.

The statement considers the alternatives and the recommended actions for the general management plan which includes visitor use and development proposals, cultural resources management actions, and watershed rehabilitation. The relocation of U.S. 101 around Prairie Creek Redwood State Park by the California Department of Transportation is considered as an associated proposal.

Written comments on the environmental statement are invited and will be accepted for a period of sixty (60) days following publication of this notice (December 3, 1979). Comments should be addressed to the Superintendent, Redwood National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102.

Los Angeles Field Office, National Park Service, 300 North Los Angeles Street, Room 1013, Los Angeles, California 90012.

Redwood National Park, 1111 Second Street, Drawer N, Crescent City, Calif. 95531.

Dated: September 25, 1979.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30466 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[INT FES 79-49]

Proposed Grazing Management Program for the East Roswell Environmental Statement Area, Roswell, N. Mex.; Availability of Final Environmental Statement

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a Final Environmental Statement on a proposed grazing management program that is designed to improve rangeland vegetation conditions, to provide a continuing supply of forage for livestock and wildlife consistent with multiple use management, and to construct range developments.

The statement addresses an improved livestock grazing management program on approximately 1,595,000 acres of public land. The proposed action includes grazing treatments designed to enhance the vegetative resources, improve range conditions, reduced erosion, improve water quality, provide quality habitat for wildlife, protect archeological and historical sites, and provide a continuous supply of livestock and wildlife forage. Mechanical and herbicide treatments are proposed to reduce the density of mesquite and creosote brush that has invaded these grasslands. Adjustments in livestock grazing use, construction of water developments and fencing are also proposed.

Copies of the final environmental statement are available for inspection at the BLM District Office, 1717 West Second Street, Roswell, New Mexico, and the BLM State Office, Federal Building, Santa Fe, New Mexico.

In addition to the above locations, reading copies are available at public and/or university libraries in Roswell, Carlsbad, Hobbs, Las Cruces, and Albuquerque, New Mexico.

A limited number of copies can be obtained at the Roswell District Office, 1717 West Second Street, Featherstone Farms Building, Roswell, New Mexico 88201, Telephone (505) 622-7670.

Dated: September 26, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-30426 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

[INT FEES 79-48]

Proposed Grazing Management Program for the Randolph Environmental Statement Area, Rich County, Utah; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and a 1975 Federal court order, the Bureau of Land Management (BLM) has prepared a final environmental statement for the proposed Randolph Grazing Management Program in Rich County, Utah.

The draft environmental statement [INT 79-31] was filed with Environmental Protection Agency June 6, 1979 and notice of availability published in the **Federal Register** on June 11, 1979.

The proposed action in two phases would provide for sustained, long-term productive use of natural resources on 140,298 acres. The first phase would include allocation of 22,350 AUMs of livestock forage on 19 allotments; allotmentwide continuous grazing authorized on 15 allotments; and unchanged grazing management on four allotments. The second phase would include an increase of livestock forage on a sustained yield basis to 35,241 AUMs and long-term management consisting of livestock grazing, vegetation treatments, fences, water developments, and cattleguards.

This statement analyzes the effects of the proposed action and five alternatives that vary in the degree of livestock and wildlife use proposed, type of management, and extent of range developments proposed.

Copies of the final statement are available 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.

Salt Lake City District Office, Bureau of Land Management, 2370 South, 2300 West, Salt Lake City, Utah 84119, Telephone (801) 524-5348.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, Telephone (801) 524-4257.

Dated: September 26, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-30425 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-17]

Joyce E. Millette, M. D.; Certificate of Registration

Notice is hereby given on July 23, 1979, the Drug Enforcement Administration, Department of Justice, issued to Joyce E. Millette, M. D. West Hartford, Connecticut, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's DEA Certificate of Registration, AM5669493, and deny Respondent's pending application for registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, October 30, 1979, in Courtroom No. 8, 2nd Floor, Hall of Justice, 50 State Street, Springfield, Massachusetts.

Dated: September 26, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-30447 Filed 10-1-79; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organization is listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services of facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C., this 26th day of September 1979.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending September 28, 1979

Name of applicant and location of enterprise	Principal product or activity
C. H. Stuart, Inc., Malta, New York	Manufacture of craft kits.
Sterling Faucet Company, Morgantown, West Virginia	Plumbing fitting and trim.
Pan-L-Cast of Iowa, Inc., Brooklyn, Iowa	Manufacture of precast concrete slabs.

[FR Doc. 79-30399 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-79-138-C]

Hunt Branch Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Hunt Branch Coal Company, Inc., General Delivery, Meta, Kentucky 41501, has filed a petition to modify the application of 30 CFR 75.1710 (canopies) to its No. 002 Mine located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the use of cabs or canopies on the petitioners' scoops, tractors, roof drills, coal drill, cutter and loader.

2. The petitioner is mining coal seams ranging from 40 to 44 inches in height.

3. Due to undulations in the coal seams, canopies on the petitioner's equipment have to be installed in a low configuration in order that they do not strike the roof and damage roof support.

4. This low configuration results in a 25 inch vertical operating compartment, limiting and impairing the equipment operator's visibility.

5. For this reason, the petitioner believes that application of the standard to its mine will result in a diminution of safety and therefore requests relief from the application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before November 1, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 26, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-30481: Filed 10-1-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-141-C]

Westmoreland Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Westmoreland Coal Company, P.O. Drawer A & B, Big Stone Gap, Virginia 24219 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations) to its Prescott No. 2 Mine located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. Due to adverse roof conditions, the petitioner is unable to travel the return airway of its mine in its entirety as required.

2. The return air from the affected area is channeled directly to the outside and is not used for any additional ventilation requirements.

3. As an alternative to weekly inspections of the return airway for hazardous conditions, the petitioner proposes to establish air monitoring checkpoints at locations designated on a map supplied with the petition.

4. At these checkpoints the petitioner will determine the quality of air returning from the affected area.

5. The petitioner believes that its alternative will achieve no less protecton for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before November 1, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 26, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-30508 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Alba Dress Co., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C this 24th day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alba Dress Company (ILGWU)	New Haven, Conn	9/19/79	9/7/79	TA-W-6,089	Contractor of women's dresses.
Blue Ridge Shirt Manufacturing Co. (company).	Fayetteville, Tenn	9/19/79	9/14/79	TA-W-6,090	Men's woven sport shirts.
Dixie Manufacturing Company (company)	Columbia, Tenn	9/19/79	9/14/79	TA-W-6,091	Ladies' sportswear and jeans.
Golia Dress Co. (ILGWU)	New Haven, Conn	9/19/79	9/7/79	TA-W-6,092	Contractor of women's skirts and blouses.
Heavy Duty Manufacturing Company (company).	Gainesboro, Tenn	9/19/79	9/14/79	TA-W-6,093	Men's sport shirts (knit).
Kentucky Pants Company, Plant #1 (company).	Glasgow, Ky	9/19/79	9/14/79	TA-W-6,094	Men's jeans.
Linden Apparel Corporation, Plant #1 (company).	Linden, Tenn	9/19/79	9/14/79	TA-W-6,095	Men's overalls and jeans.
Linden Apparel Corp., Plant #2 (company)	Linden, Tenn	9/19/79	9/14/79	TA-W-6,096	Ladies' jeans.
Lebanon Garment Company (company)	Lebanon, Tenn	9/19/79	9/14/79	TA-W-6,097	Men's jeans.
Mode Dress Co. (ILGWU)	New Haven, Conn	9/19/79	9/7/79	TA-W-6,098	Contractor of Women's dresses.
Norman Dress Co., Inc. (ILGWU)	Bridgeport, Conn	9/19/79	9/7/79	TA-W-6,099	Contractor of women's dresses.
The Turner Manufacturing Company (company).	Goodlettsville, Tenn	9/19/79	9/14/79	TA-W-6,100	Ladies' sportswear.
Washington Overall Manufacturing Co. (company).	Scottsville, Ky	9/19/79	9/14/79	TA-W-6,101	Men's jeans.

[FR Doc. 79-30504 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5839]

American Air Filter Company, Inc., Investigation Regarding Certification of Eligibility to Apply For Worker Adjustment Assistance: Correction

In FR Doc. 79-25543 appearing on page 48385-86 in the **Federal Register** of August 17, 1979, the date of petition in the Appendix under petitioner American Air Filter Company, Inc., Shelbyville, Kentucky should be corrected to read "August 1, 1979."

Signed at Washington, D.C., this 26th day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-30496 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5808]

American Enka Co.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 3, 1979 in response to a worker petition received on July 30, 1979 which was filed by the United Textile Workers of America on behalf of workers and former workers producing carpet and textile yarn at the Enka, North Carolina plant of the American Enka Corporation. The investigation revealed that the correct name of the company is American Enka Company. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey was conducted by the Department of Labor of customers of American Enka Company. The survey revealed that customers which decreased purchases of yarn from American Enka Company in the January-July 1979 period as compared to the same period of 1978 did not increase purchases of imported yarn.

Conclusion

After careful review, I determine that all workers of the Enka, North Carolina plant of American Enka Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30494 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

Arkwright Mills I, et al., Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B or 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Arkwright Mills I (workers)	Spartanburg, S.C.	9/24/79	9/18/79	TA-W-6,102	Cloth for wearing apparel.
Button Cutters, Inc. (company)	New York, N.Y.	9/21/79	9/17/79	TA-W-6,103	Final finishing of buttons.
Chessie System Rail (United Transportation Union).	Grand Rapids, Mich.	9/21/79	9/10/79	TA-W-6,104	Rail transporting of commodities.
Converse Rubber Company (company)	Contoocook, N.H.	9/20/79	9/12/79	TA-W-6,105	Rubber, canvas, and leather athletic and leisure footwear.
Helen's Dress Company (ILGWU)	New Haven, Conn.	9/17/79	9/7/79	TA-W-6,106	Contractor of women's dresses.
Lady Carlton Coat Co., Inc. (ILGWU)	Stamford, Conn.	9/17/79	9/7/79	TA-W-6,107	Women's raincoats and coats.
Northampton Textile Co. (workers)	Mt. Holly, N.J.	9/24/79	9/17/79	TA-W-6,108	Weavers of furniture fabrics.

[FR Doc. 79-30505 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5873, TA-W-5874]

Belhaven Manufacturing Co., Belhaven, N.C., and Jay Apparel Co., New Bern, N.C., Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 20, 1979 in response to a worker petition received on August 13, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' apparel at Belhaven Manufacturing, Belhaven, North Carolina (TA–W–5873) and Jay Apparel, New Bern, North Carolina (TA–W–5874). The investigation revealed that the correct names of the firms are Belhaven Manufacturing Company and Jay Apparel Company. It is concluded that all of the requirements have been met.

Imports of women's, misses' and children's dresses, skirts, coats, jackets, suits and blouses increased respectively, in 1978 compared to 1977.

Belhaven Manufacturing Company and Jay Apparel Company produce a variety of women's apparel, specifically dresses, skirts, blazers, and blouses. Both plants ceased production at the end of July, 1979. All employees were terminated.

Belhaven Manufacturing Company and Jay Apparel Company were clothing contractors. Production at both plants went to one customer. The customer did not purchase ladies' apparel from any other domestic sources. This customer began to decrease orders with both firms in 1978 and increase orders from foreign sources. In the first seven months of 1979, this customer's purchases of imports increased compared to the first seven months of 1978. During that same period, this customer decreased order with Belhaven Manufacturing Company and Jay Apparel Company.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses, skirts, vests, blazers, and dresses produced at Belhaven Manufacturing Company, Belhaven, North Carolina (TA–W–5873) and Jay Apparel Company, New Bern, North Carolina (TA–W–5874) contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Belhaven Manufacturing Company, Belhaven, North Carolina (TA–W–5873) and Jay Apparel Company, New Bern, North Carolina (TA–W–5874) who became totally or partially separated from employment on or after August 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79–30493 Filed 10–1–79; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-5830]

Burlington Dress Co., Inc., Burlington, N.J.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 8, 1979, in response to a worker petition received on August 6, 1979, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's dresses at Burlington Dress Company, Incorporated, Burlington, New Jersey. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey of the manufacturers which contract orders with Burlington Dress Company, Incorporated revealed that none of the manufacturers purchased imported finished dresses or contracted orders with foreign contractors in 1978 and in the first half of 1979.

Conclusion

After careful review, I determine that all workers of Burlington Dress Company, Incorporated, Burlington, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,

Supervisory, International Economist, Office of Foreign Economic Research.

[FR Doc. 79–30492 Filed 10–1–79; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-5734]

Cowden Manufacturing Co., Stanford, Ky.; Certification of Eligibility To Apply for Workers Adjustment Assistance: Correction

In FR Doc. 79–28904 appearing on page 54136 in **Federal Register** of September 18, 1979, the impact date which appears in the Conclusion should be corrected to read "June 13, 1978 and before April 1, 1979."

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79–30491 Filed 10–1–79; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-5841]

D B Systems, Rindge, N.H.; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the

Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for workers adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 9, 1979 in response to a worker petition received on August 6, 1979 which was filed on behalf of workers and former workers producing electronic high fidelity equipment at D B Systems, Rindge, New Hampshire. It is concluded that all of the requirements have been met.

Value of U.S imports of amplifiers, preamplifiers, and power supplies increased both absolutely and relative to domestic shipments in 1978 from 1977 and increased absolutely in January–June 1979 compared to the same period in 1978.

A customer survey conducted by the U.S. Department of Commerce revealed customers reduced purchases from the subject firm while increasing purchases of imported electronic high fidelity equipment. D B Systems was certified eligible to apply for firm adjustment assistance by the U.S. Department of Commerce on August 14, 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with electronic high fidelity equipment produced at D B Systems, Rindge, New Hampshire contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of DB Systems, Rindge, New Hampshire who became totally or partially separated from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc 79-30490 Filed 10-01-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5786]

Derrom Warehouse and Shipping Co.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 26, 1979 which was filed by three workers on behalf of workers and former workers preparing knitted textiles at Derrom Warehouse, Paterson, New Jersey. The investigation revealed that the correct name of the company is the Derrom Warehouse and Shipping Company, and that Derrom prepares and dyes both knitted and woven textiles. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The fabric preparation and dyeing operations of the Derrom Warehouse and Shipping Company are totally integrated into the production of printed finished textile at Derrom's two company affiliates.

Workers engaged in employment relating to the production of printed finished fabric at the two affiliates were denied eligibility to apply for adjustment assistance on September 18, 1979 (TA–W–5776 and 5777).

Conclusion

After careful review, I determine that all workers of the Derrom Warehouse and Shipping Company, Paterson, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30502 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5831]

Elmer Manufacturing Co., Inc., Elmer, N.J.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 8, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear at Elmer Manufacturing Company, Incorporated, Elmer, New Jersey. The investigation revealed that the plant produces women's and misses' dresses. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the majority of production at Elmer Manufacturing Company was devoted to the manufacture of women's half-size dresses.

A Departmental survey was conducted with manufacturers for whom Elmer Manufacturing Company, Incorporated produced women's half-size dresses. The survey revealed that the manufacturers did not contract with foreign sources or import women's half-size dresses during the 1977, 1978 or the January–June period of 1979.

Conclusion

After careful review, I determine that all workers of Elmer Manufacturing Company, Incorporated, Elmer, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30489 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6006]

Fred Engelman Co., New York, N.Y.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 11, 1979 in response to a worker petition received on September 4, 1979 which was filed on behalf of workers and former workers producing ladies' sportswear at Fred Engelman Company in New York, New York.

On August 6, 1979, a petition was filed on behalf of the same group of workers (TA-W-5822).

Since the identical group of workers is the subject of the ongoing investigation TA-W-5822, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 21st day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-30510 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5788]

Gorham Packing Corp., Gorham, N.Y., Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 26, 1979 which was filed on behalf of workers and former workers producing boneless beef at Gorham Packing Corporation, Gorham, New York. It is concluded that all of the requirements have been met.

U.S. imports of meat for manufacturing increased in 1978 compared to 1977 and during the first half of 1979 compared to the first half of 1978.

Some surveyed customers of Gorham Packing Corporation decreased purchases from Gorham Packing and increased purchases of imports in 1978 compared to 1977 and during the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with boneless beef produced at Gorham Packing Corporation, Gorham, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Gorham Packing Corporation, Gorham, New York who became totally or partially separated, from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30488 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5764]

Helena Sportswear, West Helena, Ark.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to a worker petition received on July 15, 1979 which was filed by the Internal Ladies Garment Workers Union on behalf of workers and former workers producing women's sportwear and men's coats and vests at Helena Sportswear, West Helena, Arkansas. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that Helena Sportswear does contract work primarily for women's apparel manufacturers. Total contract work by Helena increased during the period Jume-December 1978 compared to the same period in 1977 and continued to increase during the period January-August 1979 compared to the same period in 1978. Records prior to June 1977 were not available.

The average number of production workers at Helena also increased during the period June-December 1978 compared to the same period in 1977 and continued to increase during the period January-August 1979 compared to the same period in 1978.

Officials at Helena Sportswear do not anticipate any layoffs in the near future.

Conclusion

After careful review, I determine that all workers of Helena Sportswear, West Helena, Arkansas are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30487 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5295]

Joseph J. Piertrafesa Co., Inc., Syracuse, N.Y.; Notice of Negative Determination on Reconsideration

On August 24, 1979, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Joseph J. Piertrafesa Company, Inc., Syracuse, New York. This determination was published in the **Federal Register** on September 7, 1979, (44 FR 52378).

The petitioning union claimed that Joseph J. Piertrafesa Company's major manufacturer switched to a less expensive domestic contractor in order to meet import competiton. The petitioning union further claims that retail coustomers of Joseph J. Piertrafesa's major manufacturer

decreased their purchases of men's suits and sportcoats because of import price competition.

In its reconsideration, the Department noted that Piertrafesa's major manufacturer did not utilize foreign sources but experienced a decline in its sales of men's suits and sportcoats. The Department conducted a second large random survey of the major manufacturer's retail customers, and found no direct evidence of import competiton with the manufacturer's customers. This second survey revealed that imports of men's suits and sportcoats played a de minimis role in the purchasing patterns of the customer of Piertrafesa's manufacturer. Both surveys revealed that virtually all of the retail customers surveyed did not purchase imported men's suits and sportcoats in 1978 and 1979.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Joseph J. Piertrafesa Company, Inc., Syracuse, New York.

Signed at Washington, D.C., this 26th day of September1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30506 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5844]

K & M Sportswear, Inc., Bridgeton, N.J.; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 9, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' skirts and slacks of K & M Sportswear, Incorporated, Bridgeton, New Jersey. It is concluded that all of the requirements have been met.

Imports of women's, misses', and children's slacks and shorts increased both absolutely and relative to domestic production in 1977 compared with 1976 and in 1978 compared with 1977. Imports of women's, misses', and children's skirts increased absolutely and relative to domestic production in 1978 compared with 1977.

A Department survey revealed that the single sportswear manufacturer for which K & M Sportswear sews ladies' skirts and slacks reduced contract work with K & M in the first half of 1979 compared with the like period in 1978. This sportswear manufacturer's total orders with domestic contractors also declined during January–June 1979 compared with January–June 1978. Moreover, the sportswear manufacturer reported decreased combined sales of ladies' skirts and slacks in 1978 compared with 1977 and in the first half of 1979 compared with the like period in 1978. Customers decreased purchases from the sportswear manufacturer and increased imports of women's slacks and skirts in the first half of 1979 compared with the first half of 1978. Workers at the sportswear manufacturer were certified eligible to apply for adjustment assistance in 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' skirts and slacks produced at K & M Sportswear, Incorporated, Bridgeton, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of K & M Sportswear, Incorporated, Bridgeton, New Jersey who became totally or partially separated from employment on or after January 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael AHO,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30486 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5863]

Leemar Corp., Mantua, N.J.; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 14, 1979 in response to a worker petition received on August 8, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' blouses at the Mantua, New Jersey plant of Leemar Corporation. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in 1977 compared to 1976 and increased relative to domestic production in 1978 compared to 1977.

A Departmental survey was conducted with the manufacturer for whom the Mantua plant of Leemar Corporation performs contract work. The Mantua plant's contract work with this manufacturer for the production of ladies' blouses declined in 1978 compared to 1977 and in the first quarter of 1979 compared to the first quarter of 1978. The survey revealed that the manufacturer significantly increased its use of overseas contractors for its blouse production in 1978 compared to 1977 and in the January–July 1979 period compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses produced at the Mantua, New Jersey plant of Leemar Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Mantua, New Jersey plant of Leemar Corporation who became totally or partially separated from employment on or after November 1, 1978 and before August 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers of the Mantua, New Jersey plant of Leemar Corporation who became totally or partially separated from employment on or after August 1, 1979 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30485 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5862]

Leemar Corp., Camden, N.J.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 14, 1979 in response to a worker petition received on August 8, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear and dresses at the Camden, New Jersey plant of Leemar Corporation.

The petitioner requested withdrawal of the petition in a letter. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 21st day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-30507 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5906]

Madison Contractors, Inc., Weehawken, N.J.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 27, 1979 in response to a worker petition received on August 21, 1979 which was filed by the Industrial Union of Marine and Shipbuilding Workers of America on behalf of workers and former workers of Madison Contractors, Incorporated, Weehawken, New Jersey, engaged in electrical repair work on marine vessels.

Madison Contractors, Incorporated is engaged in providing the service of repairing, maintaining, and installing electrical equipment and wiring of ships.

Thus, workers of Madison Contractors, Incorporated do not produce an article within the meaning of section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Madison Contractors, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Madison Contractors, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in repairing, maintaining, and installing electrical equipment and wiring of ships at Madison Contractors, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Madison Contractors, Incorporated. All employee benefits are provided and maintained by Madison Contractors, Incorporated. Workers are not, at any time, under employment or supervison by customers of Madison Contractors, Incorporated. Thus, Madison Contractors, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Madison Contractors, Incorporated, Weehawken, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-30484 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5789]

Midsouth Coating Corp., Louisville, Ky.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 26, 1979 which was filed on behalf of workers and former workers of Midsouth Coating Corporation, Louisville, Kentucky, engaged in the coating of oil pipe lines.

Midsouth Coating Corporation is engaged in providing the service of coating and wrapping pipe used for underground oil and gas transmission.

Thus, workers of Midsouth Coating Corporation do not produce an article within the meaning of section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Midsouth Coating Corporation by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently met the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Midsouth Coating Corporation and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in coating and wrapping pipe at Midsouth Coating Corporation are employed by that firm. All personnel actions and payroll transactions are controlled by Midsouth Coating Corporation: Workers are not, at any time, under employment or supervision by customers of Midsouth Coating Corporation. Thus, Midsouth Coating Corporation, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Midsouth Coating Corporation, Louisville, Kentucky are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30483 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5772]

Naru Mill, Inc., Philadelphia, Pa.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 25, 1979 in response to a worker petition received on July 9, 1979 which was filed on behalf of workers formerly producing knitted yard goods at Naru Mill, Incorporated, Philadelphia, Pennsylvania. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Naru Mill, Incorporated produced knitted yard goods on a contract basis for a textile manufacturer. The manufacturer sold the knitted yard goods produced by Naru Mill to women's sportswear manufacturers. Neither the textile manufacturer nor the sportswear manufacturers purchased imported knitted yard goods in 1977 or 1978. Naru Mill closed in December 1978.

Conclusion

After careful review, I determine that all workers of Naru Mill, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30482 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5767]

Patricia Handbag, Inc.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to a worker petition received on July 11, 1979 which was filed on behalf of workers and former workers producing women's handbags at Patricia Handbag, Incorporated, New York City, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that the declines in employment at Patricia Handbag in the second quarter of 1978 and in the first and second quarters of 1979 can be attributed to seasonal fluctuations.

Employment of production workers at Patricia Handbag increased in the first, third and fourth quarters of 1978 compared with the previous quarter. Employment increased in the fourth quarter of 1978 and in the first and second quarters of 1979 when compared to the same quarter of the previous year. Declines in employment in the second quarter of 1978 and in the first and second quarters of 1979 compared to the previous quarter can be attributed to the seasonality of the ladies' handbag industry.

Conclusion

After careful review of the facts obtained in the investigation, I determine that all workers of Patricia Handbag, Incorporated, New York City, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

James F. Taylor,

Director, Office of Management, Administration of Planning.

[FR Doc. 79-30477 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5774]

Reliable Coal Corp.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 25, 1979 in response to a worker petition received on July 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at Reliable Coal Corporation, Kingwood, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that virtually all of the coal produced by Reliable Coal Corporation has been steam coal. U.S. imports of steam coal are negligible. The ratio of imports of steam coal to domestic production has not been higher than seven-tenths of one percent since 1974.

Conclusion

After careful review, I determine that all workers of Reliable Coal Corporation, Kingwood, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30498 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5782]

SKF Industries, Inc.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 26, 1979 in response to a worker petition received on July 24, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing ball bearings at SKF Industries, Incorporated, Altoona, Pennsylvania. The Department previously issued a certification of eligibility to apply for adjustment assistance for workers of SKF Industries, Incorporated, Altoona, Pennsylvania, on November 20, 1978 with a termination date of September 9, 1978 (TA-W-4108), and on March 24, 1978 with a termination date of May 1, 1977 (TA-W-2755). In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that sales and production of ball bearings at the Altoona plant increased.

Total plant sales in both quantity and value and plant production in value increased from 1977 to 1978 and continued to increase during the first half of 1979 compared to the first half of 1978. Unit declines in plant production were the result of an increased emphasis on the production of ball bearings which are more labor intensive. Furthermore, no significant layoffs have occurred.

Conclusion

After careful review, I determine that all workers of SKF Industries, Incorporated, Altoona, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30499 Files 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5714]

Stride Rite Manufacturing Corp., Hiatt Shoe Division; Revised Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with sections 221 and 223(a) of the Trade Act of 1974 (19 U.S.C. 2271, 2273) on September 7, 1979 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to all workers of Stride Rite Manufacturing Corporation's Hiatt Shoe Division, Lawrence, Massachusetts, who became totally or partially separated from employment on or after November 10, 1978.

As the result of an earlier investigation, TA-W-1810, workers employed at Stride Rite Manufacturing Corporation's Hiatt Shoe Division, Lawrence, Massachusetts who were separated on or after February 26, 1976 through July 1, 1979 were certified as eligible to apply for adjustment assistance. Since all workers of the Hiatt Shoe Division who became separated from employment on or before July 1, 1979 were eligible for benefits under TA-W-1810, only workers separated on or after July 1, 1979 should be eligible for benefits under TA-W-5714.

Conclusion

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following revised certification:

All workers at Stride Rite Manufacturing Corporation's, Hiatt Shoe Division, Lawrence, Massachusetts, who became totally or partially separated from employment on or after July 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-30500 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5797]

Teledyne Ryan Aeronautical Co., Kearny Mesa Facility; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 25, 1979 which was filed by the United Automobile, Aerospace and Agricultural Workers of America on behalf of workers and former workers producing Doppler velocity sensor radar navigation systems at Teledyne Ryan Aeronautical Company, Division of Teledyne Industries, Incorporated, San Diego, California.

The investigation revealed that the petitioning workers, classified as electronic assemblers, molders, and inspectors—electronic at the Kearny Mesa facility of Teledyne Ryan Aeronautical Company, a Division of Teledyne, Incorporated, primarily assemble components on printed circuit boards manufactured for the Common Strategic Doppler navigator systems. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales/production of all printed circuit boards assembled at Teledyne Ryan increased in 1978 compared with 1977 and increased during the first seven months of 1979 compared with the same period in 1978. Sales/production of all printed circuit boards increased in each quarter of the possible period of certification when compared to the previous quarter.

Company imports of assembled printed circuit boards for the Common Strategic Doppler are schedule for receipt in October 1979. Domestic production is scheduled to increase through December 1979, then to be phased out in early 1980. If production at the Kearny Meas facility declines in early 1980, as anticipated, the workers

may submit a new petition for trade adjustment assistance.

Conclusion

After careful review, I determine that all workers of the Kearny Mesa facility of Teledyne Ryan Aeronautical Company, Division of Teledyne, Incorporated, San Diego, California classified as electronic assemblers, molders, and inspectors—electronic, assembling printed circuit boards for Common Strategic Doppler navigation systems are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 30501 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5838, TA-W-5925, and TA-W-5929]

YCN Sportswear Co., Inc. et al.; Certifications Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of: YCN Sportswear Company, Inc., Middletown, Connecticut (TA-W-5838), Longtable Enterprises, Inc., Greensburg, Pennsylvania (TA-W-5925), and SPN Sportswear Company, Inc., Mount Pleasant, Pennsylvania (TA-W-5929).

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

An investigation was initiated on August 8, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear at YCN Sportswear Company, Incorporated, Middletown, Connecticut (TA-W-5838). The investigation revealed that women's dresses were also produced. Investigations were initiated on August 29, 1979 in response to worker petitions received on August 27, 1979 which was filed on behalf of workers and former workers producing women's dresses and sportswear at Longtable Enterprises, Inc., Greensburg, Pennsylvania (TA-W-5925), and at SPN Sportswear Company, Inc., Mount Pleasant, Pennsylvania (TA-W-5929). It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's suits, slacks and shorts, jackets and coats, skirts, blouses and women's and misses' dresses increased absolutely and relative to domestic production from 1977 to 1978.

YCN Sportswear, SPN Sportswear and Longtable Enterprises performed contract work principally for one manufacturer. The manufacturer purchased imports of women's dresses and sportswear. Subsequent to ceasing operations in July 1979, the owner of the manufacturing company founded another women's apparel company which is supplied solely from foreign sources.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's dresses, suits, skirts, slacks, blazers and blouses produced at SPN Sportswear Company, Incorporated, Middletown, Connecticut; SPN Sportswear Company, Incorporated, Mount Pleasant, Pennsylvania and Longtable Enterprises, Incorporated, Greensburg, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of YCN Sportswear Company, Incorporated, Middletown, Connecticut who became totally or partially separated from employment on or after August 1, 1978 and all workers of Longtable Enterprises, Incorporated, Greensburg, Pennsylvania and SPN Sportswear Company, Incorporated, Mount Pleasant, Pennsylvania who became totally or partially separated from employment on or after August 23, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30503 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Emergency Core Cooling Systems (ECCS); Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on October 17-18, 1979 in Room 1167 (October 17) and Room 1046 (October 18) at 1717 H St., NW., Washington, DC 20555 to review material Submitted by Westinghouse, Combustion Engineering, and Babcock and Wilcox related to a spectrum of small break ECCS calculations, and the Three Mile Island, Unit 2 Accident implications regarding the small break models. Proper operator action to be followed after a small break will be reviewed. Notice of this meeting was published September 20, 1979 (44 FR 54559).

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday and Thursday, October 17 and 18, 1979, 8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, Westinghouse, Combustion Engineering, and Babcock and Wilcox, and their consultants, pertinent to this review.

In addition, it may be necessary for the Submittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to

close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, PA 17126.

Dated September 25, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-30354 Filed 10-1-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission; Revised Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on October 4-6, 1979, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published on September 19, 1979 (44 FR 54368). The schedule for conduct of this meeting is revised as noted below to accommodate the deferral of several matters originally scheduled for consideration.

The revised agenda for the subject meeting will be as follows:

Thursday, October 4, 1979

8:30 a.m.-12:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will discuss proposed ACRS comments and recommendations regarding the NRC regulatory process.

1:30 p.m.-7:00 p.m.: Executive Session (Open)—The Committee will discuss its proposed annual report to the U.S. Congress for Calendar Year 1979 on the NRC Safety Research Program.

The Committee will discuss proposed ACRS comments regarding the development of a composite nuclear power plant design as a basis for licensing.

The Committee will hear and discuss the report of its Subcommittee on Three Mile Island Nuclear Station Unit 2 (TMI-2) Implications and application of this experience to Operating Licenses for several BWR and PWR nuclear plants. Members of the NRC Staff will participate as appropriate.

The Committee will hear and discuss the report of its Subcommittee regarding implementation of NRC Bulletins and Orders resulting from the accident which occurred at TMI-2. Members of the NRC Staff will participate as appropriate.

Friday, October 5, 1979

8:30 a.m.-12:30 p.m.: Executive Session (Open)—The Committee will discuss proposed ACRS comments and recommendations regarding the NRC regulatory process.

1:30 p.m.-6:30 p.m.: Executive Session (Open)—The Committee will discuss its proposed annual report to the U.S. Congress for Calendar Year 1979 on the NRC Safety Research Program.

The Committee will discuss proposed ACRS comments on the use of degraded conditions as a licensing basis.

The Committee will discuss proposed ACRS comments on the status of action being taken to evaluate systems interactions at the Zion Nuclear Station and the Indian Point Nuclear Generating Plant Unit 3.

The Committee will discuss proposed ACRS comments regarding the NRC Systematic Evaluation Program for nuclear plants.

Saturday, October 6, 1979

1:30 p.m.-2:30 p.m.: Executive Session (Open)—The Committee will discuss its schedule for future activities including consideration of methods to control xenon emissions following a nuclear accident.

Dated: September 26, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-30468 Filed 10-1-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications or permits and licenses.

The draft guide, temporarily identified by its task number, FP 811-4, is entitled "Safety-Related Permanent Dewatering Systems for Nuclear Power Plants" and is intended for Division 1, "Power Reactors." It identifies geotechnical and hydrologic engineering design bases and criteria for permanent dewatering systems that are depended upon to serve safety-related purposes.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 30, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md. this 24th day of September 1979.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 79-30470 Filed 10-1-79; 8:45 am]

BILLING CODE 7590-01-M

THE PRESIDENT'S ADVISORY COMMITTEE FOR WOMEN

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

DATE, TIME AND PLACE: October 22, 1979.

OPEN BUSINESS SESSION: 9:45 a.m. to 12:00 noon, Room N-5437, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CLOSED BUSINESS SESSION: 12:00 noon to 4:00 p.m., Room N-5437, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

PURPOSE: A regular scheduled meeting.

The agenda for the meeting will include the following:

A discussion and evaluation of the September public hearings held in Raleigh, N.C., and plans for the next public hearings.

A portion of the above meetings will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Committee will discuss personnel and Committee management.

Dated: September 25, 1979.

Sarita Gattis Schotta,

Executive Director.

[FR Doc. 79-30509 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-23-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10879; 812-4533]

John Hancock Cash Management Trust and John Hancock Distributors, Inc.; Filing of Application

September 25, 1979.

Notice is hereby given that John Hancock Cash Management Trust ("Fund"), John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117, registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, and John Hancock Distributors, Inc. ("Distributors"), John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117, the proposed principal underwriter for the Fund (referred to collectively with Fund as "Applicants"), filed an application on September 7, 1979, and amendments thereto on September 14, 1979, and September 21, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit the Fund to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicants represent that in all other respects, portfolio securities held by the Fund will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). 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.

The Fund is a business trust organized under the laws of the Commonwealth of Massachusetts. The Fund filed with the Commission a Registration Statement on Form N-1 pursuant to Section 8(b) of the Act and the Securities Act of 1933, as amended, on August 24, 1979. The 1933 Act Registration Statement on Form N-1 has not yet been declared effective. Thus, the Fund has not yet commenced distribution of its shares.

The Applicants state that the Fund is a "money market" fund, designed as an investment vehicle for individuals, institutions and fiduciaries with temporary cash balances or cash reserves. The Fund's investment objective is to provide maximum current income consistent with capital preservation and liquidity. According to the application, the Fund proposes to invest exclusively in high-quality money market instruments consisting of (i) obligations issued or guaranteed as to principal or interest by the United States Government, or an agency or authority controlled or supervised by and acting as an instrumentality of the United States Government pursuant to authority granted by Congress; (ii) obligations (including certificates of deposit and bankers acceptances) of United States banks and savings and loan associations which at the date of the investment have capital, surplus and undivided profits (as of the date of their most recent published financial statements) in excess of $100,000,000, including obligations of foreign branches of United States banks and United States branches or agencies of foreign banks if such banks meet the stated qualifications; (iii) commercial paper which at the date of the investment is rated (or guaranteed by a company whose commercial paper is rated) A-1 by Standard and Poor's Corporation, P-1 by Moody's Investors Service, Inc., or F-1 by Fitch's Investors Service or, if not rated, is issued by a company which at the date of the investment has an outstanding debt issue rated AAA or AA by Standard & Poor's or Aaa or Aa by Moody's; (iv) corporate obligations maturing in one year or less which at the date of the investment are rated A or higher by Standard & Poor's or A or higher by Moody's; and (v) repurchase agreements with respect to any of the foregoing obligations. In this regard, Applicants represent that investments in repurchase agreements will be limited to transactions with financial institutions believed by the Fund's investment adviser to present minimal credit risks. Applicants further state that John Hancock Advisers, Inc. will serve as the investment adviser to the Fund.

According to the application, the Fund proposes to utilize (i) the mark-to market method of valuing its portfolio instruments having remaining maturities in excess of 60 days; and (ii) the amortized cost valuation technique for valuing its portfolio instruments having remaining maturities of 60 days or less (the Fund will value securities originally purchased with maturities in excess of 60 days using the amortized cost technique beginning on the 60th day prior to maturity based on market quotations on the 61st day prior to maturity). The Applicants propose to effect sales, and the Fund proposes to effect redemptions and repurchases, of the Fund's shares at prices calculated to the nearest one cent on a share value of $1.00. The Fund will determine its net asset value per share for purposes of effecting sales, redemptions and repurchases of its shares as of the close of trading on each day the New York Stock Exchange is open for trading or at such other times, not inconsistent with the requirements of the Act and the Commission's rules and regulations thereunder, as its Trustees shall prescribe.

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Subsection (b) of Rule 22c-1 defines the

term "current net asset value" of a redeemable security as that value computed on each day during which the New York Stock Exchange is open for trading, not less than once daily as of the time of the closing on such exchange. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redemmable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is consistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio valuation as required by Rule 2a–4. On the basis of the foregoing, Applicants request an exemption from the provisions of Rules 2a–4 and 22c–1 under the Act, to permit the Fund to determine its net asset value in the manner set forth above.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, 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.

In support of the relief requested, the Applicants represent that they understand that potential investors in the Fund's shares are not concerned with the theoretical differences which might occur between the yield achieved through "market" pricing and the yield computed by using the "penny rounding" valuation method described in the application. Applicants further believe that such potential investors are vitally concerned that the net asset value of their shares remain stable and that the daily net income declared on their investment not exhibit the volatility which can often occur when changes in market prices cause changes in yield on a daily or weekly basis, and that they would forgo investing in a fund which did not meet these requirements. In addition, the Appliants submit that granting the relief requested would provide the Fund's shareholders the convenience of being able to determine the value of their holdings simply by knowing the number of the Fund's shares they own, and would make the task of maintaining an investment record easier.

The Applicants further state that they believe that computing the Fund's net asset value per share to the nearest one cent on a share value of $1.00 as described above will allow the Fund to maintain a constant net asset value per share under usual or ordinary circumstances and thereby permit the Fund to serve the interests and requirements of its shareholders, notwithstanding its use of the mark-to market method, as opposed to the amortized cost method, in valuing its portfolio instruments having remaining maturities in excess of 60 days. The application further represents that the Fund's Trustees have determined in good faith that this method of calculating its net asset value per share under such circumstances is appropriate and in the best interest of the Fund's shareholders.

The Applicants further state that their request for exemption is based upon the Fund's existing management policies and have agreed that the following conditions may be imposed in any order granting the exemption. Applicants state that the Fund's Trustees intend to carry out undertaking No. (1) set for the below by (a) requiring the Fund's investment adviser to adopt policies calculated to prevent such price, as so rounded, from deviating from $1.00 except under unusual or extraordinary circumstances and (b) periodically reviewing the investment adviser's management of the Fund pursuant to such policies at regularly scheduled meetings of its Trustees.

1. That the Fund's Trustees, in supervising the Fund's operations and delegating special responsibilities involving portfolio management to the Fund's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to the Fund's sharholders—to assure to the extend reasonably practicable, taking into account current market conditions affecting the Fund's investment objective, that the price per share of the Fund's shares as computed for purposes of sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from $1.00.

2. That the Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that the Fund will neither (a) purchase an instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average profolio maturity in excess of 120 days.

3. That the Fund's purchases of portfolio instruments, including repurchase agreements, will be limited to those United States dollar denominated instruments which the Trustees determine to present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not so rated, or comparable quality as determined by the Trustees.

Notice is further given that any interested person may, not later than October 18, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application 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 Applicants 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 herein 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 requesst a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 79-30457 Filed 10-1-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21227; 70-6352]

Wheeling Electric Co.; Proposed Issuance and Sale of Long-Term Note

September 25, 1979.

Notice is hereby given that Wheeling Electric Company ("Wheeling"), P.O. Box 751, Wheeling, West Virginia 26003, and electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) 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.

Wheeling proposes to enter into a term loan agreement ("Agreement") with Bankers Trust Company (the "Bank") concerning a $19,000,000 loan to be evidenced by an unsecured promissory note (the "Note") to be issued on November 1, 1979. The Note will mature November 1, 1987, will be prepayable in whole or in part without penalty upon three days' notice to the Bank, and will bear interest payable quarterly at a fluctuating rate per annum equal to (a) 100% of the Bank's prime rate through October 31, 1981; (b) 102% of the Bank's prime rate from November 1, 1981, through October 31, 1983; (c) 104% of the Bank's prime rate from November 1, 1983, through October 31, 1985; (d) 106% of the Bank's prime rate from November 1, 1985, until maturity; and (e) if paid after maturity the greater of (i) the Bank's prime rate plus 2% or (ii) 106% of the Bank's prime rate. No compensating balances will be required in connection with borrowings under the Agreement.

The proceeds will be used to pay at maturity on November 1, 1979, $19,000,000 principal amount of notes issued by Wheeling in connection with bank borrowings authorized by order dated November 30, 1972 (HCAR No. 17788), in File No. 70-5255.

Wheeling claims exemption from the competitive bidding requirements of Rule 50 for its issuance and sale of the Note pursuant to Rule 50(a)(2).

The fees and expenses to be incurred in connection with proposed transaction are estimated at $4,250. 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 October 23, 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 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 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 recieve any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 79-30458 Filed 10-1-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Optional Peg Rate

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similiar to the average SBA loan. This rate may be used as a base rate for fluctuating interest rate SBA loans.

For the October-December quarter of 1979, this rate will be nine (9%) percent.

Dated: September 17, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 30223 Filed 10-1-79; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Hartford, Connecticut, will hold a public meeting at 9:30 a.m., Tuesday, October 24, 1979, in the Conference Room, U.S. Small Business Administration, One Financial Plaza, Fourth Floor, Hartford, Connecticut, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call the Office of the District Director, U.S. Small Business Administration, One Financial Plaza, Fourth Floor, Hartford, Connecticut 06103—(203) 244-2511.

Dated: September 27, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30512 Filed 10-1-79; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Pittsburgh, Pennsylvania, will hold a public meeting at 9:00 a.m., Friday, October 19, 1979, at the Hospitality Inn, Rodi Road, Monroeville, Pennsylvania, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Jack C. Forbes, District Director, U.S. Small Business Administration, 1401 Federal Building, Pittsburgh, Pennsylvania 15222—(412) 644-2780.

Dated: September 27, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30513 Filed 10-1-79; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Clarksburg, West Virginia, will hold a public meeting at 10:00 a.m., Thursday, October 18, 1979, at the Sheraton Inn, 153 West Main Street, Clarksburg, West Virginia,

to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Arthur J. Glick, District Director, U.S. Small Business Administration, 109 North Third Street, Clarksburg, West Virginia 26301—(304) 622–6601.

Dated: September 27, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30514 Filed 10-1-79; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Albuquerque, New Mexico, will hold a public meeting on Friday, October 26, 1979, at Albuquerque National Bank, Main Office Auditorium, Second Floor, 303 Roma NW, Albuquerque, New Mexico, from 10:30 a.m. to 2:30 p.m., to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call A. Panagakos, District Director, U.S. Small Business Administration, 5000 Marble NE, Room 320, Albuquerque, New Mexico 87110—(505) 766–3574.

Dated: September 27, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30515 Filed 10-1-79; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco, California, will hold a public meeting at 9:30 a.m., Friday, October 26, 1979, at the Officer's Club at the Presidio of San Francisco, California, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Donald J. Marvin, District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105—(415) 556–7490.

Dated: September 27, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30516 Filed 10-1-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice of 79–14; Reference: ATF O 1100.6A–Change 2]

Authorities of the Director in 27 CFR Part 201, Distilled Spirits Plants; Delegation Order [Change]

1. *Purpose and Need for Action.* This order is being changed to allow further redelegation of the authority in paragraph 4e of ATF O 1100.6A, specifically relating to alcohol fuel plants. This change makes it possible for regional regulatory administrators to redelegate the authority to waive (with respect to alcohol fuel plants) any provision of law and regulation to effectuate the purposes of 26 U.S.C. 5312(b), and to authorize and approve, pursuant to written application, the establishment and operation of experimental distilled spirits plants. This change is needed to enable the Bureau of Alcohol, Tobacco and Firearms to process promptly the substantially increased volume of applications to operate alcohol fuel plants. This increase has come about in response to greater public interest in alternative fuel sources, particularly the so-called "gasohol" compound composed of gasoline and ethyl alcohol.

2. *Change.* As previously provided for in paragraph 5e of ATF O 1100.6A, the assistant director of regulatory enforcement can redelegate certain authorities relating to alcohol fuel plants to the regional regulatory administrator. Only the authority in paragraph 4b(1) (with respect to alcohol fuel plants) relating to alternate methods, procedures and operations is currently authorized to be further redelegated to the chief, technical services. This change will allow the authority in paragraph 4e (as stated above) also to be further redelegated to the chief, technical services. Delegation of the authority contained in paragraph 4j, relating to waiving povisions of laws and regulations (with respect to alcohol fuel plants) to effectuate the purposes of 26 U.S.C. 5312(a), is unchanged. (This order was previously published in the **Federal Register** of May 15, 1979, (44 FR 28447) without this change authorizing the further redelegation of the authority in paragraph 4e.)

As amended paragraph 5e now reads as follows:

e. With respect to alcohol fuel plants, the authorities in paragraphs 4b(1), 4e and 4j may be redelegated to the regional regulatory administrator, who may redelegate only the authorities in 4b(1) and 4e to regional regulatory personnel not lower than the position of chief, technical services.

3. *For Further Information Contact:* Jeff Bucher, Procedures Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226, (202) 566–7602.

4. *Effective Date:* This order becomes effective on November 2, 1979.

5. *Approval:* September 18, 1979.

Stephen E. Higgins,

Acting Director.

[FR Doc. 79-30472 Filed 10-1-79; 8:45 am]

BILLING CODE 4810-31-M

Internal Revenue Service

[Delegation Order No. 181]

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of authority.

SUMMARY: Pursuant to the provisions of Internal Revenue Code Section 51(d)(6), the Service is responsible for designating qualifying general assistance programs. This authority, in the Commissioner by Treasury Department Order 150–37 is redelegated to District Directors and may be further redelegated.

EFFECTIVE DATE: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Alexander, 1111 Constitution Avenue, Room 1315, Washington, D.C. 20224, 202–566–9175.

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.

Stanley Goldberg,

Director, Taxpayer Service Division.

Date of issue: September 21, 1979.

Effective Date: September 21, 1979.

Authority To Designate Qualified General Assistance Programs Described in Section 51(d)(6) of the Internal Revenue Code

Pursuant to the authority vested in the Commissioner of Internal Revenue by

Treasury Department Order No. 150–37 authority is hereby delegated as follows:

(1) District Directors are authorized to make determinations regarding eligibility as a "qualified" general assistance program as defined in Section 51(d)(6) of the Internal Revenue Code and sign Form 6177, General Assistance Program Determination, for organizations having their principal office within the District Director's area of Jurisdiction.

(2) This authority may be redelegated to Taxpayer Service Specialists, Taxpayer Service Representatives, Tax Technicians, Revenue Agents, and Revenue Officers.

To the extent that any action heretofore taken may require ratification, such action is hereby affirmed and ratified.

Jerome Kurtz,

Commissioner.

[FR Doc. 79-30424 Filed 10-1-79; 8:45 am]

BILLING CODE 4830-01-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions Applications; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier application qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (November 1, 1979) (or, the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must compy with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 131

Decided: August 3, 1979.

By the Commission, Review Board Number 2. Members Boyle, Eaton, and Liberman. Member Boyle not participating in part, and Member Eaton not participating in part.

MC 531 (Sub-400F), filed April 16, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *liquid plastics,* in bulk, in tank vehicles, from the facility of Koppers Company,

Inc., at Oxnard, CA, to points in TN, OH, and PA. (Hearing site: Washington, DC.)

MC 6031 (Sub-54F), filed March 29, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles*, (1) from Milwaukee, WI, to Chicago, IL and (2) from Chicago, IL, to points in WI, under continuing contract(s) with Central Steel and Wire Company, of Chicago, IL. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 28060 (Sub-53F), filed April 12, 1979. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, 3390 Peachtree Road, NE, Atlanta, GA 30326. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Commercial Distribution Center, Inc., at or near Independence, MO, to points in KS, CO, NE, SD, ND, IA, MN, IL, WI, IN, and MI. (Hearing site: Chicago, IL.)

MC 29821 (Sub-8F), filed March 15, 1979, previously noticed in the Federal Register issue of July 18, 1979 as MC 129821 (Sub-2F). Applicant: NEWBERG AUTO FREIGHT, INC., 408 West First Street, Newberg, OR 97132. Representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, OR 97210. Transporting (1) *paper and paper articles* and (2) *materials, supplies, and equipment* used in the manufacture of paper, between the facilities of Publishers Paper, at Newberg and Oregon City, OR, on the one hand, and, on the other, points in CA, ID, NV, UT, and WA.

Note.—The purpose of this republication is to state that the above is MC 29821 (Sub-8F).

MC 35320 (Sub-306F), filed April 10, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Rockwell International, at or near Winchester, KY, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Louisville, KY, or Washington, DC.)

MC 35320 (Sub-308F), filed April 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusal value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of G. F. Business Equipment Co., at or near (a) Youngstown, OH, and (b) Gallatin, TN, as off-route points in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 35320 (Sub-309F), filed April 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusal value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Skyland International Corporation, at or near Ider, AL, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

MC 82841 (Sub-251F), filed April 10, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Building, 7171 Mercy Road, Omaha, NE 68106. Transporting *composition board*, from the facilities of Abitibi Corporation, at Blountstown, FL, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WI, WV, and DC. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 82841 (Sub-253F), filed April 17, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Building, 7171 Mercy Road, Omaha, NE 68106. Transporting *iron and steel articles*, from the facilities of Armco Inc., at (a) Ashland KY, and (b) Middletown, OH, to points in AR, MO, KS, IA, MN, NE, OK, TX, CO, MS, and LA, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Cincinnati, OH, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 94201 (Sub-172F), filed April 12, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Henderson County Riverport Authority in Henderson County, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, KS, OK, and TX. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 94430 (Sub-46F), filed April 16, 1979. Applicant: WEISS TRUCKING CO., INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Transporting (1) *composition board and plywood;* and (2) *accesories and materials* used in the installation and sale of the commodities named in (1) above, from the facilities of Abitibi Corporation, at Lucas County, OH, to points in KY, IL, IN, MI, PA, WI, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 95540 (Sub-1102F), filed April 17, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802 Representative: Benjy W. Fincher (same address as applicant). Transporting (1) *foodstuffs*, and (2) *materials and supplies* used in the manufacture, distribution, and sale of foodstuffs, between Lowell and Lawrence, MA, on the one hand, and, on the other, points in FL, IL, IN, and MN. (Hearing site: Boston, MA, or Washington, DC.)

MC 110420 (Sub-813F), filed April 16, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. Transporting *fish oil and solubles*, in bulk, and tank vehicles, from San Diego, CA, to Clinton and Davenport, IA, Shreveport, LA, Oklahoma City, OK, and Fort Worth and Lubbock, TX. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 111231 (Sub-264F), filed April 9, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue,

Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Transporting *foodstuffs*, (1) from Westfield, NY, and North East, PA, to points in AR, KS, LA, MO, MS, NM, OK, TN, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in AR, KS, LA, MO, MS, NM, OK, TN, and TX, to Westfield, NY, North East, PA, and Lawton, MI. (Hearing site: Washington, DC.)

MC 111231 (Sub-274F), filed March 30, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Transporting *roofing materials* (except commodities in bulk), from points in Pulaski County, AR, to points in AL, AR, AZ, FL, GA, IL, IN, IA, KS, KY, LA, MO, MS, NC, NM, OH, OK, SC, TN, and TX. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 111401 (Sub-555F), filed April 10, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Company, at (a) Anniston, AL, (b) St. Louis, MO, and (c) Sauget, IL, to Laredo and Brownsville, TX. (Hearing site: Houston or Dallas, TX.)

MC 113651 (Sub–302F), filed April 18, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *foodstuffs* (except frozen and in bulk), from Plymouth, IN, to points in IA, KS, LA, MO, and TX. (Hearing site: Columbus, OH, or Washington, DC.)

MC 115331 (Sub-500F), filed April 11, 1979. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Transporting (1) *such commodities* as are dealt in or used by drug, grocery, and food business houses, (except frozen commodities and commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except frozen commodities and commodities in bulk), between the facilities of Colgate-Palmolive Co., at or near Jeffersonville, IN, on the one hand, and, on the other, points in FL, GA, IA, IL, MI, MN, MO, NJ, OH, PA, WI, and WV, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Louisville, KY, or St. Louis, MO.)

MC 115841 (Sub-705F), filed April 19, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting (1) *charcoal and charcoal briquets;* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in FL and MS, to points in OK, TX, LA, TN, AL, GA, FL, NC, SC, MS, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Husky Industries. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 119700 (Sub-52F), filed April 16, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting *refractories, and flue and chimney levers*, from Denver, CO, to points in AR, IA, IL, LA, OK, and TX. (Hearing site: Denver, CO, or Kansas City, MO.)

MC 119700 (Sub-53F), filed April 12, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting *iron and steel articles*, from the facilities of Armco, Inc., at (a) Ashland, KY, and (b) Middletown, OH, to points in AR, KS, IA, MN, MO, NE, OK, TX, CO, MS, and LA. (Hearing site: Cincinnati, OH, or St. Louis, MO.)

MC 119741 (Sub-167F), filed April 16, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (1) Albert Lea, MN, to points in IL, IA, KS, MO, and NE, and (2) Cherokee, IA, to points in CO, restricted in (1) and (2) to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 119741 (Sub-169F), filed April 17, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *such commodities* as are dealt in by grocery and food business houses, from the facilities of United Facilities, Inc., at Galesburg, IL, to points in AR, KS, NE, OK, and TX, restricted to the transportaion of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 119741 (Sub-174F), filed April 16, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Lloyd J. Harris Pie Co., at Saugatuck and Holland, MI, to points in CO, IA, KS, KY, MN, MO, NE, ND, OK, and SD, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Detroit, MI.)

MC 119741 (Sub-175F), filed April 18, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Libby, McNeill & Libby, Inc, at (a) Geneva, NY, (b) Kokomo, IN, and (c) Leipsic, OH, to points in IL, IA, KS, MO, and NE, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 121060 (Sub-98F), filed April 10, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *construction materials, and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near (a) Chester, WV, and (b) Pittston, PA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Tampa, FL.)

MC 124251 (Sub-62F), filed April 13, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720.

Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Mead Chemicals, at or near Atlanta, GA, to points in CA; (2) *ethyl acetate and alcohol*, from Longview, TX, to the facilities of Mead Chemicals, at or near Atlanta, GA; and (3) *isopropanol and methyl ethyl ketone*, from Baton Rouge, LA, to the facilities of Mead Chemicals, at or near Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 124711 (Sub-88F), filed April 19, 1979. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper (same address as applicant). Transporting *petroleum products*, in bulk, in tank vehicles, from the facilities of the Shell Oil Company, at or near Roxanna, IL, to Kansas City, MO, and points in KS, IA, and NE. (Hearing site: Kansas City or St. Louis, MO.)

MC 125470 (Sub-49F), filed April 9, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, 521 South 14th Street, suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *irrigation systems*, (2) *parts for irrigation systems*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between the facilities of Lindsay Manufacturing Co., at or near Amarillo, TX, on the one hand, and, on the other, points in the United States (except AK, HI, and TX). (Hearing site: Norfolk or Omaha, NE.)

MC 125951 (Sub-48F), filed April 9, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Armour Food Company, at or near Madison, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destination. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 128270 (Sub-35F), filed March 5, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. Transporting *iron and steel articles, and materials, equipment, and supplies* used in the manufacture of iron and steel articles, from Granite City, IL, to points in AR, CO, IA, ID, IN, KS, LA, MT, MN, MO, NE, ND, OK, SD, TX, UT, WI, and WY. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 133061 (Sub-4F), filed April 12, 1979. Applicant: PUBLIC TRANSPORT CORP., INC., P.O. Box 327, Troutman, NC 28116. Representative: R. Mayne Albright, Suite 200, Anderson Plaza, 100 East Six Forks Road, Raleigh, NC 27609. Transporting *liquid nitrogen fertilizer solutions*, in tank vehicles, from the facilities of Elmwood Storage Terminal, at Statesville, NC, to those points in VA on and west of U.S. Hwy 220. (Hearing site: Charlotte or Raleigh, NC.)

MC 133591 (Sub-67F), filed April 9, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting (1) *electrical appliances and equipment*, (2) *parts* for the commodities in (1) above, and (3) *heating and cooling systems*, from Booneville and St. Louis, MO, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: St. Louis or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134501 (Sub-49F), filed April 11, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *commercial refrigeration equipment, (except commodities which because of size or weight require the use of special equipment), from Waxahachie, TX, to points in the United States (except AK and HI). (Hearing site: Dallas or Houston, TX.)*

MC 134501 (Sub-54F), filed March 30, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture*, from Beverly, NJ, to points in ME, MH, VT, MA, CT, RI, NY, PA, DE, MD, WV, NC, SC, GA, AL, MI, IN, IL, WI, MN, IA, MO, NE, SD, ND, WY, UT, ID, WA, and DC; and (2) *new fixtures*, from Beverly, NJ, to points in the United States (except AK and HI). (Hearing Site: Washington, D.C.)

MC 135070 (Sub-40F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *animal feed*, (2) *animal feed ingredients, additives, and supplements*, and (3) *materials and supplies* used in the manufacture and sale of animal feed, from the facilities of Kal Kan Foods, Inc., at or near Los Angeles, CA, to points in AZ, CO, FL, GA, IL, IN, KS, NM, MO, NJ, MN, OH, OR, TX, UT, and WA. (Hearing Site: Los Angeles, CA, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-41F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *petroleum products*, in container, from points in Jefferson County, TX, to points in AR, CA, CO, IL, IN, IA, KS, KY, MI, MO, NE, NJ, NY, OH, OK, PA, and WI. (Hearing site: Houston or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-43F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc., at or near (a) Joslin, IL, and (b) Davenport, IA, to points in AZ and CA. (Hearing site: Davenport, IA, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-45F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Pinata Foods, Division of Standard Brands, Inc., at or near Dallas, TX, to Miami and Tampa, FL, Chicago, IL, Boston, MA, Secaucus, NJ, and Washington, DC. (Hearing site: Dallas or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135410 (Sub-58F), filed April 12, 1979. Applicant: COURTNEY J. MUNSON, d.b.a., MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *fireplaces, and fireplace parts and accessories;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of

fireplaces, from the facilities of Heatilator Fireplaces, Division of Vega Industries, Inc., at or near Centerville and Mt. Pleasant, IA, to points in CA, IL, IN, KY, MI, MN, MO, NY, OH, PA, WV, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 135861 (Sub-48F), filed April 16, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Ft. Worth, TX 76103. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores, from Secaucus, NJ, to Beaumont, TX, under continuing contract(s) with The Fair, Inc., of Beaumont, TX. (Hearing site: Dallas, TX.)

MC 136511 (Sub-45F), filed April 16, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *foodstuffs*, from Delta, CO, to points in TX, KS, OK, AZ, NM, MO, NE, IA, CA, and UT. (Hearing site: Denver, CO, or Washington, DC.)

MC 138000 (Sub-47F), filed April 18, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *apple products*, from Winchester, VA, and Martinsburg, WV, to points in MI, NC, SC, GA, FL, AL, TN, KY, and VA. (Hearing site: Winchester, VA.)

Note.—Dual operations may be involved.

MC 138471 (Sub-8F), filed April 18, 1979. Applicant: LEONARD TRUCKING, INC., 707 Colorado, Kelso, WA 98626. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Transporting *paper and paper products*, from Longview, WA, to points in CA. (Hearing site: Longview, WA.)

MC 140241 (Sub-49F), filed April 9, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. Transporting *petroleum and petroleum products*, in containers, from El Dorado, KS, to points in CO, IA, IL, MN, ND, NE, SD, and WI. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 140241 (Sub-53F), filed April 19, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Jim D. Dalke (same address as applicant). Transporting *iron and steel articles*, from the facilities of Unarco-Leavitt, at Blue Island, Evanston, and Chicago, IL, to points in MN, MO, and TN. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 141921 (Sub-51F), filed July 10, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Union Packing Company, at or near Omaha, NE, to points in CT, MA, RI, VT, ME, NH, OH, PA, NY, NJ, and DC. (Hearing site: Concord, NH, or Boston, MA.)

Note.—Dual operations may be involved.

MC 142680 (Sub-8F), filed April 11, 1979. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *lumber and crossties*, (1) from the facilities of Kelley Sawmill Co., Inc., at or near Lisman, AL, to points in Mobile and Baldwin Counties, AL, restricted to the transportation of traffic having an immediately subsequent movement by water, and (2) from the facilities of Kelley Sawmill Co., Inc., at or near Lisman, AL, to points in MS. Conditions: Said carrier shall conduct separately its common carrier operation and its other business activities. Carrier shall maintain separate accounting systems therefor. Carrier shall not transport accounting systems therefor. Carrier shall not transport property as both a private and for-hire carrier at the same time and in the same vehicle. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 142901 (Sub-7F), filed April 6, 1979. Applicant: TMI TRANSPORT CORP., 050 Third Avenue West, Dickinson, ND 58601. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *waterbed frames, and accessories* used in the installation and operation of waterbeds, from the facilities of Mountain States Waterbed Distributors, Inc., at or near Denver, CO, to points in AZ, CA, IL, IA, KS, MN, MO, NE, ND, SD, WI, and WY. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 144041 (Sub-32F), filed April 12, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *ornamental iron, plastic articles, vents, ventilators, ceiling grids, shutters, and louvers*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture, sale, and installation of the commodities in (1) and (2) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Leslie-Lock, Division of Questor Corporation, at or near (a) Franklin Park and Mt. Carroll, IL, (b) Madera, CA, (c) Fort Worth, TX, (d) Tifton and Tucker, GA and (e) Lodi, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144041 (Sub-35F), filed April 4, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street, NE., Atlanta, GA 30303. Transporting *carbon products and graphite products* (except commodities in bulk), from Niagara Falls, NY, and St. Marys, PA, to Morganton, NC. (Hearing site: New York, NY, or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 144330 (Sub-57F), filed April 16, 1979. Applicant: UTAH CARRIERS, INCORPORATED, P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *lumber and lumber mill products*, (except commodities in bulk), from points in MS to points in UT, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: Salt Lake City, UT.)

MC 144740 (Sub-10F), filed April 12, 1979. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, NW., Suite 300, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities used by Pet Incorporated, Frozen Foods Division, at or near Allentown and Chambersburg, PA, to points in AZ, CO, NM, and TX, under continuing contract(s) with Pet Incorporated, Frozen Foods Division, of St. Louis, MO. Condition: The person or

persons who appear to be engaged in common control of applicant and another regulated carrier must file an appropriate application under 49 U.S.C. 11343 [formerly section 5(2) of the Interstate Commerce Act] or submit an affidavit explaining why such approval is unnecessary. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144740 (Sub-11F), filed April 12, 1979. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street N.W., Suite 300, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Division of Mars, Inc., at or near (a) Hackettstown and Elizabeth, NJ, and (b) Elizabethtown, PA, to points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, KY, LA, MI, MO, MS, NC, NV, OH, OK, OR, SC, TN, TX, UT, and WA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations, under continuing contract(s) with M&M/Mars, Division of Mars, Inc., of Hackettstown, NJ. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval of such control under 49 U.S.C. 11343, [formerly section 5(2) of the Interstate Commerce Act] or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 145220 (Sub-7F), filed April 16, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *cranberry juice*, in bulk, in tank vehicles, from Bordentown, NJ, to Lake Wales, FL. (Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145220 (Sub-8F), filed April 16, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *edible molasses and edible syrup*, in bulk, in tank vehicles, from points in LA, to Byhalia, MS, and (2) *soy sauce*, in bulk, in tank vehicles, from Decatur, IL, Harbor Beach, MI, and Middletown, NY, to Cambridge, MD. (Hearing site: Winston-Salem, NC.)

Note.—Dual operations may be involved.

MC 145721 (Sub-1F), filed April 11, 1979. Applicant: STEWART TRANSPORTATION SERVICES, INC., P.O. Box 926, Melbourne, FL 32901. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Melbourne Regional Airport, at or near Melbourne, FL, and Orlando International Airport, at or near Orlando, FL, on the one hand, and, on the other, points in Brevard, Osceola, Orange, Seminole, and Indian River Counties, FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Melbourne or Orlando, FL.)

MC 145870 (Sub-12F), filed April 16, 1979. Applicant: L–J–R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *mining equipment;* and (2) *parts* for mining equipment, between the facilities of J & W, Inc., at or near Princeton, WV, on the one hand, and, on the other, points in AL, IN, IL, KY, OH, PA, TN, VA, and WV. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 146160 (Sub-2F), filed April 19, 1979. Applicant: STONIER BAKERIES, INC., 8282 Western Way Circle, Jacksonville, FL 32216. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *magazines*, (1) from Bloomfield, CT, to points in FL, GA, NC, OH, PA, and WV, and (2) from Detroit, MI, to points in IL, IN, IA, KS, KY, LA, MN, MO, NE, OH, OK, PA, TN, TX, and WI, under continuing cotract(s) with LOOK Magazine, Inc., of New York, NY. (Hearing site: New York, NY.)

MC 146181 (Sub-1F), filed April 16, 1979. Applicant: NORTHEAST TRANSPORT COMPANY, Division of MS Industries, Inc., P.O. Box 1252, Secaucus, NJ 07094. Representative: Rick A. Rude, 1730 Rhode Island Ave. N.W., Suite 801, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) printed matter, (b) paper and (c) paper products, between Franklin, KY, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC, under continuing contract(s) with Brown Printing Company, Inc., of Waseca, MN. (Hearing site: Minneapolis, MN, or Newark, NJ.)

MC 146250 (Sub-1F), filed April 12, 1979. Applicant: PILKINGTON TRUCKING, INC., P.O. Box 782, Lapel, IN 46051. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *sand*, in dump vehicles, from Utica, IL, to the facilities of Brockway Glass Company, Inc., at Lapel, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 146681 (Sub-1F), filed April 16, 1979. Applicant: DUTCH MILL TRUCKING, INC., Rural Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *metal articles*, from the facilities of Central Steel & Wire Co., at Chicago, IL, to points in MN and WI. (Hearing site: Madison, WI, or Chicago, IL.)

MC 146710 (Sub-1F), filed March 28, 1979. Applicant: CHARLES WOODS, d.b.a. WOODS WRECKER SERVICE, P.O. Box 342, Dandridge, TN 37725. Representative: A. Benjamin Strand, Jr., P.O. Drawer H, Dandridge, TN 37725. Transporting *wrecked and disabled motor vehicles, replacement vehicles* for such commodities, and *stolen, abandoned, and repossessed motor vehicles*, by use of wrecker equipment only, between points in TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dandridge or Knoxville, TN.)

MC 146951 (Sub-1F), filed April 6, 1979. Applicant: FETTIG TRANSPORT, INC., 1900 South D Street, Elwood, IN 46036. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods, and materials and supplies* used in the manufacture and distribution of canned goods, between the facilities of (a) Fettig Canning Corporation, at or near Elwood, Point Isabel, and Upland, IN, (b) Ray Brothers & Noble Canning, at Hobbs, IN, and (c) Red Gold, Inc., at or near Orestes and Plumtree, IN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) in (a) above with Fettig Canning Corporation, of Elwood, IN, in (b) above with Ray Brothers & Noble Canning, of Hobbs, IN, and in (c) above with Red Gold, Inc., of Elwood, IN. (Hearing site: Indianapolis, IN.)

MC 147141F, filed April 9, 1979. Applicant: LUJO TRUCKING CO., INC., 121 Braley Road, East Freetown, PA 02717. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wearing apparel*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of wearing apparel, (except commodities in bulk), between Braintree and Randolph, MA, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, KY, IN, MD, ME, MS, NH, NJ, NY, NC, PA, RI, SC, TN, TX, and VA, under continuing contract(s) with (a) College-Town, a Division of Interco, Inc., of Braintree, MA, and (b) Lease Management, Inc., a subsidiary of Interco, Inc., of Miami Lakes, FL. (Hearing site: Boston, MA.)

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Decided: August 9, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. (Member Fortier not participating).

MC 200 (Sub-338F), filed March 22, 1979. Applicant: RISS INTERNATIONAL CORP., a Delaware corporation, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting (1) *catalogues, magazines, and printed paper*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), serving Mattoon, IL, Warsaw, IN, and Willard, OH, as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

MC 6031 (Sub-48F), filed April 17, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores, between the facilities of H. C. Prange Co., at points in WI, on the one hand, and, on the other, the facilities of H. C. Prange Co., at or near Rockford, IL, and Marquette and Traverse City, MI, under a continuing contract(s) with H. C. Prange Co., of Green Bay, WI. Dual operations may be involved. Condition: Upon issuance of this certificate, No. MC 123765 (Sub-Nos. 3, 6, and 9) will be cancelled. (Hearing site: Milwaukee, WI.)

Note.—The purpose of this application is to convert existing motor common carrier authority to motor contract carrier authority.

MC 6031 (Sub-49F), filed April 17, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *outboard engines, inboard engines, power lawn and turf-care equipment, power chain saws, and light industrial vehicles* (except commodities in bulk); and (2) *materials, equipment, and supplies* used in the manufacture distribution of the commodities named in (1) above, (except commodities in bulk), between Milwaukee, Manawa, and Beloit, WI, and Waukegan and Galesburg, IL, restricted to the transportaion of traffic originating at or destined to the facilities of Outboard Marine Corporation, Outboard Marine Corporation Stern Drive Division, Outboard Marine Corporation Parts and Accessories Division, Johnson Outboards Division, Evinrude Motors Division Gale Products Division, and Trade Winds Company Inc., at the above named points, under a continuing contract(s) with Outboard Marine Corporation, of Waukegan, IL. Dual operations may be involved. Condition: Upon issuance of this certificate, No. MC 123765 (Sub-No. 8) will be cancelled. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—The purpose of this application is to convert existing motor common carrier authority to motor contract carrier authority.

MC 19201 (Sub-132F), filed April 6, 1979. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, PA 19131. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities which because of size or weight require special equipment), between Harrisburg, PA, and Allentown, PA: From Harrisburg, PA over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 and U.S. Hwy 22 to the Seventh Street exit near Allentown, PA, then over Seventh Street to Allentown, PA, and return over the same route, serving no intermediate points, restricted to the transportation of traffic which is auxiliary to, or supplemental of, the rail service of Consolidated Rail Corporation. (Hearing site: Philadelphia or Harrisburg, PA.)

Note.—Dual operations may be involved.

MC 22311 (Sub-11F), filed April 16, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting (1) *iron and steel and iron and steel articles;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Republic Steel Corporation, at Chicago, IL, on the one hand, and, on the other, points in KY, MI, OH, PA, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Republic Steel Corporation, at Chicago, IL. (Hearing site: Chicago, IL.)

MC 35320 (Sub-302F), filed April 10, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Cambridge Wire Cloth Company, at or near Cambridge, MD, and points in TX, WA, CA, OR, AZ, and CO. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 35320 (Sub-303F), filed April 10, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Nissan Industrial Equipment Company, at or near Memphis, TN, and points in the United States (except AK and HI). (Hearing site: Memphis, TN, or Washington, DC.)

MC 35320 (Sub-307F), filed April 10, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes

A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of the Niedermeyer-Martin Company, at or near Ridgefield, WA, and points in the United States (except AK and HI). (Hearing site: Portland, OR, or Seattle, WA.)

MC 44300 (Sub-18F), filed April 9, 1979. Applicant: HESS CARTAGE CO, a corporation, 17065 Hess Avenue, Melvindale, MI 48122. Representative: Walter N. Bieneman, 100 West Long Lake Road, suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *iron and steel articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between ports of entry on the international boundary line between the United States and Canada, at or near Sault Ste. Marie, MI, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, WI, and WV. (Hearing site: Lansing or Detroit, MI.)

MC 108341 (Sub-142F), filed April 17, 1979. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 26125. Representative: Morton E. Kiel, suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *machinery, baler presses, and shears*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in Crisp County, GA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Albany, GA, or Washington, DC.)

MC 111310 (Sub-42F), filed April 9, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *malt beverages, related advertising materials and supplies and malt beverage dispensing equipment* when shipped therewith, from Cold Spring, MN, to points in the United States (except AK, HI, ND, SD, NE, IA, MO, WI, IL, IN, and MI); (2) *mineral water*, from Cold spring, MN, to points in the United States (except AK and HI); and (3) *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages and mineral water, from points in the United States (except AK and HI), to Cold Spring, MN. (Hearing site: Madison, WI, or Minneapolis, MN.)

MC 114211 (Sub-405F), filed April 13, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *such commodities* as are dealt in, or used by, agricultural equipment and industrial equipment dealers and manufacturers, between points in the United States (including AK, excluding HI), restricted to the transportation of traffic from, to, or between the facilities of The De Laval Separator Company and its dealers. (Hearing site: Chicago, IL.)

MC 117940 (Sub-328F), filed April 10, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *such commodities* as are dealt in by retail department and variety stores (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, foodstuffs, and articles requiring special equipment), from Seattle, WA, to the facilities of Ben Franklin, Division of City Products Corp, at Los Angeles, CA, Des Plaines, IL, Seymour, IN, Hunt Valley, MD, Hew Hope, MN, North Kansas City, MO, Memphis, TN, and Dallas, TX, restricted to the transportation of traffic originating at the named origin or having an immediately prior movement by water and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 119641 (Sub-168F), filed April 17, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *lumber, lumber products, lumber mill products, forest products, and wood products*, from points in AL, AR, DE, FL, GA, KY, LA, MD, MS, MO, NJ, NC, OK, SC, TN, TX, VA, WV, and DC, to points in IL, IN, IA, KY, MI, MN, MO, NE, NY, ND, OH, PA, SD, and WI. Hearing site: Indianapolis, IN, or Washington, DC.)

MC 119700 (Sub-54F), filed April 16, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting (1) *iron and steel articles;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of iron and steel articles, from the facilities of North Star Steel Corporation, at or near Newport, MN, to points in AR, CO, IL, IN, IA, KY, LA, MI, MO, OH, OK, TX, and WI. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 119700 (Sub-55F), filed April 16, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting (1) *iron and steel articles;* and *aluminum articles*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between points in AR, on the one hand, and, on the other, points in AL, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, TN, TX, and WI, and (3) *iron and steel articles*, from Dallas and Houston, TX, to points in AR, KS, LA, MO, MS, OK, TN, and TX. (Hearing site: Kansas City, MO.)

MC 121060 (Sub-99F), filed April 12, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting (1) *steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers, and pile extractors*, (2) *parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture, installation, dismantling, and distribution of the commodities in (1) and (2) above, (except commodities in dump or tank vehicles), between the facilities of L. B. Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Columbus, OH.)

MC 121060 (Sub-100F), filed April 12, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the Henderson County Riverport Authority Facility, in Henderson County, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 121060 (Sub-101F), filed April 18, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting (1) *building board, composition board, wall board, and insulating board;* and (2) *materials, equipment, and supplies* used in the installation of the commodities named in (1) above (except commodities in

bulk), from the facilities of Armstrong Cork Company, at or near Macon, GA, to those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 124170 (Sub-120F), filed April 19, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, suite 222, Oak Brook, IL 60521. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring the use of special equipment), from Chicago, IL, to points in KY, restricted to the transportation of traffic originating at the facilities of Dry Storage Corporation, at Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124170 (Sub-122F), filed April 19, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, suite 222, Oak Brook, IL 60521. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment), from Chicago, IL, to points in OH, restricted to the transportation of traffic originating at the facilities of Dry Storage Corporation, at Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124821 (Sub-42F), filed April 10, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *cleaning, washing, buffing, or polishing compounds, textile softeners, lubricants, hypochlorite solution, deodorants or disinfectants, paints, stains, or varnishes* (except commodities in bulk), (1) from the facilities of Economics Laboratory, Inc., at Joiliet, IL, to points in NY, NJ, PA, ME, NH, VT, CT, MA, and RI, and (2) from the facilities of Economics Laboratory, Inc., at Avenel, NJ, to points in OH, IN, IL, MI, PA, and NY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA.)

MC 125951 (Sub-43F), filed April 16, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting (1) *television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, and audio equipment*, and (2) *assessories, components, and parts* for the commodities in (1) above, from the facilities of RCA Corporation, at or near Bloomington and Indianapolis, IN, to Minneapolis, MN, Eldridge and Des Moines, IA, St. Louis and Springfield, MO, Sioux Falls, SD, Fargo, ND, Little Rock and Fort Smith, AR, and Kansas City, KS, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Bloomington, IN.)

Note.—Dual operations may be involved.

MC 133841 (Sub-10F), filed April 19, 1979. Applicant: DAN BARCLAY, INC., P.O. Box 426, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *heavy machinery;* and (2) *materials, equipment, and supplies* used in the manufacture of heavy machinery, between the facilities of Transamerica Delaval, Inc., Turbine and Compressor Division, at or near Trenton, NJ, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: New York, NY, or Washington, DC.)

MC 134280 (Sub-8F), filed April 13, 1979. Applicant: YOUNG'S EXPRESS, INC., 1501 North Warick Avenue, Baltimore, MD 21216. Representative: Brian S. Stern 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cold rolled and galvanized steel*, in coils, from Sparrows Point, MD, to the facilities of Corell Steel Company, at Bristol, PA, (2) *rolled and galvanized steel*, in sheets, from Sparrows Point, MD to the facilities of Corell Steel Company, at Westville, NJ, (3) *rolled and galvanized steel*, in coils, from Sparrows Point, MD, to the facilities of Corell Steel Company, at (a) Philadelphia, PA, and (b) Camden, NJ, and (4) *rolled steel*, from the facilities of Corell Steel Company, at (a) Philadelphia, PA, and (b) Camden, NJ,to Baltimore, MD, under continuing contract(s) with Corell Steel Company, of Philadelphia, Pa. (Hearing site: Philadelphia, PA, or Baltimore, MD.)

MC 134300 (Sub-39F), filed April 16, 1979. Applicant: TRIPLE R EXPRESS, INC., 498 First Street Northwest, New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *such commodities* as are dealt in by retail stores (except commodities in bulk), from those points in the United States in and east of ND, SD, NE, KS, AR, and LA, to points in ND, SD, NE, MN, IA, and WI, restricted to the transportation of traffic destined to the facilities of Target Stores, Division of Dayton Hudson. (Hearing site: Minneapolis or St. Paul MN.)

MC 135070 (Sub-42F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *animal feed, feed ingredients, additives, supplements, and materials and supplies* used in the manufacture and promotion of animal feed, from the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, Columbus, OH, Terre Haute, IN, and Hutchinson, KS, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 138420 (Sub-36F), filed April 12, 1979. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *carbonated beverages, advertising materials, and carbonated beverage dispensing equipment*, from Granite City, IL to points in MN and WI (except points in Trempealeau, Jackson, LaCrosse, Monroe, Juneau, Vernon, Richland, Sauk, Crawford, Grant, Iowa, and Lafayette Counties). (Hearing site: Madison, WI, or St. Louis, MO.)

MC 145441 (Sub-36F), filed April 17, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting *medicines and citric acid* (except commodities in bulk), from Elkhart, IN, and Dayton, OH, to points in FL, GA, and TX. (Hearing site: Chicago, IL, or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 145870 (Sub-10F), filed April 16, 1979. Applicant: L–J–R HAULING, INC., P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *mining machinery and equipment;* and (2) *parts* for mining machinery and equipment, between the facilities of Wilson & Company, at or near Princeton, Varney, and Beckley, WV, Morristown, TN, and Tazewell, VA, on the one hand, and, on the other, points in AL, IL, IN, KY, OH, PA, TN,

VA, and WV. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 146191 (Sub-2F), filed April 16, 1979. Applicant: JOHN I. RICKETTS, d.b.a., RICKETTS TRUCKING, 1001 West Magnolia, Phoenix, AZ 85007. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. Transporting *furniture*, in cartons, from Riverside and Willits, CA, Calhoun, GA, Alexandria, IN, Leominster, MA, Pottstown, PA, and Tyler, TX, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Little Lake Industries. (Hearing site: Phoenix, AZ.)

MC 146280 (Sub-2F), filed April 17, 1979. Applicant: LEROY STOCKTON AND THELMA I. STOCKTON TRUST, d.b.a., APOLLO TRANSIT CO., 7919 Hummel Drive, Boise, ID 83705. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *passengers and baggage*, (1) between points in Ada County, ID, on the one hand, and, on the other, points in ID in and south of Idaho County and in and west of Lemhi, Custer, Blaine, and Cassia Counties, ID, restricted to the transportation of traffic having an immediately prior or subsequent movement by air; (2) from points in Ada County, ID, to points in Wallowa County, OR; and (3) between points in Ada County, ID, and the Municipal Airport, at or near Ontario, OR. (Hearing site: Boise, ID, or San Franciso, CA.)

MC 146360 (Sub-5F), filed April 19, 1979. Applicant: FLOYD SMITH, JR. TRUCKING, INC., 5303 Valle Grande, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting (1) *water softening apparatus;* and (2) *materials and supplies* used in the distribution of water softeners, from points in Franklin and Butler Counties, OH, to points in CA, ID, OR, and WA. (Hearing site: Boise, ID.)

MC 146551 (Sub-2F), filed April 10, 1979. Applicant: TAYLOR TRANSPORT, INC., 1416 Ralston Ave., Defiance, OH 43512 Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 43604. Transporting (1) *cookies*, (except commodities in bulk), between Fairlawn, NJ, McComb, OH, and Philadelphia, PA, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *non-carbonated fruit beverages, applesauce, and vinegar*, (except commodities in bulk), between Littleton, MA, and Ohio City, OH, on the one hand, and, on the other, points in the United States (except AK and HI), (3) *such commodities* as are dealt in by grocery, and food business houses, institutions, catalogue show room stores, and home center stores, (except commodities in bulk), between Maumee and Toledo, OH, on the one hand, and, on the other, points in the United States (except AK and HI), and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) above, (except commodities in bulk), between Littleton, MA, Fairlawn, NJ, McComb, Maumee, Ohio City, and Toledo, OH, and Philadelphia, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Washington, DC.)

MC 146840 (Sub-1F), filed April 9, 1979. Applicant: BOYCHUKS' TRANSPORT LTD., P.O. Box 6298, Station "C", Edmonton, Alberta, Canada T5B 4K6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Cascade and Toole Counties, MT, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, in MT. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 (a) [formerly section 5(2)] of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecesary. Applications or affidavits are due 20 days from date of this publication. (Hearing site: Great Falls, MT.)

MC 146950F, filed April 13, 1979. Applicant: JOSEPH G. HALL, INC., 148 Kent St., Albany, NY 12203. Representative: Bertrand F. Gould, 112 State St., Suite 217, Albany, NY 12207. Transporting *paper, paper products, and paper-making material*, (except commodities in bulk), between the facilities of Scott Paper Company, at points in NY, ME, and MA, on the one hand, and, on the other, points in CT, MA, ME, NH, NY, RI, and VT. (Hearing site: Albany or New York, NY.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly Section 5(2)) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

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Decided: August 29, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-351F), filed May 7, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). Transporting *iron and steel articles*, from Midland, PA, to points in MO, IL, IN, WI, MI, KS, and IA. (Hearing site: Kansas City, MO.)

MC 381 (Sub-20F), filed April 19, 1979. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *batteries;* and (2) *equipment, materials, and supplies* used in the manufacture and sale of batteries (except commodities in bulk), between the facilities of Exide Power Systems, Division ESB Incorporated, at or near Sumter, SC, on the one hand, and, on the other, points in NJ, MD, PA, DE, NY, MA, NH, VT, ME, CT, and RI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 550 (Sub-11F), filed May 1, 1979. Applicant: RUDIE WILHELM WAREHOUSE CO., a corporation, d.b.a. WILHELM TRUCKING CO., 3250 N.W. St. Helens Rd., P.O. Box 10363, Portland, OR 97210. Representative: Robert J. Wilhelm, Jr. (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, between points in CA, OR, and WA, on the one hand, and, on the other, points in CA, OR, and WA, restricted to the transportation of traffic having an immediately or prior or subsequent movement by water. (Hearing site: Portland, OR.)

MC 730 (Sub-439F), filed May 8, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, P.O. Box 8004, Walnut Creek, CA 94596. Representative: A. G. Krebs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Little Mountain, UT as an off-

route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Salt Lake City, UT, or San Francisco, CA.)

Note.—Insofar as this authority allows the transportation of dangerous commodities it is limited to expire in 5 years.

MC 2900 (Sub-370F), filed May 3, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), (1) Between Gary, IN, and Louisville, KY, over Interstate Hwy 65, (2) Between St. Joseph, MI, and Nashville, TN: From St. Joseph, MI over U.S. Hwy 31 to Indianapolis, IN, then over IN Hwy 37 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 431, then over U.S. Hwy 431 to Nashville, TN, and return over the same route, (3) Between the IN–MI State line, and Cincinnati, OH, over U.S. Hwy 27, (4) Between Ft. Wayne, IN, and Indianapolis, IN, over Interstate Hwy 69, (5) Between Terre Haute, IN, and Nashville, TN, U.S. Hwy 41, (6) Between Chicago, IL, and the IN–OH State line, over Interstate Hwy 90, (7) Between Danville, IL, and Cincinnati, OH, over Interstate Hwy 74, (8) Between St. Louis, MO, and Richmond, IN, over Interstate Hwy 70, and (9) Between St. Louis, MO, and Louisville, KY, over Interstate Hwy 64, restricted to the transportation of traffic in (1) through (9) above to and from all intermediate points and points in IN as off-route points in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 2960 (Sub-32F), filed May 1, 1979. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney Street, Houston, TX 77023. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Transporting *chemicals*, in ocean going containers, from the facilities of Dow Chemical USA, at or near Freeport, TX, to Houston, TX, restricted to the transportation of traffic having a subsequent movement by water. (Hearing site: Dallas, TX.)

MC 8771 (Sub-51F), filed May 7, 1979. Applicant: SAW MILL SUPPLY, INC., 3599 Old Gettysburg Road, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting (1) *construction equipment, earth-moving equipment, and material-handling equipment;* and (2) *attachments, accessories, and parts* for the commodities named in (1) above, from White Marsh, MD, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 43421 (Sub-59F), filed April 16, 1979. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4016 9th Street, Rock Island, IL 61202. Representative: Edward G. Bazelson, 39 South LaSalle Street, Chicago, IL 60603. Transporting *wheels or wheel blanks including bogies or idlers* for Army tanks, unfinished; and *pallets, platforms, and racks* for shipping wheels or wheel blanks, between the facilities of Electric Wheel Company, at Quincy, IL, and the facilities of Firestone Industrial Products Company, at Noblesville, IN. (Hearing site: Chicago, IL.)

MC 22311 (Sub-10F), filed April 16, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46320. Representative: Marvin J. Mickow (same address as applicant). Transporting *roofing and sheathing, steel, asbestos and asphalt combined, and iron or steel building construction sections*, from Ambridge, PA, to points in IL, IN, MI, and WI, restricted to the transportation of traffic originating at the facilities of the H. H. Robertson Company at the named origin point. (Hearing site: Chicago, IL, or Pittsburgh, PA.)

MC 35320 (Sub-315F), filed April 20, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of the Climax Molybdenum Company, a Division of AMAX, Inc., at or near Climax and Henderson Mill Site, CO (approximately 26 miles S.E. of Parshall), and Pascagoula, MS, Langeloth, Towanda, and Wampum, PA, New Orleans, LA, and Ft. Madison, IA. (Hearing site: Greenwich, CT, or Washington, DC.)

MC 59150 (Sub-150F), filed April 19, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting (1) *iron, steel, and aluminum articles*, from points in Berkeley and Charleston Counties, SC, to points in AL, FL, GA, NC, SC, TN, and VA; and (2) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Charleston, SC.)

MC 59640 (Sub-71F), filed May 4, 1979. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *health care products; and materials* used in the manufacture of health care products, (1) between Covington and Conyers, GA, on the one hand, and, on the other, points in AL, CA (except Upland), FL, IL (except Itasca), KY, MS (except Columbus), NJ (except Murray Hill), NY, NC, OH, RI, SC, TN, TX (except Dallas), VA, and WI, and (2) between Murray Hill, NJ, on the one hand, and, on the other, points in CA (except Upland), IL (except Itasca), NY, OH, PA, RI (except Providence), and WI, under continuing contract(s) with C. R. Bard, Inc., of Murray Hill, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 60580 (Sub-38F), filed May 7, 1979. Applicant: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Boulevard, LaSalle, Quebec, Canada H8N 1X4. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Josephtown (Potter Township, Beaver County), PA, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: New York, NY, or Washington, DC.)

MC 61470 (Sub-6F), filed April 23, 1979. Applicant: BRYAN TRUCK LINE, INC., 610 East Wilson Street, Bryan, OH 43506. Representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fulton, Henry, and Williams Counties, OH, on the one hand, and, on the other, points

in the United States (except AK and HI). (Hearing site: Toledo, OH.)

Note.—Persons in control of applicant's parent corporation must file an application under 49 U.S.C. 11343 or file an affidavit explaining why no authority is needed to control two carriers in a common interest.

MC 65781 (Sub-6F), filed May 3, 1979. Applicant: BARRETT MOVING & STORAGE, INC., 7100 Washington Ave., South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. Transporting (1) *commerical and institutional fixtures*, (a) between the facilities of Carlson Stores Fixtures, at Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI), and (b) between the facilities of Suburban Cabinet and Fixture, at Maple Plain, MN, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *commercial and institutional fixtures*, and *such commodities* as are dealt in by record stores, between the facilities of Lieberman Enterprises, at Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in the United States (except AK and HI), and (3) *restaurant equipment and fixtures*, between the facilities of Carousel Snack Bars, Inc., at Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted in 1(a), (b), 2, and 3 above, to the transportation of traffic originating at the named facilities and destined to the points in the States described, or originating at points in the States described and destined to the indicated facilities. (Hearing site: Minneapolis, MN.)

MC 66140 (Sub-7F), filed April 20, 1979. Applicant: FYOCK MOTOR LINES, INC., 3040 Waterview Avenue, Baltimore, MD 21230. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *sugar* (except in bulk), from Brooklyn, NY, and Philadelphia, PA, to points in IL, IN, MI, and OH; and (2) *sugar and sugar products* (except in bulk), and individual servings of *condiments, dressings, spices, sauces, food flavorings*, and individual servings of *packaged food items*, from Pitman, NJ, to points in IL, IN, MI, and OH. (Hearing site: New York, NY.)

MC 67450 (Sub-85F), filed April 24, 1979. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South La Salle Street, Chicago, IL 60603. Transporting *dextrine, corn sugar, corn starch, and products* of corn and blends (except commodities in bulk), from Hammond, IN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 69901 (Sub-37F), filed May 4, 1979. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *electric motors and parts* for electric motors, from Mt. Sterling, KY, to Marion, OH, Syracuse, NY, Tecumseh, MI, and Collierville, TN. (Hearing site: Chicago, IL.)

MC 82101 (Sub-17F), filed May 8, 1979. Applicant: WESTWOOD CARTAGE, INC., 62 Everette Street, Westwood, MA 02090. Representative: John P. Tynan, P.O. Box 777, 201 Juno Street, Jupiter, FL 33455. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *kitchen cabinets, bathroom cabinets, cabinet doors, mouldings, boards, panels, and brass, bronze, or copper hardware*, from Nashua, NH, to points in CT, DE, ME, MD, MA, MI, NJ, NY, NC, OH, PA, RI, and VT; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction, under continuing contract(s) with Triangle Pacific Corp., of Nashua, NH. (Hearing site: Boston, MA, or Washington, DC.)

MC 82841 (Sub-260F), filed May 8, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *agricultural machinery*; and (2) *parts and accessories* for agricultural machinery, from point in Rock Island County, IL, to points in CO, IN, IA, KS, MI, MO, MT, NE, OH, SD, WI, and WY, restricted to the transportation of traffic originating at the facilities of Massey-Ferguson, Inc. (Hearing site: Chicago, IL, or Omaha, NE.)

Note.—Dual operations are involved.

MC 82841 (Sub-259F), filed May 7, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *composition board and plywood materials*, and (2) *accessories* used in the installation of the commodities in (1) above, from the facilities of Abitibi Corporation, at or near Lucas County, OH, to those points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Detroit, MI.)

Note.—Dual operations are involved.

MC 93840 (Sub-47F), filed May 8, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *materials and supplies* used in the manufacture of iron and steel articles, from Chicago, IL, to Wilton, IA. (Hearing site: Des Moines, IA.)

MC 94201(Sub-169F), filed March 26, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Louisville, KY and Chicago, IL, (a) over Interstate Hwy 65, (b) from Louisville, KY, over U.S. Hwy 150 to Vincennes, IN, then over U.S. Hwy 41 to Chicago, IL, and return over the same route, (2) between Louisville, KY and East Dubuque, IL, (a) from Louisville, KY, over U.S. Hwy 150 to Moline, IL, then over IL Hwy 84 to junction U.S. Hwy 20, at or near Elizabeth, IL, then over U.S. Hwy 20 to East Dubuque, IL, and return over the same route, (b) from Louisville, KY, over Interstate Hwy 65 to Chicago, IL, then over U.S. Hwy 20 to East Dubuque, IL, and return over the same route, (3) between Louisville, KY and Moline, IL, (a) from Louisville over U.S. Hwy 150 to junction U.S. Hwy 50, at or near Vincennes, IN, then over U.S. Hwy 50 to St. Louis, MO, then over IL Hwy 3 to Alton, IL then over IL Hwy 100 to junction IL Hwy 96, at or near Kampsville, IL, then over IL Hwy 96 to junction IL Hwy 94, then over IL Hwy 94 to Moline, IL, and return over the same route, (4) between Louisville, KY and St. Louis, MO, (a) from Louisville over IN Hwy 64 to junction IL Hwy 15, at or near Mt. Carmel, IL, then over IL Hwy 15 to St. Louis, MO, and return over the same route, (b) from Louisville, KY, over U.S. Hwy 460 and/or Interstate Hwy 64 to St. Louis, MO, and return over the same route, (5) between Louisville, KY and Cairo, IL, over U.S. Hwy 60, (6) between Cairo and South Beloit, IL, over U.S.

Hwy 51, (7) between Louisville, KY and Shepherd, IL, from Louisville, KY over U.S. Hwy 150 to junction U.S. Hwy 50, at or near Vincennes, IN, then over U.S. Hwy 50 to St. Louis, MO, then over IL Hwy 3 to Alton, IL, then over IL Hwy 100 to junction IL Hwy 96, at or near Kampsville, IL, then over IL Hwy 96 to junction U.S. Hwy 36, at or near Kinderhook, IL, then over U.S. Hwy 36 to Shepherd, IL, and return over the same route, (8) between Louisville, KY and Gulfport, IL, from Louisville, KY, over U.S. Hwy 150 to junction U.S. Hwy 34, at or near Galesburg, IL, then over U.S. Hwy 34 to Gulfport, and return over the same route, (9) between East St. Louis and Rock Island, IL, over U.S. Hwy 67, (10) between Evansville, IN and Chicago, IL, (a) over U.S. Hwy 41, (b) from Evansville, IN, over U.S. Hwy 41 to junction U.S. Hwy 150, at or near Terre Haute, IN, then over U.S. Hwy 150 to junction U.S. Hwy 45 and/or Interstate Hwy 57, at or near Champaign, IL, then over U.S. Hwy 45 and/or Interstate Hwy 57 to Chicago, IL, and return over the same route, (11) between Terre Haute, IN and St. Louis, MO, over U.S. Hwy 40 and/or Interstate Hwy 70, (12) between Bedford and Terre Haute, IN, from Bedford over IN Hwy 37 to junction IN Hwy 46, at or near Bloomington, IN, then over IN Hwy 46 to Terre Haute, and return over the same route, (13) between Cincinnati, OH and Louisville, KY, over U.S. Hwy 42 and/or Interstate Hwy 71, (14) between Cincinnati, OH and Evansville, IN, from Cincinnati, OH over U.S. Hwy 50 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 460, then over U.S. Hwy 460 to Evansville, IN, and return over the same route, (15) between Cincinnati, OH and Terre Haute, IN, (a) from Cincinnati, OH over U.S. Hwy 52 to junction IN Hwy 46, then over IN Hwy 46 to Terre Haute, IN, and return over the same route, (b) from Cincinnati, OH, over Interstate Hwy 74 to Indianapolis, IN, then over Interstate Hwy 70 to Terre Haute, IN, and return over the same route, (c) from Cincinnati, OH over U.S. Hwy 52 and/or Interstate Hwy 74 to Indianapolis, IN, then over U.S. Hwy 40 and/or Interstate Hwy 70 to Terre Haute, IN, and return over the same route. Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Service, in connection with the above routes, is authorized to and from St. Louis, MO; Cincinnati, OH; Henderson and Louisville, KY, and points in KY within 10 miles of Louisville; Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper and Terre Haute, IN; and all intermediate and off-route points in IL, restricted to the transportation of traffic moving between Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper, and Terre Haute, IN, Louisville, KY, and points in KY within 10 miles of Louisville, on the one hand, and, on the other, Henderson and Louisville, KY, St. Louis, MO, Cincinnati, OH, and all points in IL. The purpose of this application is to convert applicant's irregular route authority in certain certificates to regular route authority.

MC 95540 (Sub-1112F), filed May 7, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between points in the United States (except AK and HI), on the one hand, and, on the other, the facilities of Chef Pierre, Inc., at or near Traverse City, MI, and Forest, MS. (Hearing site: Chicago, IL or Washington, DC.)

MC 104421 (Sub-29F), filed May 6, 1979. Applicant: ECONOLINES, INC., P.O. Box 623, D.T.S., Omaha, NE 68101. Representative: Roger W. Norris, (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, foodstuffs, hides, agricultural equipment, contractor's equipment, and lumber), between points in Burt County, NE, on the one hand, and, on the other, points in KY (except Louisville), MT, NC, ND, and SC. (Hearing site: Lincoln, NE.)

MC 108341 (Sub-145F), filed May 3, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mort E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *air cleaning, heating, cooling, humidifying, dehumidifying, and moving equipment,* (2) *parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of Industrial Sheet Metal & Mechanical Corp., at or near Rockingham, NC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108341 (Sub-146F), filed May 4, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mort E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *swimming pools, swimming pool enclosures, filteration equipment, and water treatment equipment* and (2) *materials, equipment, and supplies* used in the manufacture, installation, and maintenance of the commodities named in (1) above (except commodities in bulk), between the facilities of Paddock Pool Equipment Company, at or near Rock Hill, SC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108341 (Sub-147F), filed May 4, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *generators and fabricated iron and steel articles;* and (2) *parts, attachments, and accessories* for the commodities named in (1) above (except commodities in bulk), from the facilities of the Biglow Company, at or near New Haven, CT, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: New Haven, CT, or Washington, DC.)

MC 108341 (Sub-148F), filed May 4, 1979. Applicant: MOSS TRUCKING, INC., 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *vessels, waste treatment systems, and fabricated iron and steel articles;* and (2) *parts, attachments, and accessories* for the commodities named in (1) above, from the facilities of Norwalk Fabricators, Inc., at or near Branford and South Norwalk, CT, to those points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: Washington, DC.)

MC 108341 (Sub-149F), filed May 4, 1979. Applicant: MOSS TRUCKING, INC., 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *iron and steel articles;* from the facilities of Standard Pipe and Supply Co., Inc., at or near Pittsburgh and Philadelphia, PA, to those points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 111231 (Sub-263F), filed April 24, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, 140 East Buchanan, Prairie Grove, AR 72753. Transporting (1) *paper and paper products;* and (2) *material, equipment, and supplies* used in the production and

distribution of the commodities named in (1) above, between the facilities of Scott Paper Company, at those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia or Pittsburgh, PA.)

MC 112520 (Sub-367F), filed April 20, 1979. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *pulpmill liquids*, in bulk, in tank vehicles, from the facilities of International Paper Company, at or near Natchez, MS, to the facilities of International Paper Company, at or near Mobile, AL. (Hearing site: Mobile, AL, or Atlanta, GA.)

MC 115311 (Sub-353F), filed May 7, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H. J. Heinz Co., at or near Greenville, SC, to those points in FL on and west of FL Hwy 79, and points in AL, GA, LA, and MS, restricted to the transportation of traffic originating at the named facilities and destined to the indicated points. (Hearing site: Atlanta, GA.)

MC 115841 (Sub-710F), filed May 7, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *nuts, bolts, washers, gaskets, filters, tubing, hose clamps, screws, hose, paints, auto lamp lenses, lamp fixtures or parts, electric cable terminals, and hardware cabinets*, from Itasca and Elk Grove Village, IL, to Dallas, TX, College Park, GA., Reno, NV, and Cranbury, NJ. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116400 (Sub-7F), filed May 1, 1979. Applicant: LAWRENCE TRANSFER & STORAGE CORP., 2727 Hollins Road, N.E., Roanoke, VA 24012. Representative: Weldon T. Lawrence, Jr. (same address as applicant). Transporting *household goods* as defined by the Commission, between points in VA, AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MA, MI, MN, MS, MO, NE, NH, OK, RI, TX, VT, and WI. (Hearing site: Roanoke or Richmond, VA.)

MC 117370 (Sub-37F), filed May 4, 1979. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent Street, suite 100, Madison, WI 53705. Transporting *bentonite clay*, in bulk, from Colony, WY, to points in IA, IL, IN, MN, MO, and WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 117940 (Sub-332F), filed April 20, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses, and such commodites* as are used by meat packers in the conduct of their business, as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and the facilities of Armor & Company, at Mason City, IA, restricted to the transportation of traffic originating at or destined to the facilties utilized by Lauridsen Foods, Inc., at Britt, IA, and Armour & Company, at Mason City, IA. (Hearing site: Phoenix, AZ.)

MC 118130 (Sub-113F), filed April 19, 1979. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. Transporting (1) *bananas, and* (2) *agricultrual commodities* otherwise exempt from regulation under Section 206(b)(3) of the Act when transported in mixed loads with bananas, from Port Hueneme, CA, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NM, NV, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Dallas, TX, or Miami, FL.)

MC 118610 (Sub-33F), filed March 28, 1979. Applicant: GEORGE PARR TRUCKING SERVICE, INC., 829 Alsop Lane, P.O. Box 1308, Owensboro, KY 42301. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601. Transporting (1) *contractors' heavy construction, excavating, mining, and road-building machinery and equipment*, and (2) *materials, equipment, and supplies* used in the mining, excavating, processing; and distribution of minerals, (a) between points in KY, IL, OH, IN, AL, MO, OK, CO, UT, AZ, WY, MT, AR, and WV, and (b) between points in KY, IL, OH, IN, AL, MO, OK, CO, UT, AZ, WY, MT, AR, and WV, on the one hand, and, on the other, points in the United States (except AK and HI), restricted in (1) and (2) above, to the transportation of traffic originating at or destined to the facilities of Peabody Coal Company. (Hearing site: St. Louis, MO, or Owensboro, KY.)

MC 119670 (Sub-45F), filed May 8, 1979. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Transporting (1) *glass containers;* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of glass containers, between the facilities of Foster Forbes Glass Company, Division of National Can Corporation, at Marion, IN, on the one hand, and, on the other, points in KY and OH. (Hearing site: Cincinnati, OH.)

MC 121060 (Sub-102F), filed April 25, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *composition board*, from the facilities of Champion International Corporation, at or near Catawba, SC, South Boston, VA, and Oxford, MS, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 124170 (Sub-121F), filed April 20, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting *general commodities* (except those of unusual value, classes A and B explosives household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), from Chicago,IL, to points in the lower peninsula of MI, restricted to the transportation of traffic originating at the facilities of Dry Storage Corporation, at Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124170 (Sub-127F), filed May 4, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz, U.S.A., at or near Pittsburgh, PA, to points in IL, IN, MI, and OH, restricted to the transportation of traffic originating at the named facilities and destined to the indicated points. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 124211 (Sub-357F), filed May 7, 1979. Applicant: HILT TRUCK LINE,

INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufactures and distributors of motor vehicle parts and accessories; and (2) *commodities* used in the manufacture, distribution, and installation of the commodities named in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Rockwell International and its subsidiaries (except in foreign commerce). (Hearing site: Washington, DC.)

MC 124211 (Sub-359F), filed May 8, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt, (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of motor vehicles, parts, and accessories; and (2) *commodities* used in the shipment of the commodities named in (1) above (except commodities in bulk), between Kansas City, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 126091 (Sub-5F), filed April 2, 1979. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum extrusions, and ingots;* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Pimalco Corp., at Chandler, AZ, on the one hand, and, on the other, points in Trumbull, Ashtabula, Geauga, Portage, Mahoning, and Columbiana Counties, OH, under continuing contract(s) with Pimalco Corporation, of Chandler, AZ. (Hearing site: Phoenix, AZ.)

MC 127840 (Sub-102F), filed May 4, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle, Chicago, IL 60601. Transporting (1) *animal fats, animal oils, vegetable oils*, (2) *animal fat products, animal oil products, and vegetable oil products*, and (3) *blends* of the commodities in (1) above, (a) from Denver, CO, to points in OR, ID, WA, UT, CA, TX, WI, and MN, and (b) from points in CA and OR to Denver, CO. (Hearing site: Denver, CO.)

MC 128030 (Sub-122F), filed April 24, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. Transporting *canned and preserved products*, from the facilities of Heinz USA, at or near Muscatine and Iowa City, IA, to points in MO and IL, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 133841 (Sub-11F), filed April 19, 1979. Applicant: DAN BARCLAY, INC., P.O. Box 426, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *machinery, vibratory feeders, and hoppers;* and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities named in (1) above, between Totowa, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 134131 (Sub-10F), filed May 7, 1979. Applicant: R & S TRANSIT, INC., 1323 West Locust, Springfield, MO 65803. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *Charcoal and charcoal briquettes;* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above, between Branson, MO, and points in AZ, CA, IL, IA, and WI. (Hearing site: Kansas City, MO.)

MC 134601 (Sub-12F), filed May 7, 1979. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. #1, Ashville, NY 14710. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fresh hams*, from Logansport, IN and Des Moines, Denison, Iowa Falls, and Cedar Rapids, IA, to Fairport, NY, under continuing contract(s) with Plymouth Rock Provision Co., Division of Ward Foods, Inc., of New York, NY. Hearing site: Buffalo, NY.)

MC 134790 (Sub-6F), filed April 23, 1979. Applicant: DANIEL C. HAFFNER, d.b.a. HAFFNER TRUCKING SERVICE, R.R. #1, Farmington, IA 52626. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *iron and steel railway car and locomotive wheels*, from Keokuk, IA, to points in the United States (except AK, HI, OH, PA, and WV). (Hearing site: Des Moines, IA.)

MC 134870 (Sub-3F), filed March 26, 1979. Applicant: NASHVILLE-CLARKSVILLE EXPRESS, INC., P.O. Box 607, St. Bethlehem, TN 37155. Representative: Riggs L. Hayes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except household goods, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) Between Nashville, TN, and Clarksville, TN, over U.S. Hwy 41–A, serving all intermediate points, and serving the off-route point of Cumberland City, TN, (2) Between Clarksville, TN, and Shelby County, TN: From Clarksville, TN over TN Hwy 48 to junction TN Hwy 46, then over TN Hwy 46 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Shelby County, TN, and return over the same route, serving no intermediate points between Shelby County and Clarksville, service at Shelby County is restricted against the transportation of traffic orginating at, destined to or interchanged at Nashville, TN, and its commercial zone, and (3) Between Clarksville, TN, and Ft. Campbell, KY, over U.S. Hwy 41–A, serving all intermediate points. (Hearing site: Clarksville, TN.)

Note.—The purpose of parts (1) and (2) above is to convert existing Certificates of Registration to Certificates of Public Convenience and Necessity.

MC 135070 (Sub-58F), filed May 7, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *alcoholic beverages and wine and such commodities* as are dealt in by distributors of alcoholic beverages (except commodities in bulk), (1) from points in IL, IN, MI, MO, OH, TN, KY, NY, PA, NJ, MD, and CA to points in LA, AR, TX, NM, OK, AZ, and CA, and (2) from Oklahoma City, OK, to points in OR, WA, and CA. (Hearing site: Dallas, TX, or Albuquerque,NM.)

Note.—Dual operations may be involved.

MC 136511 (Sub-49F), filed April 23, 1979. Applicant: VIRGINA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *adhesives, cleaning, preserving and sealing compounds and products, solvents, stains, plastic carpeting, carpet strip and moldings;* and (2) *equipment and supplies* used in the installation of the commodities named in (1) above, (a) from Kalamazoo,

MI, and Dayton, OH, to those points in the United States in and east of MT, WY, CO, and NM, and (b) from City of Industry, CA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 136711 (Sub-37F), filed April 24, 1979. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 96968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. transporting *quicklime and ground limestone*, in bulk, from Sallisaw and Marble City, OK, to points in Adams, Issaquena, and Warren Counties, MS, bowie and Cass Counties, TX, and points in AR, KS, and LA. (Hearing site: Oklahoma City, OK.)

MC 140011 (Sub-5F), filed May 3, 1979. Applicant: A. C. DENNLER, CO., a corporation, 13023 Arroyo Avenue, San Fernando, CA 91340. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hospital supplies*, from Keene, NH, to Los Angeles, Glendale, Burlingame, and San Francisco, CA, under continuing contract(s) with Concord Laboratories, Inc., of Keene, NH. (Hearing site: Boston, MA.)

MC 141781 (Sub-18F), filed May 3, 1979. Applicant: LARSON TRANSFER & STORAGE CO., INC., 10700 Lyndale Avenue South, Minneapolis, MN 55420. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *bakery goods* (except frozen), *dressing, stuffing, tarts, cereal, granola, beverage preparations, dessert preparations, salads, and teas*, from Omaha, NE, to points in IA, MN, ND, and SD. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations are involved.

MC 141921 (Sub-56F), filed May 3, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: Louis N. Kolivas (same address as applicant). Transporting *such commodities* as are dealt in by grocery and drug stores (except commodities in bulk), from the facilities of The Procter & Gamble Distributing Company, at or near Cincinnati, OH, on the one hand, and, on the other, points in PA, NY, MA, NJ, VA, and MD. (Hearing site: Concord, NH, or Boston, MA.)

Note.—Dual operations are involved.

MC 141961 (Sub-2F), filed May 21, 1979. Applicant: CARMAN CARRIER, INC., P.O. Box 2139, Clarksville, IN 47130. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction and furniture paneling*, from the facilities of Univeral Woods, Inc., at Louisville, KY, and J. L. Gilbert Co., Inc., at Sellersburg, IN, to points in the United States (except AK and HI); and (2) *equipment and materials* used in the manufacture of construction and furniture paneling, from points in the United States (except AK and HI), to the facilities of Universal Woods, Inc., at Louisville, KY, under continuing contract(s) with Universal Woods, Inc., of Louisville, KY, and J. L. Gilbert Co., Inc., of Sellersburg, IN. (Hearing site: Louisville, KY, or Indianapolis, IN.)

MC 142310 (Sub-17F), filed May 4, 1979. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *paper and paper products*, (2) *plastic articles*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Green Bay, WI, on the one hand, and, on the other, points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 142730 (Sub-6F), filed April 20, 1979. Applicant: THOMAS E. McGINNIS, d.b.a., T. McGINNIS TRUCKING CO., Route 3, Box 329, Catlettsburg, KY 41129. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, from points in OH to points in Boyd, Greenup, and Lawrence Counties, KY; and (2) *calcitic fluxing stone*, in dump vehicles, from points in Highland County, OH, to points in Scioto County, OH, and Boyd, Greenup, and Lawrence Counties, KY, under continuing contract(s) with Plum Run Stone Division of Davon, Inc., of Hillsboro, OH, and H & H Supply, Inc., of Catlettsburg, KY. (Hearing site: Charleston, WV.)

MC 142791 (Sub-1F), filed April 20, 1979. Applicant: GEORGE PRYSLAK, d.b.a., PRYSLAK TRUCKING, Box 101, Great Meadows, NJ 07838. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *confectionery;* and (2) *materials and supplies* used in connection with confectionery (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from the facilities of M&M/MARS, at Hackettstown and Elizabeth, NJ, to points in MD and VA, and (2) from the facilities of M&M/MARS, at Elizabethtown, PA, to points in NJ and MD, under continuing contract(s) with M&M/MARS, Division of Mars, Inc., of Hackettstown, NJ. (Hearing site: Newark, NJ.)

MC 142830 (Sub-1F), filed May 8, 1979. Applicant: TRANSHIELD TRUCKING, INC., 1470 North Farnsworth Avenue, P.O. Box 1617, Aurora, IL 60507. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic and burlap articles*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of PPD Corporation, at or near Atlanta, GA, and Newark, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with PPD Corporation, of Newark, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 143331 (Sub-9F), filed May 7, 1979. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 East Compton Boulevard, P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulating materials*, from Fruita, CO, to points in AZ and CA, under continuing contract(s) with Pabco Insulation Division of Louisiana Pacific Corp., of Fruita, CO. (Hearing site: Los Angeles, CA.)

MC 144140 (Sub-32 F), filed April 20, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting (1) *petroluem, petroleum products, vehicle body sealer, and sound deadener compounds* (except commodities in bulk, in tank vehicles),

and *filters*, from points in Warren County, MS, to points in AL, FL, GA, IN, KY, MI, OH, and TN; and (2) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, IN, KY, and OH, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic orginating at or destined to the facilities of Quaker State Oil Refining Corporation, at Warren County, MS. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144591 (Sub-1F), filed May 4, 1979. Applicant: FUSARO TRANSPORTATION, INC., Ridge Hill Road, Assonet, MA 02702. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *piece goods, and materials, supplies and equipment* used in the manufacture of piece goods (except commodities in bulk), between points in FL, AL, GA, SC, VA, MD, DE, NC, PA, CT, RI, and DC, on the one hand, and, on the other, points in NY, NJ, and MA, under continuing contract(s) with Dana Mills, Inc., of Northbrook, IL. (Hearing site: Boston, MA.)

MC 145341 (Sub-4F), filed April 23, 1979. Applicant: NORTH CENTRAL DISTRIBUTING CO., a corporation, Box 5453, University Station, Fargo, ND 58105. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. Transporting *modified inedible corn flour (except commodities in bulk, in tank vehicles), from North Kansas City, MO, to ports of entry on the international boundary line between the United States and Canada at points in ND and MN. (Hearing site: Fargo, ND.)*

MC 145680 (Sub–3F), filed May 7, 1979. Applicant: C & R TRUCKING, LTD., 2955 Packers Avenue, Madison, WI 53704. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting *dunnage trays and plastic articles*, from the facilities of Portage Industries Corporation, at or near Portage, WI, to points in IL, MN, IA, IN, MI, OH, and WV. (Hearing site: Madison or Milwaukee, WI.)

MC 145950 (Sub-21F), filed April 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Transporting (1) *copper chemicals* (except in bulk), from Houston, TX, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of copper chemicals (except commodities in bulk), in the reverse direction. (Hearing site: Houston, TX.)

Note.—Dual operations are involved.

MC 146211 (Sub-2F), filed April 19, 1979. Applicant: DAVID M. LARSON AND BRENT R. LARSON, d.b.a., LARSON BROTHERS, P.O. Box 605, Ephraim, UT 84629. Representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *travel trailers*, (1) from Hemet, CA, to Spanish Fork, UT, and (2) from Ephraim, UT, to points in CA on and south of Interstate Hwy 80. (Hearing site: Salt Lake City, UT.)

MC 146310 (Sub-1F), Filed May 3, 1979. Applicant: RAINBOW TRANSPORT, INC., 941 Fairmount Avenue, Elizabeth, NJ 07201. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, D.C. 20001. Transportating (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, between New York, NY, Port Elizabeth, and Port Newark, NJ, and Baltimore, MD, on the one hand, and, on the other, points in NY, NJ, CT, PA, and MA; and (2) *empty containers*, in the reverse direction, restricted to the transporation of traffic having a prior or subsequent movement by water. (Hearing site: Washington, DC or New York, NY.)

MC 146411 (Sub-2F), Filed March 5, 1979. Applicant: KMD, INC., P.O. Box 88832, Seattle, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101 To operatie as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wearing apparel and supplies* used in the sale of wearing apparel, from the facilities of K-Mart Apparel Corp., at Carson, CA, to points in WA, OR, CA, ID, MT, NV, UT, AZ, NM, CO, WY, and TX, under continuing contract(s) with K-Mart Apparel Corp., of North Bergen, NJ. (Hearing site: Tacoma or Seattle, WA.)

MC 146431 (Sub-1F), filed May 7, 1979. Applicant: WILLIAM E. HILL, d.b.a. BILL HILL TRUCKING, Route 18, East, Hamler, OH, 43524. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *meat and bone meal and blood meal*, between points in OH, IN, and the lower peninsula of MI. (Hearing site: Columbus, OH.)

MC 146520 (Sub-2F), filed May 3, 1979. Applicant: QUALITY TRANSPORT, INC., 4404 West Berteau, Chicago, IL 60641. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting (1) *bananas* and (2) *agricultural commodities* otherwise exempt from economic regulation under Section 10526(a)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Albany, NY, New York City, NY, Baltimore, MD, and Philadelphia, PA, to points in IL, IA, IN, KY, MI, MN, MO, OH, and WI. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146520 (Sub-3F), filed May 4, 1979. Applicant: QUALITY TRANSPORT, INC., 4404 West Berteau, Chicago, IL 60641. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting *bananas and agricultural commodities* exempt from economic regulation under 49 U.S.C. section 10526(a)(6) when moving in mixed loads with bananas, from Charleston, SC, to points in IL, IA, IN, KY, MI, MN, MO, OH, and WI.(Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146830 (Sub-2F), filed May 7, 1979. Applicant: JACK POOLE, INC., R.R. 2, Manhattan, KS 66502. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *insulation and insulation materials*, from the facilities of Owens Corning Fibreglas, at Kansas City and Pauline, KS, to points in TX. (Hearing site: Kansas City, MO.)

MC 146910F, filed May 3, 1979. Applicant: MOTOR CARGO TRANSPORT CORP., 21 D'Shibe Terrace, Vineland, NJ 08360. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, N.W., Washington, DC 20036. Transporting (1) *containers, container closures, glassware, packaging products, container components*, (2) *scrap materials*, and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 147170 (Sub 1F), filed April 23, 1979. Applicant: KENNETH DUCKER, d.b.a. K & L TRUCK SERVICE, 19821 Valley Blvd., Walnut, CA 91789. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insecticides, fasteners, tape, ties, fertilizer carts, grass catchers, pruning shears, wooden plant stakes, sprayers and steel shelving*, from the facilities of Dexol Industries, at Torrance, CA, to the facilities of Dexol Industries at Dallas, TX, and points in AZ, CO, ID, IA, KS, MT, NE, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with Dexol Industries, of Torrance, CA. (Hearing site: Los Angeles, CA.)

MC 147321F, filed May 4, 1979. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, MO 64057. Representative: Alex M. Lewandowski, Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *toilet preparations*, from the facilities of Avon Products, Inc., at Kansas City, MO, to Shreveport, LA. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 147310F, filed May 7, 1979. Applicant: RUSTAD BUS SERVICE, INC., Derkhoven, MN 56252. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *passengers and their baggage*, in the same vehicle with passengers, and *baggage* of passengers in a separate vehicle, in charter operations, in roundtrip sight-seeing and pleasure tours, beginning and ending at points in Big Stone, Grant, Stevens, and Traverse Counties, MN, and extending to points in the United States (including AK but excluding HI). (Hearing Site: Minneapolis or St. Paul, MN.)

MC 147570F, filed June 7, 1979. Applicant: KABAT EXPRESS, INC., 1944 Scranton Road, Cleveland, OH 44113. Representative: Daniel Kabat (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by department stores, hardware stores, building material supply centers, and home improvement stores, between points in Cuyahoga, Portage, and Summit Counties, OH, on the one hand, and, on the other, points in IL, IN, KY, the lower peninsula of MI, MO, OH, WV, those points in NY on and west of NY Hwy 14, those points in PA, on and west of U.S. Hwy 220, PA Hwy 147 and Interstate Hwy 83, and those points in WI on and east of WI Hwy 57 and U.S. Hwy 151. (2) *paper forms and computer paper*, between Sycamore, ILS, Goshen, IN, Emigsville and West York, PA, on the one hand, and, on the other, Cincinnati and Dayton, OH, and points in Cuyahoga and Summit Counties, OH. (Hearing site: Columbus or Cleveland, OH.)

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Decided: September 5, 1979.

By the Commission, Review Board Number 3, Members, Parker, Fortier, and Hill.

MC 1977 (Sub-34F), filed March 30, 1979. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which, because of size or weight, require special equipment), (1) from Denver, CO, north over I–25 to Junction I–90, then westerly over I–90 to Spokane, WA, and return over the same route, serving no intermediate points, (2) from Salt Lake City, UT, north over I–15 to Junction I–90, then westerly over I–90 to Spokane, WA, and return over the same route, serving no intermediate points, and (3) between Salt Lake City, UT north over I–15 to Junction I–80 N, then over 1–80 N to Junction U.S. 895, thence north over U.S. 395 to Junction I–90 to Spokane, WA, and return over the same route, serving no intermediate points. (Hearing site: Denver, CO.)

MC 41406 (Sub-133F), filed March 21, 1979. Applicant: ARTIM TRANSPORTATION SYSTEMS, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). Transporting, *rough dies, iron and steel articles*, from Columbus, OH, to points in the United States (except AK and HI). (Hearing site: Columbus, OH or Chicago, IL.)

MC 41406 (Sub-136F), filed March 21, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon (Same address as applicant). Transporting (1) fertilizer compounds, dry, (2) *animal feed and ingredients*, (3) *corn cob products* (except in bulk), from Maumee and Toledo, OH, to points in CT, DE, IL, IN, IA, KS, MD, MN, MA, MO, NE, NJ, NY, PA, RI and WI. (Hearing site: Detroit, MI.)

MC 65916 (Sub-19F), filed March 29, 1979. Applicant: WARD TRUCKING CORP., Second Avenue & Seventh Street, Greenwood, Altoona, PA 16603. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Cumberland, MD over U.S. Hwy 40 to Hagerstown, MD, then over U.S. Hwy 11 to Harrisburg, PA, then over U.S. Hwy 230 to Lancaster, PA, then over U.S. Hwy 30 to Philadelphia, PA and then over U.S. Hwy 1 to New York NY, and return over the same route, serving all intermediate points. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 115496 (Sub-117F), filed April 2, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *sheating, siding, particle board, composition board, lumber and urethane rigid boards and sheets*, from the facilities of Temple-Eastex, Inc., at or near Diboll and Pineland, TX, West Memphis, AR, and Monroeville, AL, to those points in that part of the United States in and east of ND, SD, NE, CO and NM. (Hearing site: Atlanta, GA or Birmingham, AL.)

MC 115826 (Sub-429F), filed March 8, 1979, published in the **Federal Register** issue of July 16, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *beads and pulverized glass*, from the facilities of Potters Industries, Inc., at or near (1) Cleveland, OH, Anaheim, CA, Potsdam, NY, Carlstadt and West Caldwell, NJ, and Apex, NC, to points in the United States (except AK and HI), and (2) Brownwood, TX, to points in the United States (Except AK, HI and NE). (Hearing site: Denver, CO.)

Note.—The purpose of this republication is to correct the territorial description in part (2) of this proceeding.

MC 116947 (Sub-70F), filed March 9, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, S.W., Atlanta, GA 30310. Representative: William Addams, P.O. 720434, Atlanta, GA 30328. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *adhesives, caulks and specialty chemicals*, in containers, and

(b) *empty plastic containers,* in cartons, from the facilities of Franklin Chemical Industries at or near Columbus, OH, to points in TX, GA, MO, ND, OK, TN and FL; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in PA, SC, NJ, and MA, to the facilities of Franklin Chemical Industries at or near Columbus, OH. (Hearing site: Atlanta, GA.)

MC 134286 (Sub-100F), filed March 21, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting (1) *cotton bags* (except in bulk) (a) from the facilities of Ripple Twist Mills at or near Reading, PA, to the faciities of C & K Manufacturing & Sales Co. at or near Bay Village, OH, (b) from Bay Village, OH, to points in IN, IL, IA, MO, NE, KS, OK, TX and CO, and (2) *heavy thermal plastic covering material* for cutting boards, from Scranton, PA, to Bay Village, OH, and (3) *yarn* and *rubber* (except in bulk), from points in NC and GA, to Reading, PA. (Hearing site: Sioux City, IA or Omaha, NE.)

MC 138157 (Sub-136F), filed April 2, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *hearing and air conditioning equipment,* from Elyria, OH, to points in the United States (except AK and HI), and (2) the *commodities* named in (1) above and *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment and further restricted to traffic originating at or destined to the facilities of SJC Corp. (Hearing site: Cleveland, OH.)

Note.—Dual operations may be involved.

MC 142257 (Sub-1F), filed March 14, 1979. Applicant: STYLER TRANSPORTATION, CO., A corporation, 2045 Iberia Avenue, Lakeville, MN 55402. Representative: Charles E. Nieman, 615 Minnesota Federal Building, Minneapolis, MN 55402. Transporting *kitchen wall and base cabinets, bathroom vanities, and accessories* (except in bulk), between Lakeville, MN, and points in ND, and SD. (Hearing site: Minneapolis, MN or St. Paul, MN.)

MC 144117 (Sub-34F), filed March 23, 1979. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting (A) *such commodities* as are dealt in and used by manufacturers of (1) batteries; (2) electric motors; (3) wire; (4) cable; (5) sport shoes; (6) parts and components for (1), (2), (3) and (4); and (B) *equipment, materials and supplies* used in the manufacture or distribution of the commodities named in (A) above (except commodities in bulk), (a) from Jewett City, CT; Vincennes, Attica and Ft. Wayne, IN; Perryville, MD; South Hadley and West Springfield, MA; Port Huron, MI; Herculaneum, MO; Sidney, NE; Hughesville, NJ; Niagara Falls and Huguenot (Orange County), NY; Akron and Toledo, OH; and Reading, PA, to points in CA, AZ, and NV, and (b) between Jewett City, CT; Vincennes, Attica, and Fort Wayne, IN; Perryville, MD; South Hadley and West Springfield, MA; Port Huron, MI; Herculaneum, MO; Sidney, NE; Hughesville, NJ; Niagara Falls and Huguenot (Orange County), NY; Akron and Toledo, OH and Reading, PA. (Hearing site: Toledo or Cleveland, OH.)

MC 144547 (Sub-4F), filed March 27, 1979. Applicant: DURA-VENT TRANSPORT CORPORATION, 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th Street NW., Washington, DC 20006. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furnaces and air conditioning equipment,* and (2) *related equipment, materials, and supplies* used in the installation and production of the commodities in (1) above, from Cincinnati, OH, to points in AZ, CA, CO, ID, KS, MO, MT, NM, NV, OK, OR, TX, UT, WA and WY, under continuing contract(s) with The Williamson Company of Cincinnati, OH. (Hearing site: Cincinnati, OH or San Francisco, CA.)

MC 144827 (Sub-31F), filed March 26, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., 100 North Main Building #909, Memphis, TN 38103. Transporting *such commodities* as are dealt in by department stores, from New York, NY, to Chicago, IL, Indianapolis, IN, Columbus, OH, Charlotte, NC, and Atlanta, GA, restricted to the transportation of traffic originating at or destined to the facilities of Service Merchandise Company, Inc. (Hearing site: Nashville or Memphis, TN.)

MC 145197 (Sub-1F), filed March 30, 1979. Applicant: GATIEN TRANSPORT, INC., St. Bernard de Lacolle B.P. 326, Lacolle, Quebec, Canada. Representative: S. Arnold Smith, Craftsbury, VT 05826. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over regular routes, transporting *general commodities* (except commodities in bulk, those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), between the ports of entry on the International boundary line between the United States and Canada at or near Champlain, NY, and Champlain, NY, restricted against the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length or girth combined. (Hearing site: New York, NY.)

MC 145577 (Sub-3F), filed April 2, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *photographic equipment, materials, and supplies,* from the facilities of Eastman Kodak Company at or near Rochester, NY, to the facilities of Eastman Kodak Company in San Ramon, Hollywood and Whittier, CA and Dallas, TX. (Hearing site: Columbus, OH or Washington, DC.)

MC 146616F, filed March 21, 1979. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal articles,* between the facilities of Central Steel & Wire Company, at Chicago, IL, on the one hand, and, on the other, points in KS, MO, OK and TX, under continuing contract(s) with Central Steel & Wire Company of Chicago, IL; (2) *bolts and nuts,* from the facilities of Modulus Corporation at Gary, IN, to points in KS, MO, OK and TX, under continuing contract(s) with Modulus Corporation of Gary, IN; (3) *steel pipe and tubing,* from the facilities of Independence Tube Corp. at Chicago, IL, to points in KS, MO, OK and TX, under continuing contract(s) with Independence Corp. of Chicago, IL; (4) *metal articles,* from the facilities of Structural Metals, Inc. at Sequin, TX, to points in AK, KS, MO and OK, under continuing contract(s) with Structural Metals, Inc. of Sequin, TX; (5)(a) *containers, roll-off frames, waste equipment and handling units, parts and supplies,* and (b) *equipment, materials and supplies* used in the production and distribution of the commodities

immediately named above, from the facilities of Scott and Hill Steel Corporation at Bartlesville, OK, to points in IL, IN, MI, MO, OH and WI, under a continuing contract(s) with Scott and Hill Steel Corporation of Bartlesville, OK; and (6)(a) *structural steel and steel towers,* (b) *parts and accessories,* and (c) *materials and supplies* used in the production and distribution of the commodities named above, from the facilities of Riverside Industries, Inc. at Tulsa, OK, to points in IL, MI, OH and WI, under continuing contracts with Riverside Industries, Inc. of Tulsa, OK. (Hearing site: Chicago, IL or Tulsa, OK.)

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Decided: September 13, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill (Parker not participating).

MC 5227 (Sub-49F), filed April 9, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *plastic pipe,* from Garden City, KS, to points in the United States (except AK and HI). (Hearing site: York or Omaha, NE.)

MC 11207 (Sub-477F), filed April 12, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles,* (except commodities the transportation of which because of size or weight requires the use of special equipment) from Greenville, SC, to points in FL, GA, and TN. (Hearing site: Birmingham, AL or Washington, DC.)

MC 11207 (Sub-478F), filed April 12, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenué, Washington, DC 20014. Transporting *machinery and machinery parts,* from Collierville, TN, to points in AL, AR, FL, GA, KY, LA, MD, MO, MS, NC, OK, SC, TN, VA, and WV. (Hearing site: Memphis, TN, or Washington, DC.)

MC 51146 (Sub-684F), filed April 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (Same address as applicant). Transporting (1) *such commodities as are dealt in by drug stores,* from the Eagandale General Merchandise Center at or near St. Paul MN, to Shawano, Two Rivers, and Manitowoc, WI, and (2) *malt beverages,* from Detroit, MI, to the facilities of Kay Distributing Company at or near Green Bay, WI. (Hearing site: Chicago IL.)

MC 59117 (Sub-70F), filed April 13, 1979. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 73401. Representative: Wilburn L. Williamson, Suite 615 East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *foundry materials,* in bulk, from points in IL, to points in OK and TX. (Hearing site: Tulsa, OK.)

MC 69397 (Sub-56F), filed April 9, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *iron and steel articles,* from the facilities of Wheeling-Pittsburgh Steel Corporation at Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH, Allenport and Monessen, PA, and Beech Bottom, Benwood, Fallansbee, and Wheeling, WV, to points in MD, NJ, NY, NC, SC, and VA. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 78687 (Sub-62F), filed April 10, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W. Washington, DC 20001. Transporting (1) *salt and salt products,* in packages, (a) from Silver Springs, NY, to points in CT, DE, IN, ME, MD, MA, the lower peninsula of MI, NH, NC, OH, RI, VT, VA, WV, and DC, and (b) from Perth Amboy, NJ, to points in NJ, NY, PA, CT, DE, IN, ME, MD, MA, the lower peninsula of MI, NH, NC, OH, RI, VT, VA, WV, and DC, and (2) *salt and salt products,* in bulk, from Perth Amboy, NJ, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Dual operations may be involved.

MC 98327 (Sub-35F), filed April 20, 1979. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Ray V. Mitchell (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sparks, NV, and junction of Interstate Hwy 17 and U.S. Hwy at or near Phoenix, AZ; from Sparks over Interstate Hwy 80 to junction U.S. Hwy Alternate 95, then over U.S. Hwy Alternate 95 to junction U.S. Hwy 95 at Fallon, NV, then over U.S. Hwy 95 to Las Vegas, NV, then over U.S. Hwy 93 to junction Interstate Hwy 17, and return over the same route, serving the Intermediate point of Las Vegas, as an alternate route for operating convenience only. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 100327 (Sub-11F), filed April 10, 1979. Applicant: LONQUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Transporting *passengers,* in special operations, (1) between the facilities of Castle & Cooke Inc., Mushroom Division, at or near East Windsor, CT, on the one hand, and on the other, points in Hampden County MA, and (2) between the facilities of Springfield Goodwill Industries, Inc., at Springfield, MA, on the one hand, and on the other, points in Hartford County, CT. (Hearing site: Hartford, CT, or Boston, MA.)

MC 102567 (Sub-226F), filed April 9, 1979. Applicant: MCNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy, Bossier City, LA 71111. Transporting (1) *chemicals, petroleum and petroleum products,* in bulk, in tank vehicles, from points in TX, LA, and AR, to points in the United States (except AK and HI) and (2) *commodities* in bulk, in tank vehicles, from points in the United States (except AK and HI), to points in NM, TX, OK, AR, LA, TN, AL, and MS. (Hearing site: Houston, TX.)

MC 102616 (Sub-993F), filed April 10, 1979. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *chemicals, in bulk,* in tank vehicles, from Plaquemine, LA, to points in the United States (except AK and HI). (Hearing site: Houston, TX or Chicago, IL.)

MC 109397 (Sub-453F), filed April 8, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *air conditioners, air coolers, air conditioning equipment, heaters, furnaces, water heaters, hydropneumatic tanks, solar heating and cooling collectors and systems, heating equipment, and water heater tanks;* (2) *parts, accessories, materials, and supplies* for commodities in (1) above, from points in Sebastian County, AR, Baldwin County, GA, Montgomery and Greenville, AL, and Chicago, IL, to points in the United States (except AK

and HI), and (3) *materials, parts, equipment and supplies* used in the manufacture and distribution of commodities in (1) and (2) above, from points in the United States (except AK and HI), to points in Sebastian County, AR, Baldwin County, GA, Montgomery and Greenville, AL, and Chicago, IL. (Hearing site: Tulsa, OK.)

MC 109397 (Sub-455F), filed April 13, 1979. Applicant: TRI–STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *sewage treatment plants, sewage lift stations, and parts and accessories* for sewage treatment plants and sewage lift stations, from the facilities of Clow Corporation, at or near Richwood, KY, to points in the United States (except AK, KY and HI). (Hearing site: Chicago, IL or St. Louis, MO.)

MC 112617 (Sub-427F), filed April 12, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Vallely Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford, P.O. Box 21395, Louisville, KY 40221. Transporting *printing ink,* in bulk, in tank vehicles, from New Albany, IN, to points in PA. (Hearing site: Louisville, KY, or Washington, DC.)

MC 113106 (Sub-72F), filed April 13, 1979. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. Transporting *paper* and *paper products,* from Philadelphia, PA, to points in DE, MD, DC, and those points in NJ on and south of Interstate Hwy 78. (Hearing site: Washington, DC.)

MC 115826 (Sub-441F), filed April 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *canned goods and non-alcoholic mixes* (1) between points in the United States (except AK and HI), and (2) from the facilities of Pacific Foods Co. at or near Rialto, CA, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 115826 (Sub-446F), filed April 11, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *toilet preparation, health and beauty aid products, buffing and polishing compounds, chemicals, foodstuff, cleaning compounds, and equipment and appliances used in health and beauty care,* (except commodities in bulk), between Sparks, NV, Portland, OR, Seattle, WA, Chicago IL, Los Angeles and San Francisco, CA, Atlanta, GA, and Piscataway, NJ (2) *commodities used in the manufacture of the commodities named in (1) above* (except commodities in bulk), from points in the United States (except AK and HI) to Chicago, IL, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Alberto-Culver Company. (Hearing site: Denver, CO.)

MC 115826 (Sub-447F), filed April 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Morgan Colorado Beef at or near Fort Morgan, CO, to the facilities of Iowa Beef Processors, Inc. at or near Dakota City, NE. (Hearing site: Denver, CO.)

MC 118776 (Sub-30F), filed April 13, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting (1) *animal bedding materials,* from Warrensburg, NY, and Maumee, OH, to St. Louis, MO, and (2) *dry animal feed, in bags,* from Richmond, IN, to St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 119226 (Sub-117F), filed April 12, 1979. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *liquid chemicals,* in bulk, in tank vehicles, between the facilities of International Minerals & Chemical Corp., at Terre Haute, IN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, KS, LA, ME, MD, MA, MN, MS, NE, NH, NJ, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VT, VA, and WV. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 120646 (Sub-28 or 29), filed April 13, 1979. Applicant: BRADLEY FREIGHT LINES, INC., 35 Garfield Street, Asheville, NC 28803. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Transporting *packaging and commodities used in the manufacture of packaging,* between points in Richmond and Caldwell Counties, NC, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO; and NM. (Hearing site: Asheville, NC.)

MC 123987 (Sub-22F), filed April 13, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangom, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *flue liner* from Denver, CO, to points in AR, LA, OK, and TX; and (2) *precast concrete modular crypt units,* from Denver, CO, to points in AZ, CA, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Denver, CO, or Oklahoma City, OK.)

MC 124306 (Sub-58F), filed April 10, 1979. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, DC 20036. Transporting *dry polyester resin,* in bulk, in tank vehicles, from the facilities of Rohm and Hass Company at or near Fayetteville, NC, to points in OH, PA, DE, NH, TN, GA, FL, TX, and SC. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 124306 (Sub-59F), filed April 12, 1979. Applicant: KENAN TRANSPORT CO., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, D.C. 20036. Transporting *liquefied petroleum gas* in tank vehicles, from Yorktown, VA, to points in DE, MD, and NC. Condition: Any certificate issued here shall limited in point of time to 5 years from its date of issuance. (Hearing site: Washington, DC.)

MC 126736 (Sub-118F), filed April 11, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *phosphate, phosphate products, and prosphate by-products,* from the facilities of Occidental Chemical Company at or near White Springs, FL, to points in SC, NC, VA, TN, MS, MD, and LA. (Hearing site: Jacksonville, FL.)

MC 128246 (Sub-40F), filed April 9, 1979. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk),

from the facilities of Crockett Packing Co. at or near Phoenix, AZ, to points in CA under continuing contract(s) with Crockett Packing Co., of Phoenix, AZ. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

MC 129387 (Sub-93), filed April 10, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. Transporting *meats, meat products and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, SD, Esterville and Sioux City, IA, and Worthington, MN, to points in AZ, CA, CO, IL, IA, KS, MO, NM, and WI, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL or Washington, DC.)

MC 140947 (Sub-4F), filed April 9, 1979. Applicant: VAN GROLL, INC., Route 4, Kaukauna, WI 54130. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *blood, fish, meat and poultry meal, and tankage,* from Milwaukee, WI, to points in IA, under continuing contract(s) with Badger By-Products Company, Inc., of Milwaukee, WI. (Hearing site: Milwaukee, WI.)

MC 141426 (Sub-22F), filed April 10, 1979. Applicant: WHEATON CARTAGE CO., Millvilke, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001.

To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products,* from points in the United States (except AK and HI), to Philadelphia, PA, under continuing contract(s) with David Weber Company of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 143267 (Sub-63F), filed April 9, 1979. Applicant: CARLTON ENTERPRISE, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, D.C. 20005. Transporting *iron and steel articles,* from the facilities of United States Steel Corporation at or near Lorain, Cleveland, and Youngstown, OH, and McKeesport, Clairton, Duquesne, McKees Rocks, Johnstown, Vandergrift, Homestead, and Dravosburg, PA, to points in AR, IL, IN, IA, MO, and OH, and points in KY on and north of U.S. Highway 64. (Hearing site: Cleveland, OH, or Washington, D.C.)

MC144416 (Sub-20F), filed April 12, 1979. Applicant: C. F. McGRAW, P.O. Box 498, Garden City, KS 67846. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *plastic cord and twine,* from the facilities of Exxon Chemical Co. U.S.A. at or near Kingman, KS, to those points in the United States and west of ND, SD, NE, KS, OK and TX. (Hearing site: Wichita or Kansas City, KS.)

MC 145217 (Sub-2F), filed April 12, 1979. Applicant: RICHARD McNAY, INC., Rural Route 8, Quincy, IL 62301. Representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *limestone, limestone products, mineral mixtures for animal and poultry feed, and trace mineral ingredients,* from the facilities of Calcium Carbonate Company at Quincy, IL, to those points in IN on and west of U.S. Hwy 31, those points in IA on and south of U.S. Hwy 20 and on and east of U.S. Hwy 69, and those points in WI on and south on U.S. Hwy 10 and points in MO. (Hearing site: Chicago, IL)

MC 145397 (Sub-4F), filed April 10, 1979. Applicant: P. A. JOHNSON & CO., a corporation, 7701 W. 59th Street, Summit, IL 60501. Representative: John F. Kelly, 1220 Monroe Ave, River Forest, IL 60305. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *starch and chemicals,* and (2) *commodities* used in the manufacture of starch and chemicals, (except commodities in bulk), from the facilities of National Starch Corporation at Chicago, Il, to points in IN, IA, MI, and WI, under continung contract(s) with National Starch Corporation of Bridgewater, NJ. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 145406 (Sub-37F), filed April 12, 1979. Applicant: MIDWEST EXPRESS, INC., 380—East 4th Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Transporting insulation products for automotive bodies* from the facilities of Janesville Products at or near Janesville, WI, to Compton, Southgate, and Van Nuys, CA, Clinton, OK, Leeds, MO, and Fairfax, KS. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145717 (Sub-2F), filed April 12, 1979. Applicant: DAKOTA TRANSPORT, INC., P.O. Box 115, Ft. Pierre, SD 57532. Representative: Mark Menard, Box 480, Rentschler Truck Plaza, Sioux Falls, SD 57101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *irrigation pivot systems, pipe products, pumps, motors, fittings, concrete pipe, and pipeline installation equipment,* from Stockton, CA, Pueblo, CO, Waukegan, IL, Minneapolis and St Paul, MN, Deshler, NE, McPherson, KS, Portland and McNary, OR, and Denison, TX, to points in SD, NE, WY, CO, MN, and ND, under continuing contract(s) with Morris Irrigation, Inc., of Pierre, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC146667 (Sub-3F), filed April 11, 1979. Applicant: VERMILLION GRAIN CO. INC., P.O. Box 96, Vermillion, KS 66544. Representative: Clyde N, Christey, Kansas Credit Union Bldg, 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *ammonium nitrate,* from the facilities of N-ReN Corp., at or near Pryor, OK, to those points in KS north of Interstate I-70 and east of U.S. Hwy 81, and those points in NE south of U.S. Interstate No. 80 and east of U.S. Hwy 81.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30449 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 136]

Assignment of Hearings

September 26, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114569 (Sub-266F), Shaffer Trucking, Inc., MC 114569 (Sub-279F), Shaffer Trucking, Inc., now assigned for continued hearing on October 23, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 14252 (Sub-37F), Commerical Lovelace Motor Freight, Inc., now assigned for continued hearing on October 24, 1979 at

the Offices of the Interstate Commerce Commission, Washington, DC.

MC 134906, Cape Air Freight, Incorporated, MC 134906 (Sub-1, 2, 3, 4, 5, and 7), Cape Air Freight, Incorporated, now assigned for hearing on October 15, 1979, at Chicago, IL, will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 134906, Cape Air Freight, Incorporated, MC 134906 (Sub-1, 2, 3, 4, 5, and 7), Cape Air Freight, Incorporated, now assigned for hearing on October 17, 1979, at Chicago, IL, will be held in Room 3964, 230 South Dearborn Street.

MC 127840 (Sub-90F), Montgomery Tank Lines, Inc., now assigned for hearing on November 7, 1979, at Chicago, IL, will be held in Room No. 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-F13803F, Spector Industries, Inc., d.b.a. Spector Freight System—Control—Spector Freight System of Canada Limited, Transferred to Modified Procedure.

MC 117730 (Sub-43F) Koubenec Motor Service, Inc., now assigned for hearing on November 5, 1979, at Chicago, IL, will be held in Room No. 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-C10305, Pennsylvania Truck Lines, Inc., and James H. Russell, Inc.—Investigation and Revocation of Certificates, now assigned for hearing on October 15, 1979, at Philadelphia, PA, will be held at the New U.S. Court House, 601 Market Street.

MC 57591 (Sub-19F), Evans Delivery Company, Inc., now assigned for hearing on October 17, 1979, at Philadelphia, PA, will be held at the New U.S. Court House, 601 Market Street.

MC 4491 (Sub-13F), Great Coastal Express, Inc., now assigned for hearing on October 29, 1979 (2 weeks), at New York, NY, in a hearing room to be later designated.

MC 32967 (Sub-3F), Atlantic Coast Express, Inc., now assigned for hearing on November 26, 1979 (1 week), at New York, NY, in a hearing room to be later designated.

MC 107012 (Sub-341F), North American Van Lines, Inc., now assigned for hearing on November 26, 1979 (1 week), at New York, NY, in a hearing room to be later designated.

MC 115331 (Sub-469F), Truck Transport Incorporated, transferred to Modified Procedure.

MC 145633F, Walter B. Maki, d.b.a. Maki International & Company, now assigned for hearing on October 15, 1979 (1 week), at Miami, will be held in the Tax Court, Room 1524, Federal Building, 51 Southwest First Avenue.

MC 116004 (Sub-52F), Texas Oklahoma Express, Inc., now assigned for hearing on October 9, 1979 (9 days), at Houston, TX, will be held at the Holiday Inn Downtown, 801 Calhoun.

MC 59135 (Sub-38F), now assigned for hearing on October 10, 1979 (3 days), at Albany, NY, will be held in Room B-38-A & B, Leo W O' Brien Federal Buidling, Clinton and North Pearl Street.

MC 172 (Sub-9F), Robert E. Wade, now assigned for hearing on October 29, 1979 (1 week), at Albany, NY, will be held in Room B-38 A & B, Leo W. O'Brien Federal Building, Clinton and North Pearl Street.

MC 146960, Virginia Tours, Inc., now assigned for hearing on November 26, 1979 (1 week), at Richmond, VA, in a hearing room to be later designated.

MC 37958 (Sub-3F), Trenton Lambertville Bus Line, Inc., now assigned for hearing on December 10, 1979 (1 week), at Trenton, NJ, in a hearing room to be later designated.

MC 117574 (Sub-319F), Daily Express, Inc., now assigned for hearing on October 9, 1979, at Chicago, IL, will be held in Room 1319, Dirksen Bldg., 219 South Dearborn Street, Chicago, IL.

MC 41406 (Sub-118F), Artim Transportation System, Inc., now assigned for hearing on October 11, 1979, at Chicago, IL, will be held in Room 1319, Dirksen Bldg., 219 South Dearborn Street, Chicago, IL.

MC 2229 (Sub-204F), Red Ball Motor Freight, Inc., now assigned for hearing on October 30, 1979, at San Antonio, TX, is postponed indefinitely.

MC 145808 (Sub-2F), Red Arrow Delivery Service Co., Inc., now assigned for hearing on October 30, 1979, at Nashville, TN, will be held at the Federal Court House, Room No. A-961, 801 Broadway, Nashville, TN.

MC 112963 (Sub-82F), Roy Bros., Inc., now assigned for hearing on October 29, 1979, at Boston, MA, will be held at the U.S. Tax Court, 13th Floor, U.S. Customs House, No. 2 India Street, Boston, MA

AB 43 (Sub-56F), Illionis Central Gulf Railroad Company Abandonment near Kevil and Barlow in Ballard and McCracken Counties, KY, will be held at the City Commissioner's Chamber, 2nd Floor, City Hall Building, Corner of 5th and Washington, Paducah, KY.

MC 139906 (Sub-33F), Interstate Contract Carrier Corp., now assigned for hearing on December 11, 1979, (1 day), at Los Angeles, CA, location of hearing room will be designated later.

MC 144957 (Sub-3F), Petercliffe, Ltd., now assigned for hearing on December 12, 1979 (3 days), at Los Angeles, CA, location of hearing room will be assignated later.

MC 730 (Sub-427F), Pacific Intermountains Express Co., now assigned for hearing on December 17, 1979, (2 days), at Los Angeles, CA, location of hearing room will be assignated later.

MC 140389 (Sub-47F), Osborn Transportation, Inc., now assigned for hearing on December 19, 1979, (3 days), at Los Angeles, CA, location of hearing room will be assignated later.

MC 14252 (Sub-46F), Commercial Lovelace Motor Freight, Inc., now assigned for hearing on November 25, 1979 (1 week), at Parkersburg, W. VA., location of hearing room will be assignated later.

MC 142703 (Sub-14F), Intermodal Transportation Service, Inc., now assigned for hearing on December 17, 1979 (1 week), at Frankfort, KY, location of hearing room will be later assignated.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30452 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 25, 1979.

In our decisions of September 11 and 18, 1979, a 9.5 percent surcharge was authorized on all owner-operator traffic, and on all truckload-rated traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level. In addition, a 1.7 percent surcharge was authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload-rated traffic is 9.8 percent, we are requiring that the surcharge for this traffic be held at 9.5 percent. In addition, no change will be made in the existing authorization of a 1.7 percent surcharge on LTL traffic performed by carriers not utilizing owner-operators.

We have received numerous petitions for modification of the existing surcharge procedures. We are presently reviewing all of these petitions and replies, and expect to issue a decision in the near future.

Notice of this decision shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday at 12:01 a.m., September 28, 1979.

By the Commission. Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,

Secretary.

Fuel Surcharge

Base Date and Price Per Gallon (Including Tax): January 1, 1979—63.5¢.

Date of Current Price Measurement and Price Per Gallon (Including Tax): September 24, 1979—100.2.

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue:

(1) From Transportation Performed by Owner Operators (Apply to All Truckload Rated Traffic)— 16.9%.

(2) Other (Including Less-Truckload Traffic)—2.9%. [1]

Percent Surcharge Developed: 9.8% and 1.7%.

Percent Surcharge Allowed: 9.5% and 1.7%.

[FR Doc. 79-30453 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

Petitions for Service Orders

Decided: September 24, 1979.

Upon consideration of the petitions filed by Arkansas Rice Growers Cooperative Association, doing business as Riceland Foods, on September 13, 1979, seeking a service order directing and requiring the St. Louis Southwestern Railway Company to serve Riceland Foods mill at Stuttgart, Arkansas, over Chicago, Rock Island, and Pacific Railroad Company tracks, or a service order authorizing this service.

The Chicago, Rock Island and Pacific Railroad Company (Rock Island) was subjected to a work stoppage on August 28, 1979. The Rock Island has maintained some train movements and some switching operations by the use of supervisory personnel to operate the trains and yard engines.

It is the opinion of the Commission that the issuance of either one of the proposed orders would cause the picketing of the St. Louis Southwestern Railway Company property and the cessation of operations by that Company. It would not be in the interest of public welfare to issue emergency orders which would result in additional picketing and cessation of operations by other railroads.

It is ordered, that the petitions are denied.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commisioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis.

Agatha L. Mergonovich,

Secretary.

[FR Doc. 79-30450 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

[1] Additional data for general commodity carriers indicate the following:

(a) Percent Fuel (including tax) of revenue (all traffic)—7.3%.

(b) Percent T.L. and LTL Revenue of total revenue:

	Revenue (000)	Percent
T.L	$3,451,661	32
LTL	7,427,232	68
Total	10,878,893	100

Utilizing the T.L. and LTL weighting factors and retaining the relationship of fuel to revenue for owner operators (also applied to T.L. rated traffic) and in total of 16.9 percent and 7.3 percent respectively, the comparable relationship for LTL is 2.9 percent. This figure should not be construed as an actual relationship but is developed as a method to adjust the LTL surcharge.

[Docket No. AB-9 (Sub-No. 12F)]

St. Louis-San Francisco Railway Co. Abandonment Near Cochrane and York, in Pickens and Sumpter Counties, AL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a supplemental decision decided September 4, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of employees, as discussed in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979) and provided that said abandonment will not result in changes in present freight rates or charges, or routing privileges, or the construction of short line mileage for freight rate making purposes unless otherwise authorized or directed by the Commission, the present and future public convenience and necessity permit abandonment by the St. Louis-San Francisco Railway Company of its line of railroad extending from railroad milepost RA-686.46 near Cochrane, AL, to railroad milepost RA-728 near York, AL, a distance of approximately 41.6 miles, in Pickens and Sumpter Counties, AL. A certificate of abandonment will be issued to the St. Louis-San Francisco Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30451 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-466]

ANR Storage Co. and Panhandle Eastern Pipe Line Co.; Application

September 24, 1979.

Take notice that on August 31, 1979, ANR Storage Company (ANR), One Woodward Avenue, Detroit, Michigan 48226, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001 filed in Docket No. CP79-466 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to perform all necessary acts to enable ANR to provide gas storage service to Panhandle for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that, upon completion and commencement of operation of the storage facilities and commencement of the services authorized by the Commission in Docket No. CP78-432 by order issued July 23, 1979, ANR will be a natural gas company within the meaning of the Natural Gas Act and will be engaged in the business of storing and transporting natural gas in interstate commerce subject to the jurisdiction of the Commission. Until that time,

Panhandle asserts, it has an immediate need for short-term storage service to be provided by ANR in order to ensure existing customers adequate winter service for its high priority requirements during the three-year period commencing in the 1980–81 winter and continuing through the 1982–83 winter.

In order to render the limited-term storage service for Panhandle, it is indicated that ANR has entered into a Limited Term Storage Leasing Agreement dated as of June 1, 1979, for a fixed term ending March 31, 1983, under which it leased an undivided interest in the intrastate storage and related transportation system of Michigan Consolidated Gas Company (Consolidated), a Michigan intrastate gas distribution company, which is affiliated with ANR. It is reported that, under that lease, ANR has acquired those rights necessary to provide storage service to Panhandle under a Gas Storage agreement (Storage Agreement) dated as of June 1, 1979. The Storage Agreement provides that during the initial 1980 Summer Period (April 1 through (October 31) and during each subsequent Summer Period, Panhandle may deliver or cause to be delivered to ANR, for transportation and storage an injection volume of natural gas (Summer Contract Quantity) of up to 10,000,000 Mcf and up to an additional 5,000,000 Mcf in each year as may be made available to Panhandle by ANR pursuant to the Storage Agreement. The Storage Agreement further provides that during the Winter Periods (November 1 through March 31) ANR would make available or cause to be made available to Panhandle an aggregate storage withdrawal volume (Winter Contract Quantity) equivalent to the volume of gas injected during the immediately preceding Summer Period, subject to the conditions that ANR would make available a daily withdrawal volume of gas of up to 1/100th of the Winter Contract Quantity and that the daily obligation to make gas available is on a best-efforts basis subject to provisions of the lease subordinating ANR's leased storage capacity to Consolidated's intrastate distribution system needs and Consolidated's pre-existing obligations to third parties.

Under the Storage Agreement Panhandle would supply compressor fuel to ANR equal to 1% of the volumes of gas delivered for storage. Panhandle would not be required to furnish any base gas.

It is stated that the Storage Agreement and the lease both terminate on March 31, 1983.

The application states that Panhandle has entered into a Transportation Agreement with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) in order to deliver the Summer Contract Quantity and receive the Winter Contract Quantity. It is indicated that the agreement provides that Panhandle would deliver gas for injection into storage to Michigan Wisconsin at the presently authorized interconnection between Panhandle's and Michigan Wisconsin's systems near Defiance, Ohio. Michigan Wisconsin would provide transportation for the gas so received and would redeliver equivalent quantities, reduced by 1% which Michigan Wisconsin would retain as compressor fuel, to ANR at the existing interconnection between Michigan Wisconsin and Consolidated at Michingan Wisconsin's Willow Run Meter Station near Ypsilanti, Michigan. Applicants state that redelivery of the Winter Contract Quantity would be accomplished by Michigan Wisconsin's reducing deliveries to Consolidated at the Willow Run interconnection and delivering equivalent quantities to Panhandle at the Defiance, Ohio, interconnection.

Applicants state that Panhandle would pay ANR a monthly charge equal to 1/12th of the then effective Summer Contract Quantity multiplied by 46.04 cents per Mcf.

Panhandle further requests Commission authorization to track the cost of this short-term storage service in its jurisdictional rates during the period the rates authorized in Panhandle's most recent rate proceeding in Docket No. RP78–62 are in effect.

Applicants state that no new or additional facilities would be constructed for the proposed storage arrangements.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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 tinme 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30430 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-481]

El Paso Natural Gas Co.; Petition To Amend

September 24, 1979.

Take notice that on September 13, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77–481 a petition to amend the Commission's order, issued August 14, 1978, in said docket pursuant to Section 7(b) of the Natural Gas Act by deleting therefrom permission and approval to abandon certain existing compressor units located in Midland and Yoakum Counties, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of August 14, 1978, granted El Paso permission and approval to abandon certain compressor, pipeline, and gas processing facilities in the Permian Basin production area in Texas and New Mexico. Among those facilities to be abandoned were a 500 horsepower compressor unit, with appurtenances, at El Paso's Tex-Harvey field plant in Midland County and two 1,100 horsepower compressor units, with appurtenances, at El Paso's Wasson field plant in Yoakum County.

El Paso states that subsequent to the granting of the abandonment authorization in this docket, it was advised by Cities Service Gas Company (Cities) that Cities anticipated the cessation of operation of its Dora Roberts plant and that as a result approximately 20,000 Mcf of gas per day

would be made available for delivery to El Paso's system at the Tex-Harvey field for compression. Additionally, since the grant of the abandonment authorization in this docket, El Paso has been receiving approximately 40,000 Mcf of gas per day attributable to infill wells for compression at its Wasson field plant and expects to continue to receive approximately 35,000 Mcf per day through 1979, with decreasing quantities thereafter. El Paso states that because of the unanticipated availability of these gas supplies, it requests that the Commission delete the authorization to abandon the facilities herein described.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 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 a 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. 79-30431 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-548]

El Paso Natural Gas Co.; Petition To Amend

September 24, 1979.

Take notice that on September 5, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-548 a petition to amend the order issued February 21, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act by authorizing the construction and operation of facilities actually installed by El Paso at the Hemphill County Delivery Point A, Hemphill County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued February 21, 1979, as amended, El Paso and Northern Natural Gas Company (Northern) were authorized, for a limited term, to deliver and exchange up to 25 billion Btu's equivalent of natural gas per day on a best efforts basis through April 30, 1980. The limited term delivery and exchange is made at points of interconnection of El Paso's and Northern's facilities located in Eddy County, New Mexico and Hemphill County, Texas, and at a balancing point in Pecos County, Texas. Said order also authorized construction and operation of facilities at the Hemphill County Delivery Point A.

The petition states that in preparing the final cost report it was determined that subsequent to Commission authorization, El Paso's personnel responsible for the implementation of the project further evaluated the facility requirements for the project. As a result of this evaluation it was determined that a 4½-inch O.D. tap and valve assembly and a dual 4½-inch O.D. meter run would adequately handle the anticipated volumes to be delivered to Northern at the Hemphill Delivery Point A rather than the 6⅝-inch O.D. tap and valve assembly and dual 6⅝-inch O.D. meter run which were authorized. Therefore, to lessen the expenses associated with the authorized facilities, El Paso's field personnel proceeded with the construction of the smaller sized facilities. The facilities constructed by El Paso in lieu of the facilities authorized consist of:

A 4½-inch O.D. tap and valve assembly, with appurtenances, including a dual 4½-inch O.D. orifice-type meter run and flow control device, located at a point on El Paso's 12¾-inch O.D. Trunk B pipeline and Northern's 12¾-inch O.D. pipeline in the South Zybach Gathering System, Hemphill County, Texas.

The smaller sized facilities resulted in a materials capital cost reduction of approximately $5,200.00, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30432 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-526]

El Paso Electric Co.; Order Accepting for Filing and Suspending Proposed Rate Changes, Summarily Disposing of Certain Issues, Granting Intervention, and Establishing Procedures

September 24, 1979.

On July 27, 1979, El Paso Electric Company (El Paso) tendered for filing proposed increased rates for wholesale electric service to Rio Grande Electric Cooperative, Inc. (at Dell City and Van Horn, Texas delivery points) and to Community Public Service Company.[1] The submittal, for which El Paso requests an October 1, 1979 effective date, would result in increased revenues of approximately $392,937, for the twelve-month period ending December 31, 1978.

On August 24, 1979, Rio Grande Electric Cooperative (Rio Grande) filed a protest, petition to intervene, motion for summary disposition, and motion for maximum suspension.[2] Rio Grande seeks summary disposition of two ratemaking issues. The first of these issues concerns El Paso's inclusion of accumulated deferred investment tax credits (ADITC) as a separate component of its proposed capital structure. Although El Paso has included ADITC in its capitalization at the requested overall rate of return, Rio Grande objects to the proposed capital structure, asserting that it contravenes Commission precedent.

In addition, Rio Grande requests summary disposition with respect to El Paso's allocation of regulatory commission expense. Initially, Rio Grande questions the level of this expense, noting that the $195,607 of regulatory expense which El Paso seeks to recover from its wholesale customers in this proceeding represents 48% of the total increase requested. Rio Grande further disputes the fact that El Paso has allocated this amount equally among the three wholesale customers, despite the disparate revenue levels realized from those customers. According to Rio Grande, this allocation distorts the overall cost of service and warrants

[1] *See* Attachment A for rate schedule designations.

[2] Public notice of El Paso's submittal was issued on August 2, 1979, with comments required to be filed on or before August 24, 1979.

summary disposition in favor of a more equitable allocation procedure. Alternatively, Rio Grande requests an expedited hearing on this particular issue.

In support of its request for a five-month suspension of the proposed rates, Rio Grande alleges that El Paso has: (1) incorporated an excessive rate of return on common equity; (2) improperly included short-term debt in its capitalization; (3) relied on unsupported calculations of demand and energy losses; and (4) specifically assigned certain transmission facilties rather than using a "rolled-in" approach to transmission allocation.

Community Public Service Company (Community) filed a petition to intervene on August 24, 1979. In addition to setting forth its interests in this proceeding, Community states that "the proliferation of rate increase filings by El Paso," coupled with the pendency of a prior rate proceeding in Docket No. ER77-488, justifies a maximum suspension and hearing.

On August 30, 1979, Community submitted an answer to Rio Grande's protest in which Community opposes Rio Grande's requests for summary disposition. With respect to El Paso's inclusion of ADITC in its capitalization, Community asserts that the company's proposal would have no effect on the cost of capital determination, although it would reduce the weighted debt cost. Community acknowledges that in utilizing the Commission's typical method of interest synchronization, the lower debt cost would reduce the amount of debt interest used in developing an income tax allowance. However, Community expresses its belief that such a result is neither unreasonable nor foreclosed by Commission precedent.

Similarly, Community contends that Rio Grande's challenge to El Paso's method of allocating regulatory commission expense is not properly the subject of summary disposition. In this regard, Community characterizes Rio Grande's allegations as vague, ambiguous, and insufficient to demonstrate that El Paso's allocation is illegal or contrary to clearly established Commission policy.

Concerning the remaining issues raised by Rio Grande, Community notes its partial agreement but asserts that the matters should be developed more fully during an evidentiary hearing. Community also indicates that related issues are pending before the presiding judge in El Paso's immediately preceding rate case, Docket No. ER77-488 (Phase II).[3]

The Commission finds that participation in this proceeding by Rio Grande and Community may be in the public interest.

With regard to the amount and allocation of regulatory commission expense proposed by El Paso, we decline to grant summary disposition. We are not persuaded by Rio Grande's arguments that El Paso's proposed methodology is improper *per se*. Moreover, Community indicates that the allocation procedure used in this proceeding is the same as the methodology which the company employed in Docket No. ER77-488 (Phase II), but that Rio Grande has not previously challenged this approach. It appears that a thorough assessment of this issue will require evidentiary presentations. We also believe that no productive purpose would be served by severing this issue and establishing an expedited schedule for its disposition.

We do agree that summary disposition of the ADITC issue is appropriate. For capitalization purposes, the Commission has expressly limited utilities to one of two options: (1) proportionate distribution of the ADITC balance throughout the capital structure; or (2) total elimination of ADITC from the capital structure.[4] El Paso's inclusion of ADITC as a separate component of its capitalization, albeit at the overall rate of return, is not consistent with either of these alternatives. As noted by Community, El Paso's approach has the effect of reducing the company's weighted debt cost. If the interest deduction is synchronized to this lower weighted debt cost, the result is an artificial increase in the computation of tax liability. Therefore, we shall summarily dispose of this matter. Ordinarily we would not require El Paso to refile its capitalization to reflect this single change until the conclusion of these proceedings. Since El Paso has employed a per book interest figure rather than synchronizing its interest deduction, exclusion of the ADITC from El Paso's capital structure will have no direct dollar effect on *the company's* proposed cost of service. However, as noted below, other considerations mandate that El Paso refile its cost of service and rates. As a result, we shall direct El Paso, in revising its filing, to incorporate our determination on the ADITC issue as well.

The Commission finds that summary disposition is also warranted with respect to two tax issues. We note that El Paso's Period I test year reflects income tax calculations based on the superseded 48% federal income tax rate. Accordingly, we shall require El Paso to compute its test period tax expense on the basis of the current 46% tax rate. In addition, El Paso has allocated a portion of its purported liability for a New Mexico tax on electricity generated within that state [5] to Van Horn and Dell City, both of which are located in Texas. On April 18, 1979, the United States Supreme Court [6] held this state statute to be invalid under the Supremacy Clause,[7] since it conflicted with applicable provisions of a federal statute, the Tax Reform Act of 1976.[8] Under these circumstances, we cannot allow El Paso to include any amounts related to this tax in its wholesale cost of service.

Both the statutory revision of the Federal income tax rate and the Supreme Court's determination concerning New Mexico's electrical energy tax occurred shortly after the close of El Paso's test period. Furthermore, El Paso must be deemed to have had ample notice of these two tax changes. With respect to the latter, it should be noted that El Paso was one of the parties challenging the New Mexico statute before the Supreme Court and that the Court's decision was rendered some three months before El Paso's submittal in this docket. Therefore, we shall direct El Paso to refile its cost of service and rates to reflect our summary disposition of these issues. Particularly in view of El Paso's prior knowledge that its cost support included sums associated with a judicially-eliminated state tax, we shall further require El Paso to include the cost of refiling in Account 426.5 (18 CFR Part 101) so that this expense will not be borne by El Paso's ratepayers.

The remaining issues raised by Rio Grande will be evaluated on the basis of an evidentiary hearing which we shall herein order to be convened.

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[3] On September 13, 1979, Rio Grande tendered a response to Community's answer, essentially restating Rio Grande's original position. The response is neither contemplated by our Regulations nor necessary for our disposition of the matters at issue. *See Detroit Edison Company*, Docket No. ER79-70, order issued March 9, 1979. In addition, on September 13, 1979, El Paso filed an untimely answer to Rio Grande's original petition and protest. In large part, this late pleading reiterates arguments set forth in Community's August 30th answer. Nothing raised in El Paso's answer would suggest conclusions other than those expressed in this order.

[4] *See* Opinion No. 19, *Carolina Power and Light Company*, issued August 2, 1978, mimeo at 10.

[5] Electrical Energy Tax Act, §§ 3.9; N.M. Stat. Ann. §§ 7-18-3, 7-9-80 (1978).

[6] *Arizona Public Service Company* v. *Snead*, U.S. , 99 S. Ct. 1629, 60 L. Ed. 2d 106 (1979).

[7] United States Constitution, Art. VI, cl. 2.

[8] 15 U.S.C. § 391.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept El Paso's submittal for filing and suspend the proposed rates, as modified by this order, for five months, to become effective March 1, 1980, subject to refund.

The Commission orders:

(A) The rates proposed by El Paso, as herein ordered to be modified, are hereby accepted for filing and suspended for five months, to become effective March 1, 1980, subject to refund.

(B) 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, 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 El Paso.

(C) The petitioners, Rio Grande and Community, 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 proceeding.

(D) Rio Grande's motion for summary disposition with respect to El Paso's method of allocating regulatory commission expenses is hereby denied.

(E) Rio Grande's motion for summary disposition with respect to El Paso's inclusion of ADITC in its capital structure is hereby granted.

(F) Summary disposition is hereby ordered with respect to the federal income tax rate and the New Mexico electrical energy tax.

(G) Within thirty-five (35) days of the issuance date of this order, El Paso is hereby directed to refile its cost of service and rates to reflect our summary dispositions as stated in Ordering paragraphs (E) and (F), above. Specifically, El Paso shall revise its cost of service and proposed rates so as to: (1) exclude ADITC as a separate component of its capitalization; (2) compute test period tax expenses utilizing a 46% Federal income tax rate; and (3) compute test period tax expenses excluding any allocated amounts associated with the New Mexico electrical energy tax. The cost of refiling shall be included in Account 426.5 (18 C.F.R Part 101), as a below-the-line expense to be borne by El Paso rather than its ratepayers.

(H) The Staff shall serve top sheets in this proceeding on or before January 4, 1980.

(I) A presiding administrative law judge to be designated by the Chief Administrative Law Judge shall convene a prehearing discovery conference in this proceeding to be held within forty (40) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be held for the purposes of expediting discovery and resolving any initial controversies relating thereto. In addition, the presiding judge shall convene a formal settlement conference to be held within ten (10) days of the serving of top sheets. 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.

(J) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—El Paso Electric Company

[Docket No. ER79-526]

Filed: July 27, 1979.

Dated: Undated.

Effective: March 1, 1980, subject to refund.

Other Party: (1) Community Public Service Company; (2) & (3) Rio Grande Electric Cooperative.

Designation	Description	Supersedes
(1) Supplement No. 7 to Rate Schedule FPC No. 17.	Rates for resale	Supplement No. 6 to Rate Schedule FPC No. 17
(2) Supplement No. 6 to Rate Schedule FPC No. 18.	Rates for resale—Dell City	Supplement No. 5 to Rate Schedule FPC No. 18
(3) Supplement No. 6 to Rate Schedule FPC No. 19.	Rates for resale—Van Horn	Supplement No. 5 to Rate Schedule FPC No. 19

[FR Doc. 79-30439 Filed 10-1-79; 8:35 am]

BILLING CODE 6450-01-M

[Docket No. IS79-2]

Gulf Central Pipeline Co.; Order Accepting Settlement

September 25, 1979

This matter comes before the Commission on a joint stipulation and agreement of settlement by all parties to the proceeding and by Staff, filed with the Secretary on July 9, 1979.

This matter, which arises under the provisions of the Interstate Commerce Act, 49 U.S.C. 1 *et seq.*, involves rates for the transportation of anhydrous ammonia by pipeline. Those provisions as they relate to this matter were not repealed by the codification of the Interstate Commerce Act. Pub. L. 95-473, 4(c), 92 Stat. 1470.

Pipeline matters have been handled by us under rules and regulations of the Interstate Commerce Commission, which have been adopted by us by order dated October 1, 1977, (issued October 6, 1977), in Docket No. RM78-1. Such rules do not specifically provide for offers or agreements of settlement, but the parties, in presenting this agreement, have followed the procedures set forth in our Order No. 32, issued June 13, 1979, in Docket No. RM78-16, *Procedure for Submission of Settlement Agreements,* effective June 15, 1979. Section 1.18(1)(i) of the Commission's regulations applicable to settlement offers refers to "any proceeding before the Commission other than a rulemaking of general applicability or formal or preliminary investigation." Accordingly, it is the appropriate procedure to be used in oil pipeline matters which are settled.

On November 20, 1978, Gulf Central filed Tariff No. FERC 86, containing the increased rates which are under investigation here, with an effective date of December 19, 1978. Gulf Central filed a statement in justification of the rates simultaneously with the tariff. Protestants filed protests and petitions for suspension, and Gulf Central filed a reply. By order issued December 18, 1978, the Oil Pipeline Board accepted the tariff for filing and suspended the increased rates for one day, until December 20, 1978, at which time they became effective subject to refund. An

investigation was ordered into the lawfulness of the increased rates and the matter was referred to an Administrative Law Judge. On January 8, 1979, Gulf Central filed a petition for reconsideration and vacation of the order of investigation, and protestants filed their reply on February 13, 1979. On February 5, 1979, the parties including the Staff filed comments with the Presiding Administrative Law Judge. On April 9, 1979, Gulf Central filed its case-in-chief and on May 28, 1979, the Staff filed its top sheets. On June 5, 1979, a prehearing conference was held before the Presiding Judge and it was agreed that the parties would further pursue settlement negotiations. By order issued June 18, 1979, the Presiding Judge set a further prehearing conference for July 11, 1979, unless the parties filed an offer of settlement prior to July 9, 1979.

The Commision hereby accepts and approves the stipulation and agreement of settlement filed with the Secretary on July 9, 1979, and, pursuant to its terms orders termination of the proceeding in Docket No. IS79–2.

In June of 1976, respondent filed seven tariffs with the Interstate Commerce Commission, (ICC), to be effective July 1, 1976, which provided for rate increases of approximately 10 percent between all origins and destinations on respondent's pipeline systems. CF Industries, Inc., (CF), one of the protestants herein, protested three of the aforementioned tariffs and requested their suspension pending investigation. The protested rate tariffs were suspended by the ICC until January 31, 1977, and investigated by the ICC in I&S Docket No. 9128. Gulf Central voluntarily postponed the proposed rate schedules to and including February 14, 1977, after which the schedules became effective, subject to an accounting requirement pending issuance of the initial decision. On March 4, 1977, ICC Review Board Number 4 issued its initial decision, in which it concluded that the increased rates were just and reasonable. CF took an administrative appeal to the initial decision. Division 2 of the ICC, acting in an appellate capacity, issued its decision on October 4, 1977, wherein it found the review Board's decision correct in all material respects, affirmed and adopted it as its own and discontinued the proceeding. CF then appealed both decisions to the 7th Circuit Court of Appeals in *CF Industries, Inc.* v. *United States of America*, No. 77–2150 (N.D. Ill., filed Nov. 28, 1977). On June 27, 1978, prior to the filing of briefs in *CF Industries, Inc.*, a decision was rendered in *Farmers Union Central Exchange* v. *FERC*, 584 F.2d 408 (D.C. Cir.), which, in CF's opinion, had the effect of obviating the need for CF to proceed further with its appeal. Thereupon, upon motion by FERC counsel and acquiesence therein by the other parties to the proceeding, the 7th Circuit Court of Appeals remanded the matter in I&S Docket No. 9128 to FERC on August 29, 1978, for such further proceedings as this Commission deems appropriate. In the proposed stipulation and agreement the parties have requested that we take no further action with regard to I&S Docket 9128 and that we terminate that proceeding. We hereby find termination of I&S Docket No. 9128 to be consistent with the public interest.

The proposed settlement has been certified to us by the Presiding Administrative Law Judge. It is unopposed.

We have considered the proposed settlement and find that it is fair and reasonable and should be accepted.

The Commission orders:

(1) The joint stipulation and agreement of settlement filed herein on July 9, 1979, is approved and accepted.

(2) The Commission's approval of this settlement shall not constitute approval of or precedent regarding any principle issue in this proceeding, and is without prejudice to the right of any party to the settlement to take or make any position, contention, or argument in any other proceeding or litigation presently pending, or hereafter instituted, before this Commission or before any other regulatory commission, agency, or court.

(3) Respondent shall be permitted to cancel the refund obligation in Supplement 1 to its Tariff No. FERC 86 on not less than one day's notice.

(4) The proceeding in I&S Docket No. 9128 is terminated.

(5) The order of the Oil Pipeline Board issued December 18, 1978, in Docket No. IS79–2 is vacated, in all respects except for the one-day suspension order therein.

(6) The proceeding in Docket No. IS79–2 is terminated.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–30437 Filed 10–1–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP75–104, et al.]

High Island Offshore System; Petition To Amend

September 24, 1979.

Take notice that on August 21, 1979, High Island Offshore System (HIOS), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP75–104, *et al.* a petition to amend further the order of June 4, 1976, [1] as amended, issuing a certificate of public convenience and necessity in the instant proceedings pursuant to Section 7(c) of the Natural Gas Act by authorizing an increase in HIOS' firm and maximum delivery capability from 988,000 Mcf per day to 1,362,400 Mcf per day, and interruptible overrun service to the extent of available capacity, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

The order issued June 4, 1976, authorized HIOS to construct and operate a pipeline system to transport natural gas from the High Island area, offshore Texas, to a point of interconnection with the facilities of U–T Offshore System and Michigan Wisconsin Pipe Line Company and transport up to an aggregate of 988,000 Mcf per day of natural gas on a firm basis, for 5 affiliated shippers.

On June 12, 1978 HIOS was issued blanket authorization to transport, within the limits of its certificated capacity of 988,000 Mcf per day, natural gas for shippers not affiliated with HIOS.

Pursuant to an order issued December 22, 1978, HIOS was authorized to render interruptible Overrun Service on a best efforts basis.

HIOS states that the gas supply available to its affiliated and non-affiliated shippers now substantially exceeds HIOS' present maximum delivery capability. HIOS has been advised that the contractual minimum take-or-pay obligations of HIOS shippers also exceed HIOS' present maximum delivery capability.

Accordingly, HIOS requests authorization to uprate its existing Frame 5 compressor unit to achieve an increase in firm capacity to 1,362,400 Mcf per day, with an increase in HIOS' ability to render interruptible Overrun Service above such level. Uprating of the Frame 5 unit would cost approximately $389,180 and would require four months to complete, it is indicated.

HIOS states that under the proposed expansion, it would allocate the 1,362,400 Mcf per day of firm capacity as provided by HIOS' "T" Rate Schedules. The petition indicates that if the proposed expansion is authorized, HIOS proposes to revise its rates to reflect the increase in firm service. In addition, HIOS proposes to change the method of

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

computing depreciation from a straight-line method using an annual rate of 7.14 percent to a unit-of-production method. Further, HIOS asserts that the proposed expansion would require modification of the supplemental charge for depreciation established by the order of December 22, 1978, in that it would provide that the concurrent charge to depreciation to be recorded shall be in an amount attributable to all revenues less depreciation accured on a unit-of-production basis applicable to annual volumes transported in excess of 497,276,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30433 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-537]

Lockhart Power Co.; Order Accepting Rates for Filing, Suspending Proposed Rate Increase, Allowing Interventions, Denying Motion and Establishing procedures

September 24, 1979.

On July 27, 1979, Lockhart Power Company (Lockhart) tendered for filing a proposed rate schedule providing for an increase in rates for service to Lockhart's only wholesale customer, the City of Union, South Carolina (Union). [1] Lockhart proposes an effective date of October 1, 1979. The proposed rates would result in increased revenues of $144,152 based upon the twelve month test period ended December 31, 1978.

Notice of Lockhart's filing was issued on August 2, 1979, with protests or petitions to intervene due by August 24, 1979. Union filed with the Commission on August 24, 1979 a protest, petition to intervene, and request for five month suspension. Union questions Lockhart's proposed rate of return and its treatment of a number of other costs of service issues.

Union contends that Lockhart should not be allowed to recover any rate case expense, other than filing fees, as part of its cost of service and requests summary disposition of this issue. We find that Union has not shown any legal basis for its requested relief and reserve the issue for the hearing which we shall order.

Union contends that Lockhart has not made a proper showing that it used the appropriate 46 percent corporate income tax rate in computing its cost of service, so that the Commission should therefore summarily require Lockhart to refile its application in such a way that it is clear that the proper corporate income tax rate has been used. Our review indicates that Lockhart utilized the proper tax rate; however, Union may pursue any doubt it has at hearing.

Lockhart has included in its proposed rate schedule a provision for the recovery of unbilled purchased power costs that exist as of the time that the proposed rate schedule becomes effective. A similar provision is at issue in Docket No. ER78-355 which concerns Lockhart's currently effective wholesale rate to Union. Union states that it will not address the issue of the validity of Lockhart's proposed surcharge, since an identical provision is at issue in Docket No. ER78-355 and states its belief that a Commission decision in that docket will be dispositive of this proceeding as well. This may ultmately prove to be the case; however, any legal or factual dissimilarities between the two surcharges should be developed in the hearing.

Lockhart has included a fuel adjustment clause in its proposed rate schedule, and asserts that it conforms to the requirements of Section 35.14 of the Commission's Regulations. We note, however, that the proposed clause does not make provision for treatment of company-owned or controlled fossil and nuclear generation or interchange, as required by Section 35.14 of the Commission's Regulations. Since Lockhart does not currently own or control any fossil or nuclear generation, and since it makes no sales in interchange, we will not require Lockhart to refile its proposed tariff at this time. However, Lockhart is directed to amend its proposed fuel adjustment clause to conform to Commission Regulations in a compliance filing to be made at the conclusion of this proceeding.

Lockhart filed a timely answer to Union on September 7, 1979. Lockhart states that it does not object to Union's participation in the docket, but that it does object to Union's request for suspension of the proposed rate and to the requests for summary judgment.

We find that the rates filed by Lockhart have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we will accept for filing the proposed rate schedule in Docket No. ER79-537 and suspend the proposed rate schedule for five months from the proposed effective date after which the rates will go into effect as of March 1, 1980, subject to refund.

We find that participation in this proceeding by Union may be in the public interest.

The Commission orders:

(A) The rates proposed by Lockhart Power Company are hereby accepted for filing and suspended for five months from the proposed effective date October 1, 1979 to become effective March 1, 1980, subject to refund.

(B) The proposed surcharge provision to allow recovery of unbilled purchased power costs that exist as of the time that the proposed rates go into effect is accepted for filing and suspended for five months from the proposed effective date October 1, 1979 to become effective March 1, 1980, subject to refund.

(C) The petitioner, the City of Union, South Carolina, is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by such intervenor shall be limited to matters set forth in its petition to intervene; and *Provided further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Union's requests for summary disposition are hereby denied.

(E) 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, 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 the Lockhart Power Company in this proceeding.

(F) The Staff shall serve top sheets in this proceeding on or before January 4, 1980.

(G) A presiding administrative law judge to be designated by the Chief Administrative Law Judge shall convene

[1] See Attachment A for rate schedule designations.

a prehearing discovery conference in this proceeding to be held within thirty-five (35) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be held for the purposes of expediting discovery and resolving any initial controversies relating thereto. In addition, the presiding judge shall convene a formal settlement conference to be held within ten (10) days of the serving of top sheets. 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.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Lockhart Power Company

[Docket No. ER79-537]

Filed: July 27, 1979.

Effective: October 2, 1979, subject to refund.

Designation	Description
(1) Supplement No. 5 to Rate Schedule FERC No. 2 (Supersedes Supplement Nos. 3 and 4).	North Station.
(2) Supplement No. 5 to Rate Schedule FERC No. 3 (Supersedes Supplement Nos. 3 and 4).	South Station.

[FR Doc. 79-30442 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. G-6507]

Michigan Consolidated Gas Co. Application for Declaration of Continuing Exemption

September 24, 1979.

Take notice that on August 31, 1979, Michigan Consolidated Gas Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. G-6507 an application pursuant to Section 1(c) of the Natural Gas Act for a continuation of an existing exemption from the provisions of the Natural Gas Act and the rules and regulations thereunder of the sales and transportation of natural gas for utility service within the State of Michigan, and of the facilities used therefor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that its sales and transportation of natural gas for utility service within Michigan and its associated facilities are exempt from the provisions of the Natural Gas Act under Section 1(c) thereof by virtue of an order issued on February 3, 1955, in Docket No. G-6507. Applicant further states that, through its Interstate Storage Division, it also renders gas storage services in interstate commerce. It asserts that these storage services furnished with facilities located in the State of Michigan are operating under certificates of public convenience and necessity issued by the Federal Energy Regulatory Commission and the Federal Power Commission, and that the accounting records for the division are maintained on a separate basis.

Applicant indicates that ANR Storage Company (ANR), an affiliate of Applicant, has filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing ANR to store up to 15,000,000 Mcf of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) during the period, April 1, 1980, through March 31, 1983. Applicant asserts that the terms of a storage agreement between ANR and Panhandle provide that Panhandle would deliver or cause to be delivered to ANR up to 15,000,000 Mcf of natural gas for storage according to conditions set forth in Limited Term Storage Leasing Agreement, dated June 1, 1979, between ANR and Applicant. Said agreement reportedly provides that during the 1980-81 and subsequent Winter Periods (November 1 through March 31) ANR will redeliver, or cause to be redelivered, to Panhandle a volume of gas up to that received for storage during the immediately preceding Summer Period and any volumes previously delivered for storage and not yet redelivered. Applicant states further that Panhandle would be responsible for all transportation arrangements necessary to deliver gas to and receive gas from ANR.

According to Applicant, ANR has entered into a Limited Term Storage Leasing Agreement with Applicant in order to provide the storage service for Panhandle. It is indicated that said agreement, dated June 1, 1979, provides for ANR to lease an undivided interest in Applicant's intrastate storage and related transportation system for the period, April 1, 1980, through March 31, 1983. Reportedly, ANR would accept all storage gas deliveries from Panhandle at the existing interconnections between Applicant's intrastate facilities and those of its principal pipeline supplier, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). Applicant asserts that, during each Winter Period, it would make available to ANR, by means of a reduction in its deliveries from Michigan Wisconsin, those volumes of gas which ANR would be required to redeliver to Panhandle pursuant to the Storage Agreement. Applicant states that it expressly reserves the right to subordinate deliveries from ANR and redeliveries to ANR on a daily basis to the needs of Applicant's intrastate distribution system and to Applicant's pre-existing obligations to third parties. It is indicated that said leasing agreement with ANR is for a term ending March 31, 1983, and is intended only as a temporary arrangement to provide storage space to ANR for its storage service to Panhandle. Applicant asserts that by leasing storage capacity to ANR, Applicant would not be engaged in the sale or transportation of natural gas in interstate commerce. Therefore, Applicant requests that an order be issued declaring that Applicant's sales and transportation of natural gas for utility service within the State of Michigan, and its facilities used therefor, continue to be exempt from the provisions of the Natural Gas Act under Section 1(c) thereof, notwithstanding the proposed leasing arrangement with ANR set forth herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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). 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 therin must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30434 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. G-11938, et al.]

Mobil Oil Exploration and Producing Southeast Inc. (Successor to Mobil Oil Corporation), et al.; Application for Certificate Amendment, and for Redesignation of Rate Schedules and Pending Proceedings

September 24, 1979.

On March 29, 1979, Mobil Oil Exploration & Producing Southeast Inc.

(MOEPSI), filed an application to amend certificates of public convenience and necessity, to amend applications, to redesignate rate schedules, and to redesignate pending proceedings, as successor to various properties and assets owned by Mobil Oil Corporation (Mobil), and requests that the certificates currently held by Mobil be amended by substituting MOEPSI as certificate holder, redesignate the related rate schedules in the name of MOEPSI and the MOEPSI be substituted for Mobil, as appropriate, in pending proceedings listed on the attached Appendix.

By assignment and conveyance dated December 28, 1978, but effective January 1, 1979, Mobil transferred and conveyed to MOEPSI all of Mobil's rights, titles, interests and obligations in those certain gas sales and purchase contracts which are identified by certificate docket and rate schedule on Exhibit "A" of the application.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Appendix

New: Mobil Oil Exploration & Producing Southeast, Inc., rate schedule No.	Certificate docket No.	Old: Mobil Oil Corp. rate schedule No.	Purchaser
1	G-11938	7	United Gas Pipe Line Company.
2*	G-12004	*16	Transcontinental Gas Pipe Line Corporation.
3	G-11912	18	Michigan Wisconsin Pipe Line Company.
4*	G-11918	*24	United Gas Pipe Line Company.
5*	G-11953	*41	Trunkline Gas Company.
6	G-12005	66	United Gas Pipe Line Company.
7*	G-12002	*68	United Gas Pipe Line Company.
8*	G-11995	*69	United Gas Pipe Line Company.
9	G-12001	70	Arkansas Louisiana Gas Company.
10	G-12098	82	Texas Eastern Transmission Corporation.
11	G-12588	111	United Gas Pipe Line Company.
12	G-12589	112	United Gas Pipe Line Company.
13	G-12590	113	United Gas Pipe Line Company.
14	G-12591	114	United Gas Pipe Line Company.
15	G-12592	115	United Gas Pipe Line Company.
16	G-12654	120	United Gas Pipe Line Company.
17	G-12094	138	Southern Natural Gas Company.
18	G-14225	141	Columbia Gas Transmission Company.
19	12362	164	Southern Natural Gas Company.
20	16522	169	Arkansas Louisiana Gas Company.
21	13746	176	Transcontinental Gas Pipe Line Corporation.
22	17625	177	Tennessess Gas Pipeline Company.
23	G-17955	182	Texas Gas Transmission Corporation.
24	G-19289	192	Texas Gas Transmission Corporation.
25	CI60-311	229	United Gas Pipe Line Company.
26	CI60-310	230	Tennessee Gas Pipeline Company.
27*	CI60-657	*237	Texas Gas Transmission Corporation.
28*	CI60-588	*238	United Gas Pipe Line Company.
29	CI61-1640	268	Transcontinental Gas Pipe Line Corporation.
30	CI61-674	269	Texas Gas Transmission Corporation.
31*	G-13642	*292	Transcontinental Gas Pipe Line Corporation.
32*	CI61-290	*300	Southern Natursl Gas Company.
33	G-13827	309	Tennessee Gas Pipeline Company.
34	CI61-254	316	Michigan Wisconsin Pipe Line Company.
35	CI65-833	374	Transcontinental Gas Pipe Line Corporation.
36	CI65-1227	375	Tennessee Gas Pipeline Company.
37	CI66-269	381	Michigan Wisconsin Pipe Line Company.
38	CI67-654	391	Trunkline Gas Company.
39	CI68-155	407	Texas Eastern Transmission Corporation.
40	CI68-677	410	Arkansas Louisiana Gas Company.
41	CI68-686	412	Texas Eastern Transmission Corporation.
42	G-11373	418	Texas Eastern Transmission Corporation.
43	CI63-1388	423	Columbia Gas Transmission Corporation.
44	CI68-674	428	Texas Gas Transmission Corporation.
45	CI68-675	429	United Gas Pipe Line Company.
46	CI69-143	439	Tennessee Gas Pipeline Company.
47	CI69-815	451	Southern Natural Gas Company.
48	CI69-1177	456	Texas Eastern Transmission Corporation.
49	CI69-1233	457	Transcontinental Gas Pipe Line Corporation.
50	CI70-450	461	Southern Natural Gas Company.
51	CI71-220	467	Texas Eastern Transmission Corporation.
52	CI71-806	476	Texas Eastern Transmission Corporation.
53	CI72-133	478	Southern Natural Gas Company.
54*	CI72-311	*479	Arkansas Louisiana Gas Company.
55	CI73-126	488	Tennessee Gas Pipeline Company.
56	CI73-201	489	Southern Natural Gas Company.
57	CI73-512	491	Columbia Gas Transmission Corporation.
58	CI75-57	05	Tennessess Gas Pipeline Company.
59	CI75-527	508	United Gas Pipeline Company.
60	CI75-538	510	Trunkline Gas Company.
61	CI76-112	511	Southern Natural Gas Company.
62	CI75-663	512	Mid-Louisiana Gas Company.
63	CI76-129	513	Southern Natural Gas Company.
64	CI76-53	514	Natural Gas Pipeline Company of America.
65	CI76-494	518	Trunkling Gas Company.
666	CI76-729	520	Transcontinental Gas Company.
67	CI76-734	521	Trunkling Gas Company.
68	CI77-42	522	Sea Robin Pipeline Company.
69	CI73-402	523	Ni-Gas Supply, Inc.
70	CI76-697	524	Northern Natural Gas Company.
71	CI76-464	525	Natural Gas Pipeline Company of America.
72	CI77-26	526	Texas Eastern Transmission Corporation..
73	CI77-39	527	Texas Eastern Transmission Corporation.
74	CI77-40	528	Texas Eastern Transmission Corportation.
75	CI76-730	534	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation.
76	CI77-469	539	Natural Gas Pipeline Company of America.
77	CI77-578	543	Texas Eastern Transmission Corporation.
78	CI77-782	545	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation.
79	CI77-777	5546	Transcontinental Gas Pipe Line Corporation.
880	CI77-789	557	Transcontinental Gas Pipe Line Corporation.
881	CI77-41	557	Sea Robin Pipeline Company.
882	CI79-85	558	Southern Natural Gas Company.
884	CI78-1074	552	United Gas Pipe Line Company.
885	CI78-1075	553	Southern Natural Gas Company.
886	CI78-1188	556	Texas Eastern Transmission Corporation.
887	CI79-148	559	Northern Natural Gas Company.
888	CI78-1194	560	Southern Natural Gas Company.
889	CI78-1254	561	United Gas Pipe Line Company.
890	CI78-1195	568	Transcontinental Gas Pipe Line Corporation.

*(Operator) *et al.*

[FR Doc. 79-30435 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-364]

Texas Eastern Transmission Corp.; Amendment To Application

September 24, 1979.

Take notice that on August 31, 1979, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-364 an amendment to its application filed in the instant docket deleting from its original proposal filed herein the construction and operation of certain facilities, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its application, Applicant requested authorization to transport natural gas for Northern Natural Gas Company (Northern) and to construct and operate certain tap and metering facilities at Starks, Louisiana, for the receipt of gas for Northern's account. Pending completion of such facilities, Applicant proposed to receive quantities for transportation at Ragley, Louisiana.

By letter agreement dated August 1, 1979, Applicant and Northern have agreed that Northern would construct and own the necessary facilities at Starks, excepting the tap[1] Therefore, Applicant hereby deletes from its original request the construction of those facilities to be constructed by Northern.

The total estimated cost of the facilities proposed to be constructed by Applicant is $33,000, which cost would be reimbursed by Northern.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30436 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[1] Northern has filed for authorization in Docket No. CP79-432 to construct and own the necessary facilities at Starks.

[Docket Nos. RP77-19 and RP78-88]

Transwestern Pipeline Co.; Order Consolidating Hearings and Terminating Proceedings

September 25, 1979.

By joint motion filed August 17, 1979, Transwestern Pipeline Company, The People of the State of California, the California Public Utilities Commission, and the Commission Staff move this Commission to terminate the proceedings provided for in our July 9, 1979, order in Docket No. RP77-19. The joint movants state that only one issue, treatment of certain expenditures on a Wesco coal gasification project, remains unresolved in that docket. The same issue, it is stated, is set for hearing in Docket No. RP78-88. Accordingly, the movants request that the issue be consolidated with Docket No. RP78-88 and that joint proceedings in RP78-88 be designated as the proceeding in which the determination shall be made.

The Commission finds that good cause exists to grant the unopposed motion. Consolidation of the issue in RP78-88 and termination of the proceedings in RP77-19 will allow prompt resolution of this issue and is in all other respects consistent with the public interest.

The Commission Orders:

(A) The proceedings in Docket No. RP77-19 are hereby terminated.

(B) The resolution of the treatment of the Wesco costs in Docket No. RP77-19 shall be determined by the outcome in Docket No. RP78-88. The Wesco costs in Docket No. RP77-19 shall continue to be collected subject to refund, with interest at the rate prescribed in Section 154.67(c) of the Regulations, pending resolution of the issue in Docket No. RP78-88.

(C) Docket Nos. RP77-19 and RP78-88 are hereby consolidated for the purpose of hearing and decision on the issue of the treatment of Wesco costs.

(D) The Presiding Administrative Law Judge in Docket No. RP78-88, or such other Administrative Law Judge as may be designated by the Chief Administrative Law Judge shall, following hearing and briefing, decide the issue of the appropriate treatment of the Wesco costs and issue a decision thereon.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30438 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 87]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 24, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-19828/K-79-0274
2. 15-075-20220
3. 103
4. Laco Petroleum Corporation
5. HCU 2322 #1
6. Bradshaw
7. Hamilton KS
8. 54.8 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79-19829/K-79-0216
2. 15-047-20297
3. 103
4. Barnett Oil Inc
5. Galliart B No 2
6. Carpenter
7. Edwards KS
8. 60.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79-19830/K-79-0255
2. 15-119-20282
3. 103
4. Mesa Petroleum Co
5. 1-6 Adams
6. Cimmaron Bend
7. Meade KS
8. 460.0 million cubic feet
9. September 10, 1979
10. Kansas Power & Light Co

1. 79-19831/K-79-0217
2. 15-185-20796
3. 103
4. Barnett Oil Inc
5. Walrod B #1
6. Haynes East
7. Stafford KS
8. 82.0 million cubic feet
9. September 10, 1979
10. Central States Gas Company

1. 79-19832/K-79-0218

2. 15–145–20504
3. 103
4. Barnett Oil Inc
5. Suiter B #1
6. Shady
7. Pawnee KS
8. 90.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19833/K–79–0101
2. 15–081–20068
3. 108
4. Benson Mineral Group Inc
5. Boughman Trust #1
6. Hugoton
7. Haskell KS
8. 20.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79–19834/K–79–0105
2. 15–081–20056
3. 108
4. Benson Mineral Group Inc
5. Webber #1
6. Hugoton
7. Haskell KS
8. 13.1 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79–19835/K–79–0106
2. 15–055–20195
3. 108
4. Benson Mineral Group Inc
5. Koster #1
6. Hugoton
7. Finney KS
8. 6.2 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79–19836/K–79–0107
2. 15–081–20088
3. 108
4. Benson Mineral Group Inc
5. Spanier #1B
6. Hugoton
7. Haskell KS
8. 16.8 million cubic feet
9. September 10, 1979
10. Norther Natural Gas Company

1. 79–19837/K–79–0108
2. 15–055–20207
3. 108
4. Benson Mineral Group Inc
5. Atkinson #1B
6. Hugoton
7. Finney KS
8. 13.9 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79–19838/K–79–0109
2. 15–081–20085
3. 108
4. Benson Mineral Group Inc
5. Spanier #1
6. Hugoton
7. Haskell KS
8. 12.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79–19868/K–79–0219
2. 15–185–20819
3. 103
4. Barnett Oil Inc
5. Barstow E #1
6. Grunder
7. Stafford KS
8. 55.0 million cubic feet
9. September 10, 1979
10. Central States Gas Company

1. 79–19869/K–79–0220
2. 15–175–20325
3. 103
4. Hasada Industries
5. Albright #1 P10252000
6. Liberal Southeast Sec 1 Twp 35 RG33
7. Seward KS
8. 6.8 million cubic feet
9. September 10, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19870/K–79–0256
2. 15–025–20240
3. 102
4. Mesa Petroleum Co
5. 1–20 Moore
6. Unnamed Wildcat
7. Clark KS
8. 14.0 million cubic feet
9. September 10, 1979
10. Kansas Power & Light Co

1. 79–19871/K–79–0259
2. 15–047–20441
3. 103
4. Imperial Oil Company
5. Mull No 1–20
6. Wildcat
7. Edwards KS
8. 73.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19872/K–79–0260
2. 15–075–20041
3. 108
4. Antares Oil Corporation
5. Overton #1
6. Bradshaw
7. Hamilton KS
8. 8.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19873/K–79–0261
2. 15–075–20039
3. 108
4. Antares Oil Corporation
5. Gregory Tate #1
6. Bradshaw
7. Hamilton KS
8. 12.9 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19874/K–79–0263
2. 15–145–20512
3. 108
4. Sterling Drilling Company
5. Cummins 1–34
6. Carpenter
7. Pawnee KS
8. 11.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19884/K–79–0267
2. 15–145–20225
3. 108
4. Alpine Drilling Co Inc
5. Gilkison No 1
6. Zook
7. Pawnee KS
8. 10.3 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–19885/K–78–0407
2. 15–077–20484
3. 103
4. Okmar Oil Company
5. Nancy #2
6. Muir West
7. Harper KS
8. 72.0 million cubic feet
9. September 10, 1979
10. Peoples Natural Gas Co

1. 79–19886/K–78–408
2. 15–175–20350
3. 103
4. Hasada Industries
5. Newlin #1 P10370000 P10283000
6. Liberal Southeast Sec 2 Twp 355 RG
7. Seward KS
8. 94.8 million cubic feet
9. September 10, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–19887/K–79–0004
2. 15–155–20276
3. 108
4. Hinkle Oil Company
5. Birket #1
6. Morton SE 100 SW/2 W/3 SW Sec 16–2
7. Reno KS
8. 11.5 million cubic feet
9. September 10, 1979
10. Cities Service Gas Company

1. 79–19888/K–79–0017
2. 15–119–20302
3. 103
4. R J Patrick Operating Company
5. Ross #1
6. Barragree
7. Meade KS
8. 144.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Co

1. 79–19889/K–79–0018
2. 15–055–00000
3. 108
4. The Maurice L Brown Company
5. Strackeljohn #1
6. Hugoton
7. Finney KS
8. 8.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79–19890/K–79–0019
2. 15–095–20503
3. 108
4. The Maurice L Brown Company
5. Whitelaw #1
6. Broadway—West
7. Kingman KS
8. 14.0 million cubic feet
9. September 10, 1979
10. Peoples Natural Gas

1. 79–19891/K–79–0110
2. 15–081–20074
3. 108
4. Benson Mineral Group Inc
5. Garetson #1
6. Hugoton
7. Haskell KS
8. 2.2 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79–19892/K–79–0111
2. 15–055–20206
3. 108

4. Benson Mineral Group Inc
5. Brakey #1
6. Hugoton
7. Finney KS
8. 14.6 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79–19893/K–79–0268
2. 15–145–20474
3. 103
4. Alpine Drilling Co Inc
5. Wurm—A No 1
6. Benson
7. Pawnee KS
8. 13.2 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79–19894/K–79–0113
2. 15–055–20208
3. 108
4. Benson Mineral Group Inc
5. Ray 1 Trust #1
6. Hugoton
7. Finney KS
8. 2.6 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79–19895/K–79–0269
2. 15–145–20471
3. 103
4. Alpine Drilling Co Inc
5. Wurm B–1
6. Carpenter
7. Pawnee KS
8. 29.3 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79–19896/K–79–0115
2. 15–081–20066
3. 108
4. Benson Mineral Group Inc
5. Schmidt-Connors #1
6. Hugoton
7. Haskell KS
8. 7.3 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79–19897/K–78–0358
2. 15–171–20148
3. 102
4. The Maurice L Brown Company
5. R L Crist A #1
6. Undesignated
7. Scott KS
8. 87.0 million cubic feet
9. September 11, 1979
10. Kansas-Nebraska Natural Gas Pipeline
1. 79–19898/K–78–0357
2. 15–171–20147
3. 102
4. The Maurice L Brown Company
5. Gladys Martin #1
6. Undesignated
7. Scott KS
8. 24.0 million cubic feet
9. September 11, 1979
10. Kansas-Nebraska Natural Gas Pipeline
1. 79–19899/K–78–0359
2. 15–171–20149
3. 102
4. The Maurice L Brown Company
5. Lang A #2
6. Undesignated
7. Scott KS
8. 20.0 million cubic feet
9. September 11, 1979
10. Kansas-Nebraska Natural Gas Pipeline
1. 79–19923/K–79–0271
2. 15–145–00000
3. 108
4. Alpine Drilling Co Inc
5. Kasselman No 1
6. Zook
7. Pawnee KS
8. 13.4 million cubic feet
9. September 11, 1979
10. Kansas-Nebraska
1. 79–19924/K–79–0117
2. 15–081–20015
3. 108
4. Benson Mineral Group Inc
5. Wedel #1
6. Hugoton
7. Haskell, KS
8. 6.6 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79–19925/K–79–0011
2. 15–081–20119
3. 103
4. Walter Kuhn Drilling Company
5. Walter No 1–A
6. Hugoton
7. Haskell, KS
8. 5000.0 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79–19926/K–79–0118
2. 15–081–20084
3. 108
4. Benson Mineral Group Inc
5. Hull #1
6. Hugoton
7. Haskell, KS
8. 14.2 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79–19927/K–79–0119
2. 15–081–20069
3. 108
4. Benson Mineral Group Inc
5. Patterson #1–B
6. Hugoton
7. Haskell, KS
8. 2.9 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79–19928/K–79–0121
2. 15–081–20039
3. 108
4. Benson Mineral Group Inc
5. Giles #1
6. Hugoton
7. Haskell, KS
8. 15.7 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79–19929/K–79–0122
2. 15–081–20089
3. 108
4. Benson Mineral Group Inc
5. McColm #1
6. Hugoton
7. Haskell, KS
8. 5.0 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79–19930/K–79–0214
2. 15–129–00000
3. 108
4. Anadarko Production Company
5. Smith B No 4
6. Interstate Red Cave
7. Morton, KS
8. 12.0 million cubic feet
9. September 11, 1979
10. Panhandle Eastern Pipeline Company
1. 79–19931/K–79–0213
2. 15–093–20462
3. 103
4. CIG Exploration Inc
5. Tate #4
6. Panoma Council Grove
7. Kearny, KS
8. 33.0 million cubic feet
9. September 11, 1979
10. Colorado Interstate Gas Co

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79–19940
2. 30–015–22652
3. 102
4. Yates Petroleum Corporation
5. Rio Penasco Jx Com #1
6. Wildcat Morrow
7. Eddy, NM
8. 1360.0 million cubic feet
9. September 12, 1979
10. Transwestern Pipeline Co
1. 79–19941
2. 30–005–00000
3. 102
4. Wainoco Oil & Gas Company
5. White Ranch No 4
6. White Ranch Mississippian
7. Chaves, NM
8. 73.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79–19942
2. 30–015–22850
3. 102
4. Yates Petroleum Corporation
5. Armstrong Ks State Com #1
6. Und Kennedy Farms Morrow
7. Eddy, NM
8. .0 million cubic feet
9. September 12, 1979
10. Transwestern Pipeline Co
1. 79–19943
2. 30–015–21896
3. 102
4. Yates Petroleum Corporation
5. Jackson Gm Com #1
6. Eagle Creek Atoka-Morrow East
7. Eddy, NM
8. 174.0 million cubic feet
9. September 12, 1979
10. Transwestern Pipeline Co
1. 79–20043
2. 30–045–00000
3. 108
4. John C Pickett

5. Grace Pearce #1
6. Aztec Fruitland (Sec 22-29N-11W)
7. San Juan, NM
8. 20.1 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79-20044
2. 30-025-00000
3. 108
4. Texaco Inc
5. American National Insurance No 1
6. Eunice Monument
7. Lea, NM
8. 4.3 million cubic feet
9. September 12, 1979
10. Warren Petroleum Co

1. 79-20045
2. 30-045-00000
3. 108
4. Pioneer Production Corporation
5. Walker E #1
6. Basin (Dakota)
7. San Juan, NM
8. 10.2 million cubic feet
9. September 12, 1979
10. Pioneer Natural Gas Company

1. 79-20046
2. 30-025-00000
3. 108
4. Two States Oil Company
5. Cole B State Lease Well No 2
6. Penrose Skelly Grayburg
7. Lea, NM
8. 7.0 million cubic feet
9. September 12, 1979
10. Warren Petroleum Company

1. 79-20047
2. 30-015-22333
3. 108
4. Mesa Petroleum Co
5. Marquess Com #1
6. Carlsbad So Morrow
7. Eddy, NM
8. 20.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Co

North Dakota Geological survey

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-19839/132-NGPA
2. 33-007-00252
3. 102
4. Gulf Oil Corporation
5. Speare 1-14-2A
6. Little Knife
7. Billings ND
8. 20.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities

1. 79-19840/133-NGPA
2. 33-007-00329
3. 102
4. Gulf Oil Corporation
5. State 4-16-1B
6. Little Knife
7. Billings ND
8. 182.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities

1. 79-19841/134-NGPA
2. 33-007-00295
3. 102
4. Gulf Oil Corporation
5. Steve Burian #1-22-1A
6. Little Knife
7. Billings ND
8. 11.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities

1. 79-19842/135-NGPA
2. 33-007-00299
3. 102
4. Gulf Oil Corporation
5. Tedrow 3-11-2A
6. Little Knife
7. Billings ND
8. 108.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities

1. 79-19843/136-NGPA
2. 33-025-00138
3. 102
4. Gulf Oil Corporation
5. Theo Sabrosky 1-33-4D
6. Little Knife
7. Dunn ND
8. 80.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities

1. 79-20034/137-NGPA
2. 33-053-00766
3. 103
4. Gas Producing enterprises Inc
5. GPE-ALAQ 9-146-103 BN#1
6. Poker Jim
7. McKenzie ND
8. 46.0 million cubic feet
9. September 12, 1979
10. Montana Dakota Utilities

1. 79-20035/138-NGPA
2. 33-053-00799
3. 103
4. Gas Producing Enterprises Inc.
5. GPE-ALAQ 15-146-103 BN#1
6. Poker Jim
7. McKenzie ND
8. 57.0 million cubic feet
9. September 12, 1979
10. Montana Dakota Utilities

West Virginia Department of Mines, Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-19844
2. 47-067-00177
3. 108
4. Peake Operating Company
5. Sharp McMillian No 34 NIC-177
6. Grant District
7. Nicholas WV
8. 5.0 million cubic feet
9. September 10, 1979
10. Cities Service Company

1. 79-19845
2. 47-067-00167
3. 108
4. Peake Operating Company
5. Sharp McMillian No 29 NIC-167
6. Grant District
7. Nicholas WV
8. 5.0 million cubic feet
9. September 10, 1979
10. Cities Service Company

1. 79-19846
2. 47-045-00670
3. 108
4. Peake Operating Company
5. Newberry No 62 Log-670
6. Triadelphia District
7. Logan WV
8. 21.1 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79-19847
2. 47-045-00611
3. 108
4. Peake Operating Company
5. Newberry No 54 Log-611
6. Triadelphia District
7. Logan WV
8. 9.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79-19848
2. 47-045-00570
3. 108
4. Peake Operating Company
5. Newberry No 52 Log-570
6. Triadelphia District
7. Logan WV
8. 19.7 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79-19849
2. 47-045-00506
3. 108
4. Peake Operating Company
5. Newberry No 35 Log-506
6. Triadelphia District
7. Logan WV
8. 19.7 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79-19850
2. 47-067-00158
3. 108
4. Peake Operating Company
5. Sharp McMillian No 24 NIC-158
6. Grant District
7. Nicholas WV
8. 5.0 million cubic feet
9. September 10, 1979
10. Cities Service Company

1. 79-19851
2. 47-059-00857
3. 108
4. Peake Operating Company
5. Hare Lands No 167 Mingo-857
6. Stafford District
7. Mingo WV
8. 3.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79-19852
2. 47-059-00736
3. 108

4. Peake Operating Company
5. Hare Lands No 122 Mingo–736
6. Stafford District
7. Mingo WV
8. 15.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19853
2. 47–059–00692
3. 108
4. Peake Operating Company
5. Skillet Fork No 105 Mingo 692
6. Stafford District
7. Mingo WV
8. 12.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19854
2. 47–059–00689
3. 108
4. Peake Operating Company
5. Skillet Fork No 104 Mingo–689
6. Stafford District
7. Mingo WV
8. 10.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19855
2. 47–045–00285
3. 108
4. Peake Operating Company
5. Newberry No 3 Log–285
6. Triadelphia District
7. Logan WV
8. 12.4 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79–19856
2. 47–059–00663
3. 108
4. Peake Operating Company
5. Skillet Fork No 92 Mingo–663
6. Stafford District
7. Mingo WV
8. 18.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19857
2. 47–059–00533
3. 108
4. Peake Operating Company
5. Hare Lands No 58 Mingo–533
6. Stafford District
7. Mingo WV
8. 7.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19858
2. 47–059–00350
3. 108
4. Peake Operating Company
5. Skillet Fork No 13 Mingo–350
6. Stafford District
7. Mingo WV
8. 5.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19859
2. 47–045–00816
3. 108
4. Peake Operating Company
5. Newberry No 131 Log–816
6. Triadelphia District
7. Logan WV
8. 19.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79–19860
2. 47–067–00200
3. 108
4. Peake Operating Company
5. Share McMillan No 60 NIC–200
6. Jefferson District
7. Nicholas WV
8. 6.0 million cubic feet
9. September 10, 1979
10. Cities Service Company

1. 79–19861
2. 47–067–00196
3. 108
4. Peake Operating Company
5. Sharp McMillan No 57 NIC–96
6. Jefferson District
7. Nicholas WV
8. 6.0 million cubic feet
9. September 10, 1979
10. Cities Service Company

1. 79–19862
2. 47–059–00706
3. 108
4. Peake Operating Company
5. Skillet Fork No 114 Mingo–706
6. Stafford District
7. Mingo WV
8. 11.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19863
2. 47–005–00942
3. 108
4. Peake Operating Company
5. Eunice No 121 BOO–942
6. Crook District
7. Boone WV
8. 6.9 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79–19864
2. 47–005–00976
3. 108
4. Peake Operating Company
5. Y & O No 147 BOO–976
6. Crook District
7. Boone WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79–19865
2. 47–005–00974
3. 108
4. Peake Operating Company
5. Y & O No 136 BOO–974
6. Crook District
7. Boone WV
8. 19.3 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79–19866
2. 47–005–00972
3. 108
4. Peake Operating Company
5. Y & O No 135 BOO–972
6. Crook District
7. Boone WV
8. 19.3 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79–19867
2. 47–045–00286
3. 108
4. Peake Operating Company
5. Newberry NC 4 Log–286
6. Triadelphia District
7. Logan WV
8. 10.2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation

1. 79–19875
2. 47–059–00686
3. 108
4. Peake Operating Company
5. Skillet Fork No. 102 Mingo–686
6. Stafford District
7. Mingo WV
8. 7.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19876
2. 47–059–00684
3. 108
4. Peake Operating Company
5. Skillet Fork No. 100 Mingo–684
6. Stafford District
7. Mingo WV
8. 20.1 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19877
2. 47–059–00679
3. 108
4. Peake Operating Company
5. Skillet Fork No. 98 Mingo–679
6. Stafford District
7. Mingo WV
8. 9.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19878
2. 47–059–00705
3. 108
4. Peake Operating Company
5. Skillet Fork No. 113 Mingo–705
6. Stafford District
7. Mingo WV
8. 11.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19879
2. 47–059–00700
3. 108
4. Peake Operating Company
5. Skillet Fork No. 111 Mingo–700
6. Stafford District
7. Mingo WV
8. 6.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19880
2. 47–059–00699
3. 108
4. Peake Operating Company
5. Skillet Fork No. 110 Mingo–699
6. Stafford District
7. Mingo WV
8. 2.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19881
2. 47–059–00695
3. 108
4. Peake Operating Company
5. Skillet Fork No 109 Mingo–695
6. Stafford District
7. Mingo WV

8. 3.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19882
2. 47–059–00694
3. 108
4. Peake Operating Company
5. Hare Lands No 108 Mingo–694
6. Stafford District
7. Mingo WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19883
2. 47–059–00693
3. 108
4. Peake Operating Company
5. Skillet Fork No 106 Mingo–693
6. Stafford District
7. Mingo WV
8. 7.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp

1. 79–19900
2. 47–079–00929
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 41
6. Scott District
7. Putnam WV
8. 4.0 million cubic feet
9. September 11, 1979
10. Union Oil & Gas Inc

1. 79–19901
2. 47–079–00567
3. 108
4. Peake Operating Company
5. A B McCulloch No 45 Put–567
6. Scott District
7. Putnam WV
8. 4.0 million cubic feet
9. September 11, 1979
10. Teavee Oil & Gas Inc

1. 79–19902
2. 47–079–00578
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 47 Put–578
6. Scott District
7. Putnam WV
8. 7.0 million cubic feet
9. September 11, 1979
10. Union Oil & Gas Inc

1. 79–19903
2. 47–109–00668
3. 108
4. Peake Operating Company
5. W P C Welchlands 36–150
6. Slab Fork District
7. Wyoming WV
8. 14.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19904
2. 47–109–00665
3. 108
4. Peake Operating Company
5. Welchlands No 155 Wyo–663
6. Slab Fork District
7. Wyoming WV
8. 14.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19905
2. 47–079–00582
3. 108
4. Peake Operating Company
5. D E Hardman No 48 Put–582
6. Scott District
7. Putnam WV
8. 3.0 million cubic feet
9. September 11, 1979
10. Teavee Oil & Gas Inc

1. 79–19906
2. 47–081–00144
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 112 Ral–144
6. Marsh Fork District
7. Raleigh WV
8. 7.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19907
2. 47–081–00249
3. 108
4. Peake Operating Company
5. Welchlands No 117 Ral–249
6. Slab Fork District
7. Raleigh WV
8. 1.8 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19908
2. 47–109–00096
3. 108
4. Peake Operating Company
5. Welchlands No 132 Wyo-96
6. Slab Fork District
7. Wyoming WV
8. 6.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19909
2. 47–081–00242
3. 108
4. Peake Operating Company
5. Oglebay Norton No 99 Ral–242
6. Marsh Fork District
7. Raleigh WV
8. .2 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19910
2. 47–081–00246
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 107 Ral–246
6. Marsh Fork District
7. Raleigh WV
8. 1.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19911
2. 47–081–00248
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 116 Ral–248
6. Marsh Fork District
7. Raleigh WV
8. 4.7 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19912
2. 47–081–00253
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 119 Ral–253
6. Marsh Fork District
7. Raleigh WV
8. 20.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19913
2. 47–081–00256
3. 108
4. Peake Operating Company
5. Crab Orchard No 120 Ral–256
6. Trap Hill District
7. Raleigh WV
8. 4.0 million cubic feet
9. September 11, 1979
10. Cabot Corporation

1. 79–19914
2. 47–081–00276
3. 108
4. Peake Operating Company
5. Welchlands No 144 Ral–276
6. Slab Fork District
7. Raleigh WV
8. 4.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19915
2. 47–109–00468
3. 108
4. Peake Operating Company
5. Welchlands No 39 Wyo–468
6. Slab Fork District
7. Wyoming WV
8. 8.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19916
2. 47–109–00744
3. 108
4. Peake Operating Company
5. Welchlands No 165 Wyo–744
6. Slab Fork District
7. Wyoming, WV
8. 14.6 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19917
2. 47–109–00747
3. 108
4. Peake Operating Company
5. Welchlands No 166 Wyo–747
6. Slab Fork District
7. Wyoming, WV
8. 18.2 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19918
2. 47–109–00491
3. 108
4. Peake Operating Company
5. Welchlands No 55 Wyo–491
6. Slab Fork District
7. Wyoming, WV
8. 8.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19919
2. 47–081–00232
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 78 Ral–232
6. Marsh Fork District
7. Raleigh, WV
8. 7.6 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19920

2. 47–081–00233
3. 108
4. Peake Operating Company
5. Welchlands No 80 Ral–233
6. Slab Fork District
7. Raleigh, WV
8. 1.1 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19921
2. 47–081–00235
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 88 Ral–235
6. Marsh Fork District
7. Raleigh, WV
8. 19.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19922
2. 47–081–00237
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 84 Ral–237
6. Marsh Fork District
7. Raleigh, WV
8. 9.8 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19932
2. 47–081–00229
3. 108
4. Peake Operating Company
5. Welchlands No 72 Ral–229
6. Slab Fork District
7. Raleigh, WV
8. 8.0 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19933
2. 47–081–00228
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 70 Ral–228
6. Marsh Fork District
7. Raleigh, WV
8. 9.1 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19934
2. 47–081–00225
3. 108
4. Peake Operating Company
5. Welchlands No 66 Ral–225
6. Slab Fork District
7. Raleigh, WV
8. 7.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19935
2. 47–081–00223
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 63 Ral–223
6. Marsh Fork District
7. Raleigh, WV
8. 8.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19936
2. 47–067–00206
3. 108
4. Peake Operating Company
5. Sharp McMillan No 64 Nic–206
6. Jefferson District
7. Nicholas, WV
8. .5 million cubic feet
9. September 11, 1979
10. Cities Service Company

1. 79–19937
2. 47–109–00681
3. 108
4. Peake Operating Company
5. Welchlands No 162 Wyo–681
6. Slab Fork District
7. Wyoming, WV
8. 10.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19938
2. 47–079–00555
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 42 Put–555
6. Scott District
7. Putman, WV
8. .3 million cubic feet
9. September 11, 1979
10. Union Oil & Gas Inc

1. 79–19939
2. 47–081–00230
3. 108
4. Peake Operating Company
5. Welchlands No 75 Ral–230
6. Slab Fork District
7. Raleigh, WV
8. 20.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation

1. 79–19972
2. 47–043–01477
3. 108
4. Pennzoil Company
5. E G Pauley #3
6. Duval
7. Lincoln, WV
8. .3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–19973
2. 47–021–03274
3. 108
4. Pennzoil Company
5. Blackshere Leola #1
6. Center
7. Gilmer, WV
8. .3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–19974
2. 47–021–03273
3. 108
4. Pennzoil Company
5. Blackshere-Bennett #1
6. Center
7. Gilmer, WV
8. 8.9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–19975
2. 47–021–03330
3. 108
4. Pennzoil Company
5. Stump M A Tract 2 Well #1
6. Center
7. Gilmer, WV
8. .3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–19976
2. 47–041–02508
3. 108
4. Pennzoil Company
5. G B Parr #2
6. Court House
7. Lewis, WV
8. .4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–19977
2. 47–033–01826
3. 108
4. Pennzoil Company
5. L D Shaw #1
6. Eagle
7. Harrison, WV
8. 1.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19978
2. 47–043–01483
3. 108
4. Pennzoil Company
5. E T Spurlock #6
6. Duval
7. Lincoln, WV
8. .9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19979
2. 47–043–01481
3. 108
4. Pennzoil Company
5. A A Woodrum #3
6. Duval
7. Lincoln, WV
8. 1.0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19980
2. 47–013–02752
3. 108
4. Pennzoil Company
5. H M Ayers #5
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19981
2. 47–013–02810
3. 108 denied
4. Pennzoil Company
5. R G Linn #5
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19982
2. 47–013–02814
3. 108 denied
4. Pennzoil Company
5. R G Linn #9
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19983
2. 47–013–02806
3. 108 denied
4. Pennzoil Company
5. R G Linn #1
6. Sherman District

7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19984
2. 47–013–02813
3. 108 denied
4. Pennzoil Company
5. R G Linn #8
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19985
2. 47–013–02808
3. 108 denied
4. Pennzoil Company
5. R G Linn #3
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19986
2. 47–013–02812
3. 108 denied
4. Pennzoil Company
5. R G Linn #7
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19987
2. 47–013–02766
3. 108 denied
4. Pennzoil Company
5. P A Bourne #2
6. Sherman District
7. Calhoun, WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19988
2. 47–013–02168
3. 108 denied
4. Pennzoil Company
5. P A Bourne #1
6. Sherman District
7. Calhoun, WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19989
2. 47–021–03331
3. 108
4. Pennzoil Company
5. Ryan Emma #1
6. Center
7. Gilmer, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19990
2. 47–021–01251
3. 108
4. Pennzoil Company
5. W F Weaver #4
6. Dekalb District
7. Gilmer, WV
8. 10.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19991
2. 47–013–02784
3. 108
4. Pennzoil Company
5. Armanda Elliott #7
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19992
2. 47–039–03232
3. 108
4. Pennzoil Company
5. Morley M E #1
6. Big Sandy
7. Kanawha, WV
8. 8.0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19993
2. 47–013–02785
3. 108
4. Pennzoil Company
5. Armanda Elliott #8
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19994
2. 47–013–02782
3. 108
4. Pennzoil Company
5. Armanda Elliott #4
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19995
2. 47–041–02509
3. 108
4. Pennzoil Company
5. G B Parr #5
6. Court House
7. Lewis, WV
8. .4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19996
2. 47–043–01472
3. 108
4. Pennzoil Company
5. A A Woodrum #2
6. Duval
7. Lincoln, WV
8. 1.0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19997
2. 47–021–01817
3. 108
4. Pennzoil Company
5. Joab Crites #2
6. Dekalb District
7. Gilmer WV
8. 7.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19998
2. 47–021–01818
3. 108
4. Pennzoil Company
5. Weaver Heirs #8
6. Dekalb District
7. Gilmer, WV
8. 7.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–19999
2. 47–021–01873
3. 108
4. Pennzoil Company
5. W H Canfield #1
6. Glenville
7. Gilmer, WV
8. 5.5. million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20000
2. 47–039—03276
3. 108
4. Pennzoil Company
5. Fred J Thabet #2
6. Elk
7. Kanawha, WV
8. 12.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20001
2. 47–039—03277
3. 108
4. Pennzoil Company
5. Fred J Thabet #3
6. Elk
7. Kanawha, WV.
8. 12.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20002
2. 47–021–01145
3. 108
4. Pennzoil Company
5. F C Wilson #4
6. Dekalb District
7. Gilmer, WV
8. 4.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20003
2. 47–021–01163
3. 108
4. Pennzoil Company
5. I N Hardman #10
6. Dekalb District
7. Gilmer, WV
8. 3.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20004
2. 47–021–01084
3. 108
4. Pennzoil Company
5. French Hardman #12
6. Dekalb District
7. Gilmer, WV
8. 10.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20005
2. 47–021–03332
3. 108
4. Pennzoil Company
5. Stump M A #1
6. Center
7. Gilmer, WV
8. 9.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20006

2. 47–013–00769
3. 108
4. Pennzoil Company
5. L J McDonald #4
6. Sherman District
7. Calhoun, WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20007
2. 47–013–01752
3. 108
4. Pennzoil Company
5. E F Deweese #2
6. Sherman District
7. Calhoun, WV
8. 6.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20008
2. 47–013–01774
3. 108
4. Pennzoil Company
5. Okey Parsons #1
6. Sherman District
7. Calhoun, WV
8. 3.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20009
2. 47–013–02779
3. 108
4. Pennzoil Company
5. Armanda Elliott #1
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20010
2. 47–013–02780
3. 108
4. Pennzoil Company
5. Armanda Elliott #2
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20011
2. 47–013–02781
3. 108
4. Pennzoil Company
5. Armanda Elliott #3
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20012
2. 47–033–01849
3. 108
4. Pennzoil Company
5. E W Thompson #2
6. Clay
7. Harrison, WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20013
2. 47–013–02731
3. 108
4. Pennzoil Company
5. H M Ayers #1
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20014
2. 47–013–02742
3. 108
4. Pennzoil Company
5. L J McDonald #2
6. Sherman District
7. Calhoun, WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20015
2. 47–013–02741
3. 108
4. Pennzoil Company
5. L J McDonald #1
6. Sherman District
7. Calhoun, WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20016
2. 47–013–02750
3. 108
4. Pennzoil Company
5. H M Ayers #3
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20017
2. 47–013–02749
3. 108
4. Pennzoil Company
5. H M Ayers #2
6. Sherman District
7. Calhoun WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20018
2. 47–013–02743
3. 108
4. Pennzoil Company
5. L J McDonald #3
6. Sherman District
7. Calhoun WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20019
2. 47–013–02754
3. 108
4. Pennzoil Company
5. H M Ayers #7
6. Sherman District
7. Calhoun WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20020
2. 47–013–02753
3. 108
4. Pennzoil Company
5. H M Ayers #6
6. Sherman District
7. Calhoun WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20021
2. 47–079–00622
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 53 PUT–622
6. Scott District
7. Putnam WV
8. 5.0 million cubic feet
9. September 12, 1979
10. Union Oil & Gas Inc

1. 79–20022
2. 47–079–00588
3. 108 Denied
4. Peake Operating Company
5. L C Ball No 49 PUT–588
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc

1. 79–20023
2. 47–081–00196
3. 108
4. Peake Operating Company
5. Eunice No 5 RAL–196
6. Marsh Fork District
7. Raleigh WV
8. 5.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–20024
2. 47–079–00608
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 50 PUT–608
6. Scott District
7. Putnam WV
8. 4.0 million cubic feet
9. September 12, 1979
10. Union Oil & Gas Inc

1. 79–20025
2. 47–081–00204
3. 108 Denied
4. Peake Operating Company
5. Eunice No 21 RAL–204
6. Marsh Fork District
7. Raleigh WV
8. .2million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–20026
2. 47–079–00673
3. 108 Denied
4. Peake Operating Company
5. P Clark No 95 PUT–673
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc

1. 79–20027
2. 47–081–00216
3. 108
4. Peake Operating Company
5. Welchlands No 59 RAL–216
6. Slab Fork District
7. Raleigh WV
8. 17.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–20028
2. 47–081–00201
3. 108
4. Peake Operating Company
5. Eunice No 12 RAL–201
6. Marsh Fork District

7. Raleigh WV
8. 5.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–20029
2. 47–081–00197
3. 108
4. Peake Operating Company
5. Eunice No 6 RAL–197
6. Marsh Fork District
7. Raleigh WV
8. 2.5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation

1. 79–20030
2. 47–079–00670
3. 108 Denied
4. Peake Operating Company
5. P Clark No 90 PUT–670
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc

1. 79–20031
2. 47–079–00664
3. 108
4. Peake Operating Company
5. Simms-McGinnis No 79 PUT–664
6. Scott District
7. Putnam WV
8. 3.0 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc

1. 79–20032
2. 47–079–00668
3. 108 Denied
4. Peake Operating Company
5. P Clark No 85 PUT–668
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc

1. 79–20033
2. 47–079–00659
3. 108
4. Peake Operating Company
5. Simms-McGinnis No 74 PUT–659
6. Scott District
7. Putnam WV
8. 6.0 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc

1. 79–20036
2. 47–013–02809
3. 108 Denied
4. Pennzoil Company
5. R G Linn #4
6. Sherman District
7. Calhoun WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20037
2. 47–013–02807
3. 108 Denied
4. Pennzoil Company
5. R G Linn #2
6. Sherman District
7. Calhoun WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20038
2. 47–005–01066
3. 108 Denied
4. Pennzoil Company
5. Yawkey-Freeman #110
6. Washington
7. Boone WV
8. 18.9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20039
2. 47–005–01092
3. 108 denied
4. Pennzoil Company
5. Yawkey-Freeman #114
6. Yawkey-Freeman
7. Hoone WV
8. 14.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20040
2. 47–039–03283
3. 108 denied
4. Pennzoil Company
5. L C Alexander #3
6. Elk
7. Kanawha WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20041
2. 47–013–02811
3. 108 denied
4. Pennzoil Company
5. R G Linn #6
6. Sherman District
7. Calhoun WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20042
2. 47–021–00288
3. 108 denied
4. Pennzoil Company
5. French Hardman #4
6. Dekalb District
7. Gilmer WV
8. 20.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20048
2. 47–013–02783
3. 108
4. Pennzoil Company
5. Armanda Elliott #6
6. Sherman District
7. Calhoun WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20049
2. 47–021–01182
3. 108
4. Pennzoil Company
5. F A Weaver #2
6. Dekalb District
7. Gilmer WV
8. 2.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20050
2. 47–021–03269
3. 108
4. Pennzoil Company
5. W H Ayers #3
6. Dekalb District
7. Gilmer WV
8. 4.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20051
2. 47–021–03266
3. 108
4. Pennzoil Company
5. L N Ayers #1
6. Dekalb District
7. Gilmer WV
8. 8.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20052
2. 47–021–02168
3. 108
4. Pennzoil Company
5. I N Hardman #12
6. Dekalb District
7. Gilmer WV
8. 3.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20053
2. 47–043–01484
3. 108
4. Pennzoil Company
5. E T Spurlock #7
6. Duval
7. Lincoln WV
8. .9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20054
2. 47–017–02394
3. 108
4. Pennzoil Company
5. John Wanstreet No 6
6. Cove
7. Doddridge WV
8. 6.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

1. 79–20055
2. 47–021–02167
3. 108
4. Pennzoil Company
5. C W Goff #3
6. Dekalb District
7. Gilmer WV
8. 2.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

United States Geological Survey, Metairie, Louisiana

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–19944/G9–414
2. 17–715–40187–00S1–0
3. 102
4. Gulf Oil Corporation
5. OCS G–2624 No B–4
6. South Timbalier Blk 37
7. 36
8. 1423.0 million cubic feet

9. September 12, 1979
10. Texas Eastern Transmission Corp Tennessee Gas Pipeline Company Southern Natural Gas Company
1. 79–19945/G9–402
2. 17–715–40156–0100–0
3. 102
4. Gulf Oil Corporation
5. OCS G–2625 No C–1
6. South Timbalier 37
7. 37
8. 176.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp Tennessee Gas Pipeline Co Southern Natural Gas Co
1. 79–19946/G9–538
2. 17–700–40192–00D2–0
3. 102
4. Gulf Oil Corporation
5. W CAM Blk 266 Well A–9D
6. West Cameron Blk 266
7. 265
8. 1095.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp Columbia Gas Transmission Corp Michigan—Wisconsin Pipeline Co
1. 79–19947/G9–351
2. 17–708–40203–00D1–0
3. 102
4. Forest Oil Corporation
5. S Marsh is Blk 142 A–6
6. South Marsh Island
7. 142
8. 288.0 million cubic feet
9. September 12, 1979
10. Columbia Gas transmission Corp Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 79–19948/G9–352
2. 17–708–40203–00D2–0
3. 102
4. Forest Oil Corporation
5. S Marsh is Blk 142 A–6D
6. South Marsh Island
7. 142
8. 6.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 79–19949/G9–395
2. 17–715–40148–5100–0
3. 102
4. Gulf Oil Corporation
5. OSC G–3336 No E–1
6. South Timbalier Blk 37
7. 35
8. 456.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
1. 79–19950/G9–394
2. 17–715–40229–S100–0
3. 102
4. Gulf Oil Corporation
5. OCS G–3336 S Timb Blk 35 #D–4
6. South Timbalier
7. 35
8. 1460.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
1. 79–19951/G9–393
2. 17–715–40188–00D1–0
3. 102
4. Gulf Oil Corporation
5. OCS—G—3336 S Timb Blk 35 #D–2
6. South Timbalier
7. 35
8. 474.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
1. 79–19952/G9–357
2. 17–706–40310–00S1–0
3. 102
4. Forest Oil Corporation
5. Vermilion Block 268 #C–9
6. Vermilion
7. 268
8. 900.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp Consolidated Gas Transmission Corp Texas Gas Transmission Corp
1. 79–19953/G9–404
2. 17–715–40212–00S1–0
3. 102
4. Gulf Oil Corporation
5. OCS G–2624 No B–5
6. South Timbalier Blk 37
7. 36
8. 836.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp Tennessee Gas Pipeline Company Southern Natural Gas Company
1. 79–19954/G9–361
2. 17–708–40210–00D2–0
3. 102
4. Forest Oil Corporation
5. S Marsh is Blk 142 A–7D
6. South Marsh Island
7. 142
8. 147.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp Consolidated Gas Supply Corporation Columbia Gas Transmission Corp
1. 79–19955/G9–399
2. 17–715–40152–00D2–0
3. 102 Denied
4. Gulf Oil Corporation
5. OCS G–2625 No C–1–D
6. South Timbalier Blk 37
7. 37
8.1113.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp Southern Natural Gas Company Tennessee Gas Pipeline Co
1. 79–19956/G8–103
2. 17–706–40248–0000–0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Expl #F–8–D
6. Vermilion SA
7. 267
8. 460.0 million cubic feet
9. September 12, 1979
10. Texas Gas Transmission Corp Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 79–19957/G8–166
2. 17–711–40379–0001–0
3. 102
4. Southern Natural Gas Co
5. OCS G–1525 No D–3
6. Ship Shoal
7. 222
8. 357.0 million cubic feet
9. September 12, 1979
10. Sea Robin Pipeline Co
1. 79–19958/G9–534
2. 17–816–40048–00D2–0
3. 102
4. Gulf Oil Corporation
5. OCS–G–2445 A–24–D S/P Blk 62
6. Viosca Knoll
7. 900
8. 122.0 million cubic feet
9. September 12, 1979
10. Southern Natural Gas Company
1. 79–19959/G9–400
2. 17–715–40237–00S1–0
3. 102
4. Gulf Oil Corporation
5. OCS G–2624 No B–6
6. South Timbalier Blk 37
7. 36
8. 1825.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp, Tennessee Gas Pipeline Co, Southern Natural Gas Co
1. 79–19960/G9–539
2. 17–715–00973–01D1–0
3. 102
4. Gulf Oil Corporation
5. OCS–G–1260 #B–16
6. South Timbalier Blk 176
7. 177
8. 44.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp, Columbia Gas Transmission Corp, Michigan Wisconsin P/L Co, Sea Robin Pipeline
1. 79–19961/G9–533
2. 17–816–40024–01S1–0
3. 102
4. Gulf Oil Corporation
5. OCS G–2445 A–20 S P Blk 62
6. Viosca Knoll
7. 900
8. 100.0 million cubic feet
9. September 12, 1979
10. Southern Natural Gas Company
1. 79–19962/G9–425
2. 17–715–40188–00D2–0
3. 102
4. Gulf Oil Corporation
5. OCS G–3336 No D–2–D
6. South Timbalier Block 37
7. 35
8. 493.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission, Tennessee Gas P/L Co, Southern Natural Gas Co
1. 79–19963/G9–354
2. 17–708–40165–00S1–0
3. 102
4. Forest Oil Corporation
5. Marsh Is Blk 142 #A–3
6. South Marsh Island
7. 142
8. 79.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp, Consolidated Gas Supply Corp
1. 79–19964/G8–98
2. 17–706–40237–0000–0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Exploration Corp #F–3 Well
6. Vermilion, SA

7. 267
8. 580.0 million cubic feet
9. September 12, 1979
10. Texas Gas Transmission Corp, Consolidated Gas Supply Corp, Columbia Gas Transmission Corp

1. 79–19965/G9–398
2. 17–715–40146–00D1–0
3. 102
4. Gulf Oil Corporation
5. OCS G–2625 No A–6
6. South Timbalier
7. 37
8. 456.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission, Tennessee Gas Pipeline Co, Southern Natural Gas Co

1. 79–19966/G9–360
2. 17–708–40210–00D1–0
3. 102
4. Forest Oil Corporation
5. S Marsh Is Blk 142 #A–7
6. South Marsh Island
7. 142
8. 1469.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation, Natural Gas P/L Co of America, Northern Natural Gas Co, Consolidated Gas Supply Corp

1. 79–19967/G9–362
2. 17–708–40263–00S1–0
3. 102
4. Forest Oil Corporation
5. S Marsh Is Blk 142 #A–9
6. South Marsh Island
7. 142
8. 62.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation, Consolidated Gas Supply Corp

1. 79–19968/G8–105
2. 17–706–40279–0000–0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Exploration Corp #F–10 Well
6. Vermilion, SA
7. 267
8. 592.0 million cubic feet
9. September 12, 1979
10. Texas Gas Transmission Corp, Consolidated Gas Supply Corp, Columbia Gas Transmission

1. 79–19969/G9–356
2. 17–706–40313–01S1–0
3. 102
4. Forest Oil Corporation
5. Vermilion Block 268 C–11
6. Vermilion
7. 268
8. 734.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation, Consolidated Gas Supply Corp, Texas Gas Transmission Corp

1. 79–19970/G8–97
2. 17–706–40212–0000–0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Expl Corp #F–2
6. Vermilion, SA
7. 267
8. 20.0 million cubic feet
9. September 12, 1979
10. Texas Gas Transmission Corp, Consolidated Gas Supply Corp, Columbia Gas Transmission Corp

1. 79–19971/G9–401
2. 17–715–40142–00D2
3. 102
4. Gulf Oil Corp
5. OCS G–2624 No. B–3–D
6. South Timbalier Blk 37
7. 36
8. 1861.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp, Tennessee Gas Pipeline Co, Southern Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–30440 Filed 10–1–79; 8:45 am]

BILLING CODE 6450–01–M

[No. 88]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 24, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals

Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–20056/ERC–23
2. 16–025–00000
3. 108
4. T & M Producers
5. T & M #4
6. Frozen
7. Breathitt, KY
8. 6.5 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20057/ERC–24
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. A–8 Adkins Well
6. Harless Creek
7. Pike KY
8. 8.5 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20058/ERC–25
2. 16–159–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #1
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20059/ERC–26
2. 16–159–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #2
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20060/ERC–27
2. 16–159–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #2
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20061/ERC–28
2. 16–159–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #4
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20062/ERC–29
2. 16–159–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #5
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20063/ERC–30
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Potter #1
6. Robinson Creek Area
7. Pike KY

8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20064/ERC–31
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Potter #2
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20065/ERC–32
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Potter—Damron
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20066/ERC–33
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. A—1 Mims Well
6. Hurricane Creek
7. Pike KY
8. 18.3 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20067/ERC–34
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Bow #1
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20068/ERC–35
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Bow #2
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20069/ERC–36
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Pickleseimer
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20070/ERC–37
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #1
6. Esco Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20071/ERC–38
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #3
6. Esco Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20072/ERC–39
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #4
6. Esco Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20073/ERC–40
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #5
6. Esco Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20074/ERC–41
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #6
6. Greasy Creek Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20075/ERC–42
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork #7
6. Esco Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20076/ERC–43
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork #8
6. Esco Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20077/ERC–44
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. A–2 King Damron Well
6. Hurricane Creek
7. Pike KY
8. 18.3 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20078/ERC–45
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Elswick Develop #1
6. Virgie Area
7. Pike KY
8. 4.2 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20079/ERC–46
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Elswick Develop #2
6. Virgie Area
7. Pike KY
8. 4.2 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20080/ERC–47
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Elswick Develop #3
6. Virgie Area
7. Pike KY
8. 4.2 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20081/ERC–48
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. W H C Johnson #1
6. Virgie Area
7. Pike KY
8. 2.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co

1. 79–20082/ERC–49
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. W H C Johnson #2
6. Virgie Area
7. Pike KY
8. 2.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co

1. 79–20083/ERC–50
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. W H C Johnson #3
6. Virgie Area
7. Pike KY
8. 2.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co

1. 79–20084/ERC–51
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Worden & Hagans well
6. Pikeville Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20085/ERC–52
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. R P Call Well
6. Pikeville Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20086/ERC–53

2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Langley Well
6. Pikeville Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp

1. 79–20087/ERC–54
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Shelby Creek Develop #1
6. Virgie Area
7. Pike KY
8. 6.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co

1. 79–20088/ERC–55
2. 16–195–00000
3. 108
4. Alert Oil & Gas Company Inc
5. Shelby Creek Develop #2
6. Virgie Area
7. Pike KY
8. 6.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co

1. 79–20089/ERC–56
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Henson #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20090/ERC–57
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Claude Ballard #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20091/ERC–58
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Boyd Craft #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20092/ERC–59
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Boyd Craft #2
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20093/ERC–60
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Lester Carpender #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20094/ERC–61
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Linville Carpenter #2
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20095/ERC–62
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Linville Carpenter #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20096/ERC–63
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Marcus Carpenter #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20097/ERC–64
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. J J Lovely #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20098/ERC–65
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Melvin King #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–2009/ERC–66
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Little Heirs #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20100/ERC–67
2. 16–025–00000
3. 108
4. Panbowl Production Company
5. Little Heirs #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company

1. 79–20101/ERC–68
2. 16–233–13714
3. 108
4. Able Energy Company
5. James W Morgan No 1
6. Stanhope
7. Webster KY
8. 20.0 million cubic feet
9. September 12, 1979
10. City of Providence

1. 79–20102/ERC–69
2. 16–177–29890
3. 108
4. Able Energy Company
5. Clyde Brown Jr et al #1G
6. Bevier
7. Muhlenberg KY
8. 15.0 million cubic feet
9. September 12, 1979
10. Western Kentucky Gas Company

1. 79–20103/ERC–70
2. 16–127–00000
3. 108
4. Weaver Oil and Gas Corporation
5. Hayes-Daugirda Well #1
6.
7. Lawrence KY
8. 13.0 million cubic feet
9. September 12, 1979
10. Kentucky West Virginia Gas Company

New Mexico Department of Energy and Minerals

Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–20144
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. Sullivan No. 1
6. Blanco Pictured Cliffs South
7. San Juan, NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20145
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. State Com No. C–4
6. Blanco Mesaverde
7. San Juan, NM
8. 9.0 million cubic feet
9. September 13, 1979
10. Southern Union Gathering Co

1. 79–20146
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. State Com D–5
6. Basin Dakota
7. San Juan, NM
8. 7.0 million cubic feet
9. September 13, 1979
10. Northwest Pipeline Corp

1. 79–20147

2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. Aztec Com No. 3–1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20148
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. State Com No. C–5
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20149
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. Hubbard Com 1
6. Basin Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. Northwest Pipeline Corp

1. 79–20150
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. Aztec Com No. 2–1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 2.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20151
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. Johnson No. 1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 8.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20152
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. Drclet 1
6. Basin Dakota
7. San Juan, NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20153
2. 30–025–00000
3. 108
4. Texaco Inc
5. Eunice-Monument Unit No. 31
6. Eunice-Monument
7. Lea, NM
8. 5.5 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co

1. 79–20154
2. 30–025–00000
3. 108
4. Texaco Inc
5. Mittie Weatherly No. 4
6. Penrose (Skelly Grayburg)
7. Lea, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. Getty Oil Corp

1. 79–20155
2. 30–025–00000
3. 108
4. Texaco Inc
5. L R Kershaw No. 9
6. Skagg Drinard
7. Lea, NM
8. 9.5 million cubic feet
9. September 13, 1979
10. Warren Petroleum Co

1. 79–20156
2. 30–025–00000
3. 108
4. Texaco Inc
5. CH Weir B No. 4
6. Weir
7. Lea, NM
8. 9.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Co

1. 79–20157
2. 30–025–00000
3. 108
4. Texaco Inc
5. H T Mattern No. 4
6. Eunice-Monument Grayburg-San Andres
7. Lea, NM
8. 20.5 million cubic feet
9. September 13, 1979
10. Warren Petroleum Co

1. 79–20158
2. 30–025–00000
3. 108
4. Texaco Inc
5. W L Nix No. 7
6. Drinkard
7. Lea, NM
8. 3.2 million cubic feet
9. September 13, 1979
10. Getty Oil Company

1. 79–20159
2. 30–039–00000
3. 108
4. Western Oil and Minerals Ltd
5. Sinclair No. 1
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20160
2. 30–025–26018
3. 103
4. Continental Oil Company
5. State D No. 14
6. Arrowhead E–M–E
7. Lea, NM
8. 64.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas (C–4125)

1. 79–20161
2. 30–025–25557
3. 103
4. Continental Oil Company
5. Lamar Lunt No. 2
6. Jalmat Tansill Yates Seven Rivers
7. Lea, NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas

1. 79–20162
2. 30–045–23266
3. 103 Denied
4. El Pam Co Inc
5. Sullivan 6B
6. Aztec/Fruitland
7. San Juan, NM
8. 90.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20163
2. 30–045–23266
3. 103
4. El Pam Co Inc
5. Sullivan 8
6. Bloomfield/Farmington
7. San Juan
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co.

1. 79–20164
2. 30–039–00000
3. 108
4. Western Oil and Minerals Ltd
5. Alexander #1
6. Galvilan Pictures Cliffs
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20165
2. 30–025–00000
3. 108
4. Mobil Oil Corporation
5. E O Carson 2 Water Supply well
6. Hare San Andres (gas)
7. LEA NM
8. 9.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Corporation

1. 79–20166
2. 30–025–00000
3. 108
4. Mobil Oil Corporation
5. Liberty #3
6. Jalmat Tansill Yates Seven Rivers
7. Lea NM
8. 14.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20167
2. 30–025–03382
3. 108
4. Amerada Hess Corporation
5. State WE F 1
6. Eumont
7. Lea NM
8. 2.9 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co

1. 79–20168
2. 30–025–10010
3. 108
4. Amerada Hess Corporation
5. H Corrigan #5
6. Eunice
7. Lea NM
8. 17.6 million cubic feet
9. September 13, 1979
10. Northern Natural Gas Company

1. 79–20169
2. 30–025–10392–
3. 108
4. Amerada Hess Corporation
5. Eugene Wood #7
6. Eunice

7. Lea NM
8. 11.9 million cubic feet
9. September 13, 1979
10. Northern Natural Gas Company
1. 79–20170
2. 30–025–11398
3. 108
4. Amerada Hess Corporation
5. State NJ A #1–4
6. Justis
7. Lea NM
8. 2.10 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20171
2. 30–025–10015–
3. 108
4. Amerada Hess Corporation
5. H Corrigan #10
6. Eunice
7. Lea NM
8. 16.7 million cubic feet
9. September 13, 1979
10. Northern Natural Gas Company
1. 79–20172
2. 30–025–09251
3. 108
4. Gulf Oil Corporation
5. J F Janda (NCT-J) #1
6. Jalmat Gas
7. Lea NM
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20173
2. 30–045–01127–3
3. 108
4. Consolidated Oil & Gas Inc
5. Ripley #2
6. Blanco Mesaverde
7. San Juan
8. 12.8 million cubic feet
9. September 13, 1979
10. Southern Union Gas Company
1. 79–20174
2. 30–045–09626
3. 108
4. Northwest Production Corporation
5. Blanco 30–12 Fee Com 6
6. Flora Vista-Fruitland Gas
7. San Juan NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Northwest Pipeline Corporation
1. 79–20175
2. 30–045–08387
3. 108
4. Amoco Production Company
5. State Gas Com BF #1
6. Basin-Dakota
7. San Juan NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20176
2. 30–045–09071
3. 108
4. Amoco Production Company
5. Duff Gas Com BF #1
6. Basin-Dakota
7. San Juan NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20258
2. 30–025–26152
3. 103
4. Sun Oil Company (Delaware)
5. Maveety State Gas Com #8
6. Eumont
7. Lea NM
8. 109.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20259
2. 30–045–22444
3. 103
4. Amoco Production Company
5. State Gas Com A #1A
6. Blanco Mesaverde
7. San Juan NM
8. 100.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20260
2. 30–045–22806
3. 103
4. Amoco Production Company
5. Marcotte Gas Com #1A
6. Blanco Mesaverde
7. San Juan NM
8. 145.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20261
2. 30–045–00000
3. 103
4. C & E Operators Inc
5. Mary Shepard #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. .0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20262
2. 30–045–22782
3. 103
4. Amoco Production Company
5. McCoy Gas Com A #1A
6. Blanco Mesaverde
7. San Juan NM
8. 100.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20263
2. 30–045–22344
3. 108
4. Mesa Petroleum Co
5. State Com #45
6. Twin Mounds Pictured Cliffs
7. San Juan NM
8. 12.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20264
2. 30–045–22792
3. 103
4. Amoco Production Company
5. Snyder Gas Com #1A
6. Blanco Mesaverde
7. San Juan NM
8. 60.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20265
2. 30–015–23458
3. 103
4. Anadarko Production Company
5. Turkey Track State 2
6. Turkey Track
7. Eddy NM
8. 360.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79–20266
2. 30–025–00000
3. 108
4. Two States Oil Company
5. Cole B State Lease Well No 3
6. Penrose Skelly Grayburg
7. Lea NM
8. 6.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Company
1. 79–20267
2. 30–025–00000
3. 108
4. Two States Oil Company
5. Cole B State Lease Well No 4
6. Penrose Skelly Grayburg
7. Lea NM
8. 8.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Company
1. 79–20268
2. 30–045–00000
3. 108
4. Petroleum Corporation of Texas
5. Hanley No 1 Gas Unit
6. Aztec (Pictured Cliffs) Gas Pool
7. San Juan NM
8. 67.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20269
2. 30–025–00000
3. 103
4. Natomas North America Inc
5. New Mexico State #1
6. Wildcat
7. Lea NM
8. 250.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Corporation
1. 79–20270
2. 30–015–22276
3. 103
4. Marbob Energy Corporation
5. Johnny Fee #1
6. Undesignated Grayburg
7. Eddy NM
8. 12.0 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79–20271
2. 30–025–03062
3. 108
4. Phillips Petroleum Company
5. Vacuum Abo Unit No 06–63
6. Vacuum Abo Reef
7. Lea NM
8. 15.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79–20272
2. 30–015–00000
3. 108
4. J B Adamson
5. Delhi B State 2M B–4575
6. Red Lake Grayburg
7. Eddy NM
8. 2.1 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co

West Virginia Department of Mines

Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–20250
2. 47–017–02196
3. 108
4. Pennzoil Company
5. J H Bode No 8
6. Cove
7. Doddridge WV
8. .5 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

1. 79–20251
2. 47–021–03270
3. 108
4. Pennzoil Company
5. W H Ayers #15
6. Dekalb District
7. Gilmer WV
8. 1.8 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

1. 79–20252
2. 47–043–01479
3. 108
4. Pennzoil Company
5. Jennie Jones #10
6. Duval
7. Lincoln WV
8. 1.8 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

1. 79–20253
2. 47–039–01016
3. 108
4. Pennzoil Company
5. Board Bessie #1
6. Big Sandy
7. Kanawha WV
8. 1.7 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

1. 79–20254
2. 47–021–01278
3. 108
4. Pennzoil Company
5. I N Hardman #11
6. Dekalb district
7. Gilmer WV
8. 3.2 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

1. 79–20255
2. 47–021–01139
3. 108
4. Pennzoil Company
5. ASA Hardman #3
6. Dekalb District
7. Gilmer WV
8. 3.9 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

1. 79–20256
2. 47–013–02751
3. 108
4. Pennzoil Company
5. H M Ayers #4
6. Sherman District
7. Calhoun WV
8. .6 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

1. 79–20257
2. 47–039–03275
3. 108
4. Pennzoil Company
5. Fred J. Thabet #1
6. Elk
7. Kanawha WV
8. 12.7 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

United States Geological Survey, Albuquerque, New Mexico

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–20104/NM–2347–79
2. 30–045–21101–0000–0
3. 108
4. El Paso Natural Gas Company
5. Mudge No. 33
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 17.9 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20105/NM–2348–79
2. 30–045–09239–0000–0
3. 108
4. El Paso Natural Gas Company
5. Stewart 3
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20106/NM–2351–79
2. 30–039–05736–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B No. 2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20107/NM–2352–79
2. 30–039–06459–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79–20108/NM–2353–79
2. 30–039–06384–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J No. 3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79–20109/NM–2354–79
2. 30–039–06405–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G No. 6
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.2 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79–20110/NM–2355–79
2. 30–039–07858–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 30–6 Unit No. 39
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20111/NM–2356–79
2. 30–039–05754–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 70
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20112/NM–2358–79
2. 30–039–20937–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27–4 Unit No. 74
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20113/NM–2357–79
2. 30–045–06020–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit No. 62
6. Kutz West-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20114/NM–2338–79
2. 30–045–21401–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit NP No. 254
6. Angels-Peak Gallup Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20115/NM–2339–79
2. 30–039–60054–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 18
6. Ballard-Pictured Cliffs Gas

7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20116/NM–2340–79
2. 30–039–07395–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28–4 Unit No. 17
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20117/NM–2341–79
2. 30–045–13239–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit No. 48
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 6.9 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20118/NM–2342–79
2. 30–039–82367–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28–6 Unit No. 89
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20119/NM–2343–79
2. 30–039–05963–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 94
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20120/NM–2344–79
2. 30–039–07121–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit No. 118
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.8 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20121/NM–2345–79
2. 30–045–06314–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Huerfanito Unit #54
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 1.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20122/NM–2346–79
2. 30–039–60111–0000–0
3. 108
4. El Paso Natural Gas Company.
5. SJ 32–5 Unit 15–A
6. Blanco–Mesaverde Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20123/NM2289–79
2. 30–039–06976–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Rincon Unit #117
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20124/NM2290–79
2. 30–039–05415–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #5
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20125/NM–2300–79
2. 30–039–07125–0000–0
3. 108
4. El Paso Natural Gas Company.
5. SJ 28–6 Unit #24
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 21.9 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20126/NM–2321–79
2. 30–045–06097–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Huerfanito Unit #30
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 6.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20127/NM–2322–79
2. 30–045–06154–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Huerfanito Unit #36
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 15.3 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20128/NM–2323–79
2. 30–039–05759–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #48
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10. 6 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20129/NM–2324–79
2. 30–039–05954–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #39
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20130/NM–2325–79
2. 30–039–05884–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #38
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20131/NM–2328–79
2. 30–039–05430–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Lindrith Unit #45
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20132/NM–2329–79
2. 30–039–06877–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Rincon Unit #154
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20133/NM2330–79
2. 30–039–82371–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Rincon Unit #141
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.2 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20134/NM–2336–79
2. 30–045–20835–0000–0
3. 108
4. El Paso Natural Gas Company.
5. Huerfano Unit NP 216
6. Basin-Dakota Gas
7. San Juan NM
8. 16.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20135/NM–2337–79
2. 30–039–07728–0000–0
3. 108
4. El Paso Natural Gas Company.
5. SJ 30–4 Unit #28
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 18.3 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20136/NM–18–79
2. 30–045–10572–0000–0
3. 108
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No. 61–19
6. Blanco Mesaverde NE19–31N–6W
7. San Juan NM
8. 18.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20137/NM–279–78
2. 30–045–22888–0000–0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No 104–A
6. Blanco Mesaverde NW1–30N–8W
7. San Juan NM
8. 200.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20138/NM–2136–79

2. 30–039–21006–0000–0
3. 108
4. El Paso Natural Gas Company.
5. San Juan 27–4 Unit #114
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20139/NM2284–79
2. 30–039–07043–0000–0
3. 108
4. El Paso Natural Gas Company.
5. SJ 28–6 Unit #95
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.6 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20140/NM2285–79
2. 30–039–06932–0000–0
3. 108
4. El Paso Natural Gas Company.
5. SJ 28–7 Unit #115
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20141/NM–2286–79
2. 30–039–07430–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–5 Unit #26
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20142/NM–2287–79
2. 30–039–05562–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #92
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20143/NM–2288–79
2. 30–039–07512–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 29–4 Unit #16
6. Choza Mesa—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company

1. 79–20177/NM–2394–79
2. 30–039–06884–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #37
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20178/NM–2393–79
2. 30–039–06874–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #38
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20179/NM–2392–79
2. 30–045–05965–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #62
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20180/NM–2391–79
2. 30–039–06672–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #47
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20181/NM–2390–79
2. 30–045–05898–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #63
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20182/NM–2389–79
2. 30–045–05906–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #65
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20183/NM–2388–79
2. 30–045–06008–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #68
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20184/NM–2387–79
2. 30–039–05834–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla, D #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20185/NM–2386–79
2. 30–039–06738–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #46
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20186/NM–2385–79
2. 30–045–06000–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #13
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 14.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20187/NM–2384–79
2. 30–045–06069–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #12
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20188/NM–2382–79
2. 30–045–06068–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #19
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 6.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20189/NM–2381–79
2. 30–045–06270–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #47
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20190/NM–2380–79
2. 30–039–07128–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #66
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20191/NM–2379–79
2. 30–039–07163–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #67
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20192/NM–2378–79
2. 30–039–06889–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #71
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20193/NM–2377–79
2. 30–039–06925–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #70
6. Blanco South-Pictured Cliffs Gas

7. Rio Arriba, NM
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–21094/NM–2359–79
2. 30–039–20277–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #153
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 16.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79–20195/NM–2335–79
2. 30–043–20107–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 183 5
6. Balard-Pictured Cliffs Gas
7. Sandoval NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20196/NM–2334–79
2. 30–045–06280–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lodewick 10
6. Basin-Dakota Gas
7. San Juan NM
8. 17.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20197/NM–2333–79
2. 30–039–05242–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #43
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20198/NM–2332–79
2. 30–039–07359–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–4 Unit #27
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20199/NM–2420–79
2. 30–039–06444–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation

1. 79–20200/NM–2419–79
2. 30–039–05538–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #16
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 2.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79–20201/NM–2418–79
2. 30–045–11218–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 32–9 Unit #53
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20202/NM–2416–79
2. 30–039–06409–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarila F 8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 21.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20203/NM–2414–79
2. 30–039–07886–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 30–6 Unit #36
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20204/NM–2413–79
2. 30–045–11491–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 32–9 Unit #66
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20205/NM–2412–79
2. 30–039–07053–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–6 Unit #84
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.5 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20206/NM–2410–79
2. 30–039–06893–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #69
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 17.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20207/NM–2409–79
2. 30–039–07127–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–6 Unit #22
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20208/NM–2407–79
2. 30–039–06954–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #160
6. Blanco-South Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20209/NM–24–6–79
2. 30–039–07003–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #90
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20210/NM–2405–79
2. 30–039–05676–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #9
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 9.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20211/NM–2404–79
2. 30–039–60049–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #14
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 9.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20212/NM–2403–79
2. 30–039–05921–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20213/NM–2402–79
2. 30–039–05179–0000–0
3. 108
4. El Paso Natural Gas Company
5. Bolack E #2
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20214/NM–2401–79
2. 30–045–05844–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #66
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 6.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20215/NM–2400–79
2. 30–045–11338–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 32–9 Unit #59
6. Blanco-Mesaverde Gas

7. San Juan NM
8. 9.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20216/NM–2399–79
2. 30–045–05905–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #67
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 9.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20217/NM–2298–79
2. 30–039–60072–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–6 Unit #7
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20218/NM–2397–79
2. 30–039–06919–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #28
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20219/NM–2396–79
2. 30–039–06909–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #39
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 17.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20220/NM–2395–79
2. 30–039–06891–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #34
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20221/NM–2369–79
2. 30–039–07351–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #26
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20222/NM–2370–79
2. 30–039–07365–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #25
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 17.5 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20223/NM–2371–79
2. 30–039–07367–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #32
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20224/NM–2372–79
2. 30–039–06173–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #28
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20225/NM–2373–79
2. 30–045–05966–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #70
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20226/NM–2374–79
2. 30–045–10811–0000–0
3. 108
4. El Paso Natural Gas Company
5. Day A 10
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 18.6 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20227/NM–2376–79
2. 30–039–06923–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #61
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20228/NM–2432–79
2. 30–045–06109–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #84
6. Kutz West-Pictured Cliffs Gas
7. San Juan NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20229/NM–2431–79
2. 30–039–05679–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #83
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20230/NM–2430–79
2. 30–039–05581–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #77
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20231/NM–2428–79
2. 30–039–07178–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #35
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20232/NM–2427–79
2. 30–045–06052–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #22
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 4.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20233/NM–2426–79
2. 30–045–06072–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #23
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 2.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20234/NM–2425–79
2. 30–045–06002–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #21
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 7.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20235/NM–2424–79
2. 30–039–07013–0000–0
3. 108
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #41
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20236/NM–2423–79
2. 30–039–06394–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation

1. 79–20237/NM–2422–79
2. 30–039–06360–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet
9. September 13, 1979

10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-20238/NM-2421-79
2. 30-039-05586-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20239/NM-2368-79
2. 30-039-05248-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla P #8
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20240/NM-2367-79
2. 30-039-05853-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla D #8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20241/NM-2366-79
2. 30-043-05177-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 183 #1
6. Ballard-Pictured Cliffs Gas
7. Sandoval NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20242/NM-2365-79
2. 30-039-05263-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla P #11
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20243/NM-2364-79
2. 30-039-06514-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-20244/NM-2363-79
2. 30-039-05833-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20245/NM-2362-79
2. 30-039-05810-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla D #10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20246/NM-2361-79
2. 30-039-20303-0000-0
3. 108
4. El Paso Natural Gas Company
5. Vaughn #11
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20247/NM-2360-79
2. 30-045-20670-0000-0
3. 108
4. El Paso Natural Gas Company
5. Feville A #4
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20248/NM-2331-79
2. 30-039-05484-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #46
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20249/NM-2083-79
2. 30-039-05949-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30441 Filed 10-1-79; 8:45 am]

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[No. 89]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 24, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

New Mexico Department of Energy and Minerals

Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-20330
2. 30-045-00000
3. 108
4. C & E Operators Inc
5. Utton #1
6. Aztec Pictured Cliffs
7. San Juan County NM
8. 3.6 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79-20331
2. 30-025-00000
3. 108
4. Texaco Inc
5. W L Nix #5
6. Drinkard (Drinkard)
7. Lea NM
8. 4.0 million cubic feet
9. September 13, 1979
10. Getty Oil Corp.

1. 79-20332
2. 30-025-00000
3. 108
4. Texaco Inc
5. EH B Phillips B No 2
6. Skaggs
7. Lea NM
8. 10.1 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co

1. 79-20333
2. 30-005-00000
3. 103
4. Shell Oil Company
5. McGrail No 3
6. CATO San Andres

7. Chaves NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Cities Service Oil Co.

1. 79–20334
2. 30–025–00000
3. 103
4. Shell Oil Company
5. State D 11–2
6. Maljamar Grayburg—San Andres
7. Lea NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co

1. 79–20335/3991
2. 30–015–21030
3. 108
4. Phillips Petroleum Company
5. Malaga—A No 1
6. Malaga Morrow
7. Eddy NM
8. 22.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20336
2. 30–025–00000
3. 103
4. Shell Oil Company
5. State D 11–1
6. Maljamar Grayburg—San Andres
7. Lea NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co

1. 79–20337
2. 30–005–00000
3. 103
4. Shell Oil Company
5. Crosby 2
6. Cato San Andres
7. Chaves NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Cities Service Oil Co

1. 79–20338
2. 30–025–26006
3. 103
4. Continental Oil Company
5. State KN–12 #3
6. Eumont-Monument
7. Lea NM
8. 225.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas

1. 79–20339
2. 30–025–26005
3. 103
4. Continental Oil Company
5. State F–1 #8
6. Arrowhead E–M–E
7. Lea NM
8. 52.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas

1. 79–20340
2. 30–025–26004
3. 103
4. Continental Oil Company
5. State F–1 #7
6. Arrowhead E–M–E
7. Lea NM
8. 115.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas

1. 79–20341
2. 30–025–26030
3. 103
4. Continental Oil Company
5. State KN–12 #4
6. Eumont-Monument
7. Lea NM
8. 120.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas

1. 79–20342
2. 30–025–00000
3. 108
4. Texaco Inc
5. Metlie Weatherly No 5
6. Penrose Skelly
7. Lea NM
8. 9.3 million cubic feet
9. September 13, 1979
10. Getty Oil Corp

1. 79–20343
2. 30–025–10336
3. 108
4. ZIA Energy Inc
5. State C No 1
6. Eumont
7. Lea NM
8. 3.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20344
2. 30–025–00000
3. 108
4. Texaco Inc
5. W L Nix #2
6. Drinkard
7. Lea NM
8. 3.9 million cubic feet
9. September 13, 1979
10. Getty Oil Company

1. 79–20345
2. 30–045–20294
3. 108
4. Amoco Production Company
5. State Gas Com BM #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20346
2. 30–045–07886
3. 108
4. Amoco Production Company
5. Gerk Gas Unit B #1
6. Basin-Dakota
7. San Juan, NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20347
2. 30–045–0795
3. 108
4. Amoco Production Company
5. Prespentt Gas Com #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20348
2. 30–045–07743
3. 108
4. Amoco Production Company
5. Keys Gas Com B #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20349
2. 30–045–11854
3. 108
4. Amoco Production Company
5. Gallegos Canyon Unit #256
6. Pinon-Fruitland
7. San Juan, NM
8. 21.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20350
2. 30–045–10091
3. 108
4. Amoco Production Company
5. State Gas Com BD #1
6. Basin-Dakota
7. San Juan, NM
8. 14.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20351
2. 30–045–10203
3. 108
4. Amoco Production Company
5. State Gas Com BC #1
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20352
2. 30–025–00000
3. 108
4. Texaco Inc
5. W L Nix No 3
6. Drinkard
7. Lea, NM
8. 3.6 million cubic feet
9. September 13, 1979
10. Getty Oil Corp

1. 79–20353
2. 30–045–21079
3. 108
4. Amoco Production Company
5. NYE Gas Com C #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20354
2. 30–045–12171
3. 108
4. Amoco Production Company
5. Snyder Gas Com B #1
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20355
2. 30–045–07991
3. 108
4. Amoco Production Company
5. Martinez Gas Com B #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20356

2. 30–045–13083
3. 108
4. Amoco Production Company
5. Lobato Gas Com D #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20357
2. 30–045–07688
3. 108
4. Amoco Production Company
5. State of New Mexico AX #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20358
2. 30–045–07949
3. 108
4. Amoco Production Company
5. Likens Gas Com B #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20359
2. 30–045–08644
3. 108
4. Amoco Production Company
5. State Gas Com Y #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 17.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20360
2. 30–045–21016
3. 108
4. Amoco Production Company
5. Keys Gas Com E #1
6. Mt Nebo-Fruitland
7. San Juan, NM
8. 5.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20361
2. 30–045–21020
3. 108
4. Amoco Production Company
5. Sammons Gas Com F #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 8.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20362
2. 30–045–08697
3. 108
4. Amoco Production Company
5. Archulets Gas Com A #2
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20363
2. 30–045–07817
3. 108
4. Amoco Production Company
5. Morris Gas Com #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20364
2. 30–045–09134
3. 108
4. Amoco Production Company
5. Duff Gas Com C #1
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20365
2. 30–045–21082
3. 108
4. Amoco Production Company
5. Jaquez Gas Com E #1
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20366
2. 30–045–07954
3. 108
4. Amoco Production Company
5. Haney Gas Com #1
6. Aztec-Pictured Cliffs
7. San Juan NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20367
2. 30–045–09680
3. 108
4. Amoco Production Company
5. Chrisman Gas Com #1
6. Basin-Dakota
7. San Juan NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20368
2. 30–045–00000
3. 108
4. Tenneco Oil Company
5. Aztec Com #4 #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20374
2. 30–045–22530
3. 103
4. Amoco Production Company
5. Schneider Gas Com #1A
6. Blanco Mesaverde
7. San Juan NM
8. 350.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20375
2. 30–045–22632
3. 103
4. Amoco Production Company
5. Martinez Gas Com A #1A
6. Blanco Mesaverde
7. San Juan NM
8. 220.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20376
2. 30–025–20058
3. 108
4. Phillips Petroleum Company
5. Vacuum ABO Unit No 08–12
6. Vacuum ABO Reef
7. LEA NM
8. 4.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20377
2. 30–025–02994
3. 108
4. Phillips Petroleum Company
5. Vacuum ABO Unit No 11–08
6. Vacuum ABO Reef
7. Lea NM
8. 8.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co

1. 79–20378
2. 30–045–22791
3. 103
4. Amoco Production Company
5. State Gas Com I #1A
6. Blanco Mesaverde
7. San Juan NM
8. 120.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20379
2. 30–025–00000
3. 108
4. Texaco Inc
5. J C Estlack #1
6. Tubb (Tubb Gas)
7. Lea NM
8. 8.7 million cubic feet
9. September 13, 1979
10. Getty Oil Corp

Ohio Department of Natural Resources Division of Oil and Gas

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–20380/01449
2. 34–083–22419–0014
3. 108
4. Jerry C Olds
5. Wolfe #2
6.
7. Knox OH
8. 2.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Transmission Corp

1. 79–20381/01450
2. 34–083–22469–0014
3. 108
4. Jerry C Olds
5. Wolfe #3
6.
7. Knox OH
8. 2.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Transmission Corp

1. 79–20382/01547
2. 34–133–20835–0014
3. 108

4. Nucorp Energy Company
5. R Carlisle Well #3
6.
7. Portage County OH
8. 9.0 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20383/01548
2. 34-133-20715-0014
3. 108
4. Nucorp Energy Company
5. Dornbirer Well #1
6.
7. Portage County OH
8. 4.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20384/01549
2. 34-133-20722-0014
3. 108
4. Nucorp Energy Company
5. Dornbirer Well #2
6.
7. Portage County OH
8. 4.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20385/01550
2. 34-133-20803-0014
3. 108
4. Nucorp Energy Company
5. Udall Cook Well #1
6.
7. Portage County OH
8. 6.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20386/01551
2. 34-133-20925-0014
3. 108
4. Nucorp Energy Company
5. Stavenger Well #2
6.
7. Portage County OH
8. 3.4 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20387/01552
2. 34-133-20808-0014
3. 108
4. Nucorp Energy Company
5. Sobwick Well #2
6.
7. Portage County OH
8. 5.3 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20388/01553
2. 34-133-20802-0014
3. 108
4. Nucorp Energy Company
5. Sobwick Well #1
6.
7. Portage County OH
8. 5.3 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20389/01554
2. 34-133-20922-0014
3. 108
4. Nucorp Energy Company
5. Ryder Well #5
6.
7. Portage County OH
8. 5.9 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20390/01555
2. 34-133-20826-0014
3. 108
4. Nucorp Energy Company
5. Ryder Well #3
6.
7. Portage County OH
8. 6.1 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20391/01556
2. 34-133-20909-0014
3. 108
4. Nucorp Energy Company
5. Pollock Well #4
6.
7. Portage County OH
8. 6.1 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20392/01557
2. 34-133-20728-0014
3. 108
4. Nucorp Energy Company
5. Dornbirer Well #3
6.
7. Portage County OH
8. 5.0 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20393/01558
2. 34-133-20765-0014
3. 108
4. Nucorp Energy Company
5. Hamburgh Well #1
6.
7. Portage County OH
8. 2.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20394/01559
2. 34-133-20766-0014
3. 108
4. Nucorp Energy Company
5. Hamburgh Well #2
6.
7. Portage County OH
8. 2.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20395/01560
2. 34-133-20554-0014
3. 108
4. Nucorp Energy Company
5. Kilbourn-Pochedly Well #4
6.
7. Portage County OH
8. 5.9 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20396/01561
2. 34-133-20555-0014
3. 108
4. Nucorp Energy Company
5. Kilbourn-Pochedly Well #2
6.
7. Portage County OH
8. 5.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20397/01562
2. 34-133-20769-0014
3. 108
4. Nucorp Energy Company
5. Mantsch Well #1
6.
7. Portage County OH
8. 3.6 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20398/01563
2. 34-133-20544-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #1
6.
7. Portage County OH
8. 2.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20399/01564
2. 34-133-20545-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #2
6.
7. Portage County OH
8. 3.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20400/01565
2. 34-133-20546-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #3
6.
7. Portage County OH
8. .6 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20401/01566
2. 34-133-20574-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #4
6.
7. Portage County OH
8. 5.4 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20402/01567
2. 34-133-21043-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #6
6.
7. Portage County OH
8. 6.3 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20403/01748
2. 34-151-22330-0014
3. 108
4. Nucorp Energy Company
5. Campbell Well #1-A
6.
7. Stark County OH
8. 13.3 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20404/01749
2. 34-151-22359-0014
3. 108
4. Nucorp Energy Company
5. Campbell Well #1-B
6.
7. Stark County OH

8. 9.9 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20405/01750
2. 34–151–22361–0014
3. 108
4. Nucorp Energy Company
5. Campbell Well #1–C
6.
7. Stark County OH
8. 16.1 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20406/01751
2. 34–169–21765–0014
3. 108
4. Nucorp Energy Company
5. J Cramer Well #1
6.
7. Wayne County OH
8. 15.1 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20407/01752
2. 34–029–20641–0014
3. 108
4. Nucorp Energy Company
5. Eckert Well #1–A
6.
7. Columbiana County OH
8. 2.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20408/01753
2. 34–151–22279–0014
3. 108
4. Nucorp Energy Company
5. E & J Miller Well #1
6.
7. Stark County OH
8. 14.6 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20409/01754
2. 34–029–20650–0014
3. 108
4. Nucorp Energy Company
5. Grim well #1–A
6.
7. Columbiana County OH
8. 8.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20410/01755
2. 34–151–22376–0014
3. 108
4. Nucorp Energy Company
5. Harrold well #1
6.
7. Stark County OH
8. 3.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20411/01756
2. 34–151–22324–0014
3. 108
4. Nucorp Energy Company
5. Helline well #1
6.
7. Stark County OH
8. 5.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20412/01757
2. 34–151–22194–0014
3. 108
4. Nucorp Energy Company
5. Indorf well #1
6.
7. Stark County OH
8. 3.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20413/01758
2. 34–169–21813–0014
3. 108
4. Nucorp Energy Company
5. Indorf well #2
6.
7. Wayne County OH
8. 3.3 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20414/01759
2. 34–169–21811–0014
3. 108
4. Nucorp Energy Company
5. Indorf well #3
6.
7. Wayne County OH
8. 3.3 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20415/01760
2. 34–151–22277–0014
3. 108
4. Nucorp Energy Company
5. Mose Miller well #1
6.
7. Stark County OH
8. 8.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20416/01761
2. 34–029–20649–0014
3. 108
4. Nucorp Energy Company
5. Quay well #1
6.
7. Columbiana County OH
8. 8.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20417/01771
2. 34–151–22364–0014
3. 108
4. Nucorp Energy Company
5. Weaver well #2
6.
7. Stark County OH
8. 11.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20418/01772
2. 34–151–22320–0014
3. 108
4. Nucorp Energy Company
5. Welsch well #1
6.
7. Stark County OH
8. 7.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20419/01773
2. 34–151–22670–014
3. 108
4. Nucorp Energy Company
5. Reed well #1
6.
7. Stark County OH
8. 3.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20420/01774
2. 34–151–22322–0014
3. 108
4. Nucorp Energy Company
5. Campbell well #1
6.
7. Stark County OH
8. 16.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20421/01775
2. 34–029–20667–0014
3. 108
4. Nucorp Energy Company
5. Burkhart well #1
6.
7. Columbiana County OH
8. 14.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20422/01776
2. 34–029–20663–0014
3. 108
4. Nucorp Energy Company
5. Boyce well #1
6.
7. Columbiana County OH
8. 4.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20423/01777
2. 34–029–20655–0014
3. 108
4. Nucorp Energy Company
5. P Andrews well #1
6.
7. Columbiana County OH
8. 11.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20424/01778
2. 34–151–22349–0014
3. 108
4. Nucorp Energy Company
5. John Andres well #1
6.
7. Stark County OH
8. 6.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20425/01779
2. 34–029–20638–0014
3. 108
4. Nucorp Energy Company
5. Alliance Clay well #1
6.
7. Columbiana County OH
8. .1 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20426/01780
2. 34–151–22350–0014
3. 108
4. Nucorp Energy Company
5. Andrew Miller well #1
6.
7. Stark County OH
8. .5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79–20427/02091

2. 34–133–20644–0014
3. 108
4. Nucorp Energy Company
5. Fidler #2
6.
7. Portage OH
8. 12.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20428/02092
2. 34–133–20645–0014
3. 108
4. Nucorp Energy Company
5. Fidler #1
6.
7. Portage OH
8. 6.1 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20429/02093
2. 34–133–20779–0014
3. 108
4. Nucorp Energy Company
5. Ellenberger #2
6.
7. Portage OH
8. 2.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20430/02094
2. 34–133–20823–0014
3. 108
4. Nucorp Energy Company
5. Fejedelem #1
6.
7. Portage OH
8. 13.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20431/02095
2. 34–133–20615–0014
3. 108
4. Nucorp Energy Company
5. Fenrich #1
6.
7. Portage OH
8. 6.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20432/02096
2. 34–133–20757–0014
3. 108
4. Nucorp Energy Company
5. Fenrich #2
6.
7. Portage OH
8. 6.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20433/02097
2. 34–133–20764–0014
3. 108
4. Nucorp Energy Company
5. Ellenberger #1
6.
7. Portage OH
8. 6.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20434/02098
2. 34–133–20809–0014
3. 108
4. Nucorp Energy Company
5. Dickerson #1
6.
7. Portage OH
8. 7.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20435/02099
2. 34–133–20542–0014
3. 108
4. Nucorp Energy Company
5. Derthick #2
6.
7. Portage OH
8. 3.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20436/02100
2. 34–133–20519–0014
3. 108
4. Nucorp Energy Company
5. Derthick #1
6.
7. Portage OH
8. 5.9 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20437/02101
2. 34–133–20592–0014
3. 108
4. Nucorp Energy Company
5. Corbett #1
6.
7. Portage OH
8. 2.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20438/02102
2. 34–133–20586–0014
3. 108
4. Nucorp Energy Company
5. Colescott-Schsuter #1
6.
7. Portage OH
8. 7.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20439/02103
2. 34–133–20599–0014
3. 108
4. Nucorp Energy Company
5. Bogden-Corea #1
6.
7. Portage OH
8. 4.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20440/02104
2. 34–133–20538–0014
3. 108
4. Nucorp Energy Company
5. Blazek 1–A
6.
7. Portage OH
8. 6.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20441/02105
2. 34–133–20646–0014
3. 108
4. Nucorp Energy Company
5. Bevington #1
6.
7. Portage OH
8. 5.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20442/02106
2. 34–133–20577–0014
3. 108
4. Nucorp Energy Company
5. Auth #3
6.
7. Portage OH
8. 6.0 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20443/02107
2. 34–133–20666–0014
3. 108
4. Nucorp Energy Company
5. Auth #2
6.
7. Portage OH
8. 2.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20444/01763
2. 34–029–20657–0014
3. 108
4. Nucorp Energy Company
5. Robert Freshly Well #1
6.
7. Columbiana County OH
8. 6.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company

1. 79–20445/01764
2. 34–151–22380–0014
3. 108
4. Nucorp Energy Company
5. Simon Well #1
6.
7. Stark County OH
8. 11.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company

1. 79–20446/01765
2. 34–151–22382–0014
3. 108
4. Nucorp Energy Company
5. Simon Well #2
6.
7. Stark County OH
8. 11.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company

1. 79–20447/01766
2. 34–151–22351–0014
3. 108
4. Nucorp Energy Company
5. Stark Wilderness #1
6.
7. Stark County OH
8. 13.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company

1. 79–20448/01767
2. 34–151–22317–0014
3. 108
4. Nucorp Energy Company
5. Swartzentruber Well #1
6.
7. Stark County OH
8. 13.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company

1. 79–20449/01769
2. 34–157–21812–0014
3. 108
4. Nucorp Energy Company
5. Vickers Well #1
6.

7. Tuscarawas County OH
8. 2.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company

1. 79–20450/02129
2. 34–133–20561–0014
3. 108
4. Nucorp Energy Company
5. Pierce-Anderla #1
6.
7. Portage OH
8. 5.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20451/02130
2. 34–133–20526–0014
3. 108
4. Nucorp Energy Company
5. Pierce #2
6.
7. Portage OH
8. 6.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20452/02131
2. 34–133–20523–0014
3. 108
4. Nucorp Energy Company
5. Pierce #1
6.
7. Portage OH
8. 6.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20453/02132
2. 34–133–20564–0014
3. 108
4. Nucorp Energy Company
5. Gould #3
6.
7. Portage OH
8. 8.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20454/02133
2. 34–151–21144–0014
3. 108
4. Nucorp Energy Company
5. Garaux Well #1
6.
7. Stark County OH
8. 8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20455/02134
2. 34–133–20568–0014
3. 108
4. Nucorp Energy Company
5. Gould #2
6.
7. Portage OH
8. 8.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20456/02135
2. 34–133–20622–0014
3. 108
4. Nucorp Energy Company
5. Fritinger #3
6.
7. Portage OH
8. 3.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20457/02136
2. 34–133–20524–0014
3. 108
4. Nucorp Energy Company
5. Gould #1
6.
7. Portage OH
8. 4.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20458/02137
2. 34–133–20563–0014
3. 108
4. Nucorp Energy Company
5. Zemba #1
6.
7. Portage OH
8. 8.8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20459/02138
2. 34–133–20832–0014
3. 108
4. Nucorp Energy Company
5. Weber #2
6.
7. Portage OH
8. 41.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20460/02139
2. 34–133–20832–0014
3. 108
4. Nucorp Energy Company
5. Weber #1
6.
7. Portage OH
8. 8.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20461/02140
2. 34–133–20541–0014
3. 108
4. Nucorp Energy Company
5. Vieland #1
6.
7. Portage OH
8. 6.8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20462/02141
2. 34–133–20550–0014
3. 108
4. Nucorp Energy Company
5. Taylor #1
6.
7. Portage OH
8. 8.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20463/02142
2. 34–029–20686–0014
3. 108
4. Nucorp Energy Company
5. Mudrak Well #1
6.
7. Columbiana County OH
8. 14 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20464/02143
2. 34–029–20641–0014
3. 108
4. Nucorp Energy Company
5. M Kitzmiller Well #1
6.
7. Columbiana County OH
8. 14.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20465/02144
2. 34–151–21209–0014
3. 108
4. Nucorp Energy Company
5. Lincoln Realty Unit Well #1
6.
7. Stark County OH
8. 1 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20466/02145
2. 34–151–22442–0014
3. 108
4. Nucorp Energy Company
5. Kovach Well #1
6.
7. Stark County OH
8. 6.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20467/02146
2. 34–029–20587–0014
3. 108
4. Nucorp Energy Company
5. Klopfenstein-Cameron Well #1
6.
7. Columbiana County OH
8. 8.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20468/02147
2. 34–151–21290–0014
3. 108
4. Nucorp Energy Company
5. Kinsinger Well #1
6.
7. Stark County OH
8. 9 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20469/02148
2. 34–029–20670–0014
3. 108
4. Nucorp Energy Company
5. Johnson Well #1
6.
7. Columbiana Count OH
8. 6.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

1. 79–20470/02149
2. 34–029–20682–0014
3. 108
4. Nucorp Energy Company
5. Hutter-Kimble Well #1
6.
7. Columbiana County OH
8. 3.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

Texas Railroad Commission Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume

9. Date received at FERC
10. Purchaser(s)
1. 79–20273/06151
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 278
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 1, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20274/06155
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 282
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20275/06156
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 270
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20276/06157
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 280
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20277/06159
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 223
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20278/06187
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 2
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20279/06190
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 238
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20280/06184
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 232
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20281/06185
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 261
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20282/06183
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 276
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20283/06180
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 271
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20284/06169
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 257
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20285/02562
2. 42–179–26113
3. 108
4. El Paso Natural Gas Company
5. Hudgins C 1
6. Panhandle East
7. Gray TX
8. 11.5 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20286/02607
2. 42–435–19198
3. 108
4. El Paso Natural Gas Company
5. Davis C 1
6. Sonora (Canyon Upper)
7. Sutton TX
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20287/02608
2. 42–179–37363
3. 108
4. El Paso Natural Gas Company
5. Hudgins C #4
6. Panhandle East
7. Gray TX
8. 11.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20288/03906
2. 42–435–19209
3. 108
4. El Paso Natural Gas Company
5. Deberry A 17
6. Sonora (Canyon Upper)
7. Sutton TX
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20289/03326
2. 42–129–23734
3. 108
4. El Paso Natural Gas Company
5. Lewis 6
6. Panhandle West
7. Donley TX
8. 16.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20290/03322
2. 42–179–23726
3. 108
4. El Paso Natural Gas Company
5. Johnson B 1
6. Panhandle West
7. Gray TX
8. 8.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20291/03318
2. 42–179–23732
3. 108
4. El Paso Natural Gas Company
5. Lewis 1
6. Panhandle West
7. Gray TX
8. 7.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20292/03312
2. 42–179–23686
3. 108
4. El Paso Natural Gas Company
5. Andrews No. 1
6. Panhandle West
7. Gray, TX
8. 17.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79–20293/06144
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 256
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20294/06130
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 237
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79–20295/02520

2. 42–087–26279
3. 108
4. El Paso Natural Gas Company
5. Tinsley No. 2
6. Panhandle East
7. Collingsworth, TX
8. 14.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20296/02564
2. 42–087–26274
3. 108
4. El Paso Natural Gas Company
5. Smith B No. 4
6. Panhandle East
7. Collingsworth, TX
8. 3.6 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20297/02605
2. 42–483–26169
3. 108
4. El Paso Natural Gas Company
5. McAllister No. 1
6. Panhandle East
7. Wheeler, TX
8. 7.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20298/04457
2. 42–383–31189
3. 103
4. Houston Oil & Minerals Corp
5. Merchant Estate 14 No. 5
6. Spraberry (Trend Area)
7. Reagan, TX
8. 37.0 million cubic feet
9. September 13, 1979
10. Union Texas Petroleum

1. 79–20299/03940
2. 42–087–10555
3. 108
4. El Paso Natural Gas Company
5. Bell No. 2–A
6. Panhandle East
7. Collingsworth, TX
8. 14.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20300/03331
2. 42–211–30157
3. 108
4. El Paso Natural Gas Company
5. Hobart Ranch No. 2
6. Hemphill (Granite Wash)
7. Hemphill, TX
8. 5.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20301/03327
2. 42–179–23737
3. 108
4. El Paso Natural Gas Company
5. Massey No. 1
6. Panhandle West
7. Gray, TX
8. 13.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20302/03325
2. 42–179–23705
3. 108
4. El Paso Natural Gas Company
5. Fowler C1
6. Panhandle West
7. Gray, TX
8. 3.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–203303/03319
2. 42–179–23687
3. 108
4. El Paso Natural Gas Company
5. Barker A1
6. Panhandle West
7. Gray, TX
8. 8.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

1. 79–20304/06147
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 220
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20305/06132
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 4
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20306/06129
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 219
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20307/06149
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 6
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20308/06150
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 236
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20309/06153
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 260
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20310/06152
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 277
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20311/06148
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 4
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20312/06166
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 268
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20313/06160
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 229
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20314/06164
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 263
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20315/06163
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 267
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20316/06165
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 269
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20317/06176
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 233
6. Panhandle

7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20318/06175
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 274
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20319/06179
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 217
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20320/06191
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 235
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20321/06192
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 281
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20322/06193
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 221
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20323/06360
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 275
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20324/06210
2. 42–105–00000
3. 103 Denied
4. Leede Oil & Gas Inc.
5. University #50–2
6. Farmer (San Andres)
7. Crockett, TX
8. 24.1 million cubic feet
9. September 13, 1979
10. Big Lake Gas Corporation

1. 79–20325/06378
2. 42–065–00000
3. 103
4. Getty Oil Company
5. Schafer Ranch No 272
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20326/06213
2. 42–105–00000
3. 103
4. Leede Oil & Gas Inc.
5. University #50–3
6. Farm (San Andres)
7. Crockett, TX
8. 24.1 million cubic feet
9. September 13, 1979
10. Big Lake Gas Corporation

1. 79–20327/06196
2. 42–065–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 266
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

1. 79–20328/06425
2. 42–105–00000
3. 103
4. Leede Oil & Gas Inc.
5. University #50A
6. Farmer (San Andres)
7. Crockett, TX
8. 25.0 million cubic feet
9. September 13, 1979
10. Big Lake Gas Corporation

1. 79–20329/06186
2. 42–106–00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 279
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

U.S. Geological Survey, Metairie, La.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–20371/G9–572
2. 17–708–40193–0000–0
3. 102 Denied
4. Amoco Production Company
5. OCS–G2882 No A–10
6. South Marsh Island
7. 125
8. 15.0 million cubic feet
9. September 14, 1979
10. Sea Robin Pipeline Co. Florida Gas Transmission Co Florida Power & Light Co

1. 79–20372/G9–397
2. 17–715–40232–00S1–0
3. 102
4. Gulf Oil Corporation
5. OCS G–3336 No E–4
6. South Timbalier Blk 37
7. 35
8. 2135.0 million cubic feet
9. September 13, 1979
10. Texas Eastern Transmission Corp.

1. 79–20373/G9–396
2. 17–715–40200–01S1–0
3. 102
4. Gulf Oil Corporation
5. OCS G 3336 No D–6
6. South Timbalier Blk 37
7. 35
8. 2200.0 million cubic feet
9. September 13, 1979
10. Texas Eastern Transmission Corp.

U.S. Geological Survey, Albuquerque, N. Mex

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–20369/NM–155–78
2. 30–045–22343–0000–0
3. 108
4. J G Merrion & R L Bayless
5. Chaco #3
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 10.4 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Comp

1. 79–20370/NM1820–79
2. 30–025–23650–0000–0
3. 108
4. Tahoe Oil & Cattle Co
5. Arco #1
6. West Sawyer, San Andres
7. Lea, NM
8. 2.0 million cubic feet
9. September 12, 1979
10. Cities Service Company Transwestern Pipeline Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc 79–30443 Filed 10–01–79; 8:45 am]

BILLING CODE 6450–01–M

PANAMA CANAL COMPANY

Increase in Tolls for Use of Panama Canal

AGENCY: Panama Canal Company.

SUMMARY: On March 30, 1979, the Panama Canal Company announced a proposed increase in tolls for use of the Panama Canal, to be effective on October 1, 1979. (44 FR 18994). Statutory provisions concerning notice, public hearing and Presidential approval, and the Company's rulemaking procedures would apply and were explained in the notice.

On September 27, 1979, the President signed into law the Panama Canal Act of 1979 (Pub. L. 96–70). Section 1605 of that statute, which became effective on enactment, provides that the Company may change the rates of tolls for use of the Panama Canal during the fiscal year beginning on October 1, 1979, without regard to the procedures required for future increases. Rates of tolls for use of the canal are to be prescribed under the provisions of section 1602(b) of the Act, and any increase under section 1605 requires Presidential approval and becomes effective on the date prescribed by him.

ACTION: *Notice of increase in tolls for use of the Panama Canal.* Notice is hereby given that in accordance with sections 1602(b) and 1605 of the Panama Canal Act of 1979, the rates of tolls prescribed by the Panama Canal Company and approved by the President which have been in effect since November 18, 1976, are changed as follows:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, $1.67 per net vessel ton of 100 cubic feet each of actual earning capacity determined in accordance with the rules for the measurement of vessels for the Panama Canal.

(b) On vessels in ballast without passengers or cargo, $1.33 per net vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, $0.93 per ton of displacement.

Notice is also given that, due to the foregoing action by the Company and the President, the proposal to increase tolls initiated on March 30, 1979, is cancelled.

EFFECTIVE DATE: The foregoing changes in the toll rates have been approved by the President and, as prescribed by him, will become effective on October 1, 1979.

FOR FURTHER INFORMATION CONTACT:
Thomas M. Constant, Secretary, Panama Canal Company, 425—13th Street, N.W., Washington, D.C. 20004, Phone: (202) 724–0104.

Dated: September 29, 1979.

Hazel M. Murdock,

Assistant to the Secretary.

[FR Doc. 79–30653 Filed 10–1–79; 11:02 am]

BILLING CODE 3640–01–M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 192
Tuesday, October 2, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-249, Amdt. 2; Sept. 26, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition and deletion of item to the September 27, 1979, meeting.

TIME AND DATE: 9:30 A.M., SEPTEMBER 27, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1a. Docket 32581, Agreements Adopted by the International Air Transport Association Relating to the Traffic Conferences (Memo 9171, OGC).

29. Dockets 35893, 36005, 36020, 36024, 36031, 36033, 36035, 36036, 36049, 36052, 36054, and 36057; Boston/Philadelphia/Washington-Orlando Show-Cause Proceeding (BDA, BIA, OGC) (Boston Portion).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The short notice request if necessary to assure, if the Board adopts the draft order, timely receipt and consideration of the Department of State's classified testimony by the Board prior to the October 1979 legislative hearings in this proceeding. Item 29 is being deleted because the programmatic Environmental Impact Statement will be ready for Board consideration at next week's meeting and the staff believes that it would be helpful to consider the Massport question at the same time. Accordingly, the following Members have voted that agency business requires the addition of Item 1a and the deletion of Item 29 from the September 27, 1979 agenda and that no earlier announcement of these changes was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer.

[S-1917-79 Filed 9-28-79; 2:47 pm]

BILLING CODE 6320-01-M

2

[M-250; Sept. 27, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., October 4, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 32485, *Baltimore/Washington-St. Louis Route Proceeding*—Memorandum of Issues and Questions for Instructions (For Information Memo dated September 21, 1979, OGC).

3. Dockets 32393, 32394, 32395 and 33361, *Former Large Irregular Air Service Investigation* (Conner Air Air Lines, Inc. and F.A. Conner)—Order on Discretionary Review (OGC).

4. Docket 35661-Minimum charter size reduction for Overseas Military Personnel Charters (Memo 8830-A, OGC, BDA).

5. Docket 35471 Petition by the Aviation Consumer Action Project to establish separate subaccounts in Part 241 in which carriers would list each expense incurred as a result of their discriminatory employment practices (OGC).

6. Draft Program Environmental and Energy Impact Statement on Multiple Permissive Entry Policy (BDA, OEA, OGC).

7. Dockets 35893, 36005, 36020, 36024, 36031, 36033, 36035, 36036, 36049, 36052, 36054, and 36057; Boston/Philadelphia/Washington-Orlando Show-Cause Proceeding (Boston Portion) (BDA, BIA OGC).

8. Docket 35254, et al.—Boston-Detroit Show-Cause Proceeding (Memo 8628-A, BDA).

9. Docket 35492, Boston-Dallas/Fort Worth-Houston Show Cause Proceeding; New or amended Applications for Boston-DFW/Houston authority of Braniff (Docket 33516), Ozark (Doc 34001), TXI (Doc 35663), Western (Doc 35672), Delta (Doc 35668), USAir (Doc 33645), Northwest (Doc 33623) and Republic (Doc 35671) application of American (Doc 3562 for Boston-Houston authority; application of Eastern (Doc 35655) for Boston-DFW authority (Memo 8686-B, BDA).

9a. Docket 34681, Request for instructions on Carrier Selection, Upstate New York case (BDA, OGC, OEA).

10. Dockets 36069 and 36225, Applications of USAir and Piedmont for Louisville-Columbus, Ohio Authority, Carriers Request Show-Cause Procedures Pursuant to Subpart Q, (BDA, OGC, BLJ).

11. Docket 35362, *New Orleans-Baltimore/Washington Show-Cause Proceeding*, applications by Texas International, Braniff, Northwest, USAir, Ozark, Continental, Western, Republic, and American for certificate authority (BDA).

12. Docket 36175, *Salt Lake City-Reno/Las Vegas Show-Cause Proceeding;* (Memo 8985-A, BDA).

13. Docket 36369, Application of Air Wisconsin for Columbus-Indianapolis-Lafayette authority (BDA).

14. Dockets 36203, 36311 and 36309—Applications of Eastern and USAir for Atlanta-Rochester, N.Y., authority, and Eastern's request for an exemption, pendente lite; (Memo 9168, BDA).

15. Docket 36107, Application of Northwest for Anchorage-Honolulu authority (BDA).

16. Docket 32747 Air North, Inc., application for a certificate of public convenience and necessity under section 401 of the Act (Memo 9169, BDA, OGC, BLJ).

17. Dockets 34775, 35022, 35179, and 35584—Applications of Continental, Braniff, National and Airwest for Spokane-Denver authority (Memo 8550-C, BDA).

18. Docket 34793, Notice of Intent of United Air Lines to suspend service at Visalia, California (BDA).

19. Docket 36193—United's notice of intent to suspend service at Atlanta, Georgia (BDA).

Closed

20. Docket 28672—IATA Agreements Concerning Agency Matters Uniform Commission Rates, Reconsideration of Order 78-8-87; Request for instructions (OGC).

21. Docket 30332, Agreements CAB 27769-R5 and R-6; Docket 30777 Agreements CAB 27770-R10 and -R11; Agreements among members of IATA setting interline service charges (Memo 9048, BDA, OGC, BLJ, BIA).

STATUS: 1-19 Open 20-21 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202 673-5068.

SUPPLEMENTARY INFORMATION: premature public disclosure of opinions, evaluations, and strategies could seriously compromise the ability of the United States to achieve objectives which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman, Marvin S. Cohen

Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen, Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Director.—Mr. Michael E. Levine and Mr. Steven A. Rothenberg.
Office of the General Counsel.—Ms. Mary Schuman, Mr. Gary J. Edles, Mr. Dan D. Campbell, and Ms. Mary E. Allendorfer.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.
Bureau of Consumer Protection.—Mr. John T. Golden and Ms. Patricia Kennedy.
Bureau of Domestic Aviation.—Ms. Barbara A. Clark, Mr. Mark S. Kahan, Mr. Paul H. Karlsson, Mr. Paul L. Gretch, Mr. James Saltsman, Mr. Kevin Kennedy, and Mr. Curtis B. Maloy.
Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Ivars V. Mellups, Mr. Parlen L. McKenna, Mr. Richard M. Loughlin, Mr. Regis P. Milan, Mr. Herbert P. Aswall, and Mr. John H. Kiser.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes,

General Counsel.

[S-1918-79 Filed 9-28-79; 2:47 pm]

BILLING CODE 6320-01-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 28, 1979, 44 FR 56096.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: October 3, 1979, 10 a.m.

CHANGE IN THE MEETING: The description of item 5 on the open portion is corrected to read:

5. Matson Navigation Company—60 Percent Increase in Wharfage Charges at U.S. West Coast Ports Only in Tariffs FMC–F Nos. 165, 166 and 167.

[S-1919-79 Filed 9-28-79; 2:47 pm]

BILLING CODE 6730-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: October 2, 1979, 11 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Korean Cargo Preference Law—State Department Briefing. PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S-1920-79 Filed 9-28-79; 2:47 pm]

BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 11 a.m., Friday, October 5, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed revisions to the Board's policy regarding consultants.
2. Issues related to employee compensation. (This matter was originally announced for a meeting on September 28, 1979).
3. Personnel actions (appointments, promotions, assignments, and salary actions) involving individual Federal Reserve System employees.
4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204.

Dated: September 27, 1979.

Griffith Garwood,

Deputy Secretary of the Board.

[S-1911-79 Filed 9-28-79; 9:40 am]

BILLING CODE 6210-01-M

6

NATIONAL CREDIT UNION ADMINISTATION.

TIME AND DATE: 9:30 a.m., Thursday, October 4, 1979.

PLACE: 2025 M Street NW, Washington, D.C., 4th Floor Conference Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Final Rule, Corporate Central Federal Credit Union.
2. Delegations to Executive Resources Board.
3. The current economic situation as it may affect the Federal credit union loan interest ceiling.
4. Applications for charters, amendments to charters, bylaw amendment, mergers and insurance as may be pending at that time.
5. Review of Central Liquidity Facility lending rates.

RECESS: 10:30 a.m.

TIME AND DATE: 11 a.m., October 4, 1979.

PLACE: 2025 M Street NW, Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Administrative Actions. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
3. Any agenda items carried forward from a previously announced closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, Telephone (202) 254–9800.

[S-1913-79 Filed 9-28-79; 11:52 am]

BILLING CODE 7535-01-M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Open.

CHANGES IN THE MEETING: Additional items considered and carried forward.

1. Central Liquidity Facility lending rate.
2. Approval of depositories for the Central Liquidity Facility.

Upon recommendation from staff that agency business required prompt consideration of these two items, and that seven days prior notice was not possible, the Board unanimously voted at the meeting to consider these two items then at its open session.

Proposed modification of Interagency Truth-in-Lending Reimbursement Program postponed until October 10, 1979 meeting.

TIME AND DATE: 11 a.m., Wednesday, September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

CHANGES IN THE MEETING: Vote to recess and continue meeting at another time.

At this previously announced closed session to consider, among other things, requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to permit their closing the Board determined that it needed additional information in the case of one credit union before it could make a decision. Therefore, the Board unanimously voted to recess and reconvene on Monday, October 1st, when it would have and be able to consider the information.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 254—9800.

[S-1912-79 Filed 9-28-79; 11:52 am]

BILLING CODE 7535-01-M

federal register

Tuesday,
October 2, 1979

Part II

Environmental Protection Agency

Proposed Rule and Interim Guidance for Notification of Export for Polychlorinated Biphenyls and Fully Halogenated Chlorofluoralkanes

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 707

[OTS-120001; FRL 980-8]

Notification of Export for Polychlorinated Biphenyls and Fully Halogenated Chlorofluoralkanes.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule and Interim Guidance for Polychlorinated Biphenyls and Fully Halogenated Chlorofluoralkanes.

SUMMARY: The Environmental Protection Agency (EPA) solicits public comment on the following proposed rule regarding the procedures for submitting export notifications under section 12(b) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2611(b). These notices are statutorily required whenever certain regulatory actions are taken with respect to a chemical substance or mixture under section 4, 5, 6, or 7 of the TSCA. In addition, the procedures proposed herein will supersede, effective immediately, earlier interim guidance published in the June 7, 1978, **Federal Register** (43 FR 24818) regarding notifications of export for fully halogenated chlorofluoralkanes (chlorofluorocarbons) and polychlorinated biphenyls (PCBs).

DATES: Written comments must be submitted prior to December 31, 1979.

ADDRESS: Written views and comments should bear the document control number OTS-120001 and should be submitted to the U.S. Environmental Protection Agency, Office of Toxic Substances, Chemical Information Division (TS-793), 401 M Street, SW, Washington, DC 20460, Attention: Document Control Officer. All written comments filed pursuant to this notice will be available for public inspection in the Office of Toxic Substances, Room 447 East Tower from 9:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; or call 800-424-9065, or, in Washington, call 554-1404.

SUPPLEMENTARY INFORMATION: Section 12(b) of the TSCA requires that any person who exports or intends to export a chemical substance or mixture for which the submission of data is required under section 4 or 5(b), for which an order has been issued under section 5, for which a rule has been proposed or promulgated under section 5 or 6, or with respect to which an action is pending, or relief has been granted under section 5 or 7, must so notify the Administrator. Upon receipt of such notification, section 12(b) requires EPA to furnish the government of the importing country with:

1. Notice of such rule, order, action, or relief under section 5, 6, or 7; or

2. Notice of the availability of data received pursuant to action under section 4 or 5(b).

EPA published interim guidance in the June 7, 1978, **Federal Register** outlining procedures for submitting notification of export for chlorofluorocarbons and polychlorinated biphenyls (the two chemicals presently regulated under section 6). EPA now proposes final procedural and interpretive rules applicable to the export of any chemical substance or mixture subject to section 12(b)

This rule requires exporters to submit, for each regulated chemical, a single notice each year for each country to which the chemical is exported. Notice must be submitted to EPA by letter and include the following: the name and address of the exporter, the name of the chemical, the country of import, and the EPA action which precipitated notification. The Agency, in turn, will advise the country of import of the U.S. regulatory action. No notification is required for the export of articles, except in the case of PCBs described herein.

Contents and Frequency of Notice

Neither TSCA nor its legislative history provides definitive guidance as to the implementation of section 12(b). The conference report states that EPA should provide information to foreign governments so that they may protect their own citizens, but does not specify in detail the contents of the notice, how often EPA and the foreign governments are to be notified, or whether the exporter and EPA must provide advance notice of export. In order to resolve these questions, EPA analyzed the various possible purposes that could be attributed to the section 12(b) notice.

One possible interpretation of section 12(b) is that the notice is to contain sufficient information to enable foreign governments to assess the hazards posed by—and, if indicated, stop—individual, specific shipments of chemicals being imported from the United States. The alternative construction is that section 12(b) is primarily intended to alert and inform foreign countries in a more general way of possible health and environmental hazards that may be associated with the chemical. The absence of any reporting mandate—beyond the bare requirement to inform a foreign country of EPA's domestic regulatory actions, and of the availability of certain health effects data—suggests that the intended focus of the notice is on the chemical and what EPA has done, rather than on specific export shipments from the United States. We have concluded, moreover, that the narrower construction is preferable for several policy reasons.

To implement the broader option, EPA would have to require substantially more information from the exporter than the statute would appear to require. To react effectively, the foreign government would need such information as the date of shipment, the anticipated date of arrival, the port of entry, the exporter's and importer's names and addresses, the generic and trade names of the chemical (for identification purposes), and, possibly, the quantity being shipped. As noted above, the language of section 12(b) simply indicates that EPA is to notify the foreign country of domestic actions taken under TSCA, and is silent on whether to do so in conjunction with each shipment. We are reluctant to infer a broader purpose to section 12(b), given (1) EPA's policy of minimizing excessive and burdensome reporting requirements, (2) the lack of assurance that foreign governments actually want such information (cf., item 2 of official rulemaking record), and (3) the uncertainty that such information would be useful or sufficient. There is also some concern that confidentiality problems would arise in releasing commercial information to foreign governments.

Accordingly, the Agency has determined that the section 12(b) notice should be designed to inform the foreign government of EPA's domestic actions under TSCA and of the availability of health effects data submitted pursuant to section 4 or 5(b), but not to provide information on specific U.S. shipments. Therefore, no purpose would be served by requiring exporters to notify EPA of each shipment; instead they will simply be required to submit, for each regulated chemical, a single notice each calendar year for each country to which the chemical is exported.

A related issue is the timing of exporter notice to EPA. The statute refers to "export or intent to export". EPA could require two notices—one for intent to export, and one at the time of actual export. However, such a two-step notice system would be burdensome and of no apparent utility since EPA

does not propose to provide foreign governments with notice of each shipment. Therefore, this rules requires only a single notice of either export or intent to export. However, a notice of *intent* to export must be based on a definite contractual obligation to export the regulated chemical. If no such contractual obligation exists, export must be considered hypothetical and not reportable. All notices of export must be submitted no later than seven days after shipment. Seven days was selected in order to give exporters sufficient time to notify EPA, while assuring that EPA will receive information in a timely fashion so as to notify the foreign government. Notices of intent to export must be submitted in the same calendar year as the date of export shipment.

The issue of whether some estimate of the quantity being exported should be included in the notice to EPA has also been considered. Such a provision, for example, might require an annual estimate of the quantity of the chemical to be exported to the given country. The purpose would be to provide the importing country with data that might help it assess the potential risk associated with the specific amounts of the chemical being imported from the United States. The Agency does not intend to require such estimates of quantity because, as noted above, EPA believes the section 12(b) rule should be designed to alert the importing nations as to the domestic regulatory action taken under TSCA, and to the inherent properties of the chemical that prompted that action, rather than to the particular hazard that might be associated with specific amounts imported from the United States. Moreover, reporting such estimates would substantially increase the reporting burden on both exporters and the EPA, and would probably raise confidentiality problems. Finally, there is the question of whether this information would actually be useful to the importing country if it did not have comparable data regarding the amounts imported from other nations. Therefore, quantity information is not required by the proposed rule.

EPA has explored the possibility of using export data already generated under Department of Commerce, Bureau of the Census requirements, in lieu of the notice proposed here, as a source of the information EPA needs in order to inform foreign governments.

Under the existing Department of Commerce regulations, exporters must file for each export a completed *Shipper's Export Declaration* form. The Bureau of the Census compiles, from the data on these forms, a publicly available monthly listing (EM 522) of all exports for the preceding month. This listing includes the name and identifying "Schedule B" number of the exported commodity, the country of import, and the quantity and value of the shipment.

Theoretically, EPA could, in some cases, simply:

(1) Ascertain the Schedule B number assigned by Census to each substance for which notification is required under section 12(b);

(2) Determine, from Census publication EM 522 each month, which of these substances have been exported, and to which countries; and

(3) Notify the governments of those countries in accordance with the procedures recommended in this proposal.

Initial discussions with Census indicated that this approach was workable. However, a number of problems surfaced in later discussions which make direct notification to EPA more practical.

First, Census data could not be used in all cases. Constraints imposed on the Census system by the Foreign Trade Statistics Act prevent assignment in many cases of substance-specific Schedule B numbers for TSCA regulated chemicals. Without these numbers, Census data would be unusable for section 12(b) purposes. In such cases, exporters would be required to report directly to EPA. In addition, even if Schedule B numbers were assigned to TSCA chemicals, these numbers would be subject to change as the Census system changes. The result would be confusion for both EPA and the exporter.

Secondly, there are several exemptions to the requirement to file a *Shipper's Export Declaration* form, but the section 12(b) requirements have no corresponding exemptions. This situation would again require direct notification to EPA.

Thirdly, Census data for a specific substance would not be available for six to eight weeks following export. By the time EPA receives the data and reviews it for TSCA regulated substances, many weeks would have elapsed before the importing country could be notified. This is not consistent with our intent to provide notice in a timely fashion.

In view of the fact that only minimal information is being required, and that using Census data would be complicated and confusing for both EPA and exporters, this rule proposes that exporters notify EPA directly in all cases.

Another issue is whether notice must be given to EPA if the chemical is being exported for a use, or in a manner, that is not regulated domestically under the relevant section 4, 5, 6 or 7 rule or order. The statutory exprt notification requirement pertains to the chemical substance or mixture itself, and is not qualified by, nor limited to, the nature of the domestic TSCA regulation. Thus, for example, exporters of chlorofluorcarbons are required to submit notices whether they are exporting for regulated (aerosol propellant) or unregulated (e.g., refrigerant) uses.

It is doubtful that EPA has the discretion to waive this requirement, nor is EPA convinced such a waiver would be wise. First, the task of determining whether the intended uses of specific shipments fell within the scope of the domestic regulation would probably be more difficult than simply routinely notifying the Administrator; in many cases the exporter will not know the intended uses. Secondly, if some exporters did receive a waiver, EPA would have no way of knowing whether an exporter's failure to report was because he was exempt or because he was violating section 12. Finally, the fact that EPA regulated the chemical, if not the use of process for which exported, is still pertinent to the foreign government. Different circumstances in the foreign country may point to a different regulatory emphasis than that taken by EPA (including a decision to regulate the chemical in a manner different than EPA chose).

Explanation of the Notice

This rule would require exporters to submit to EPA, by letter, the following information: the name and address of the exporter, the section of TSCA under which EPA has taken its most recent action, the country of import, the date of export or intended export, and the name of the regulated chemcial substance or mixture as it appears in the EPA action under section 4, 5, 6, or 7 (unless the action refers to a category of chemicals, in which case the preferred name of the chemical within the category as it appears in Volume I of the EPA Chemical Substance Inventory should be given). It should be noted that notice of export is required for chemicals subject to *proposed* and final rules under section 5 or 6. Of course, when a rule becomes final, notice will no longer be required under the proposed rule.

Notice is required under section 12(b) for PCBs and PCB items, except PCB equipment, exported for any purpose other than disposal. PCBs and PCB items have the definitions published in 40 CFR 761.2(s) and 761.2(x) respectively. Notice of export for PCBs and PCB items for

disposal is required under section 6 of TSCA, see 40 CFR 761.30(c)(3).

The definition of exporter has been adapted from that set forth in the Export Administration Regulations 15 CFR Section 370.2(a)(28). This definition was incorporated because it is already commonly understood by the export community.

EPA Notification to Foreign Governments

EPA considered the issue of whether it must notify foreign governments the first time it receives a notice from each exporter. The statute is unclear on the point. Since notifying previously alerted foreign governments when additional reports are filed by new exporters would be meaningless in the absence of further information, EPA does not propose to send out such additional notices. (However, TSCA section 12(b) still requires each exporter to notify EPA; this is necessary because exporters have no way of knowing whether any other exporters have previously submitted notices applicable to a specific chemical and country.)

EPA will notify the country of import within seven working days after receipt of the first annual notification of export for the particular chemical subject to the EPA action. The notice will be sent to the country's embassy in Washington, DC, and will include a request that an official be designated to receive any subsequent notices. In the absence of an embassy, the assistance of the State Department will be sought in determining the appropriate counterpart recipient. A copy of all notices will be sent to the State Department.

The notice will (a) summarize the pertinent regulatory actions that have been taken, or indicate the availability of data that have been or will be received pursuant to any relevant section 4 or 5(b) action; (b) have attached a copy of the pertinent **Federal Register** notice; and (c) provide the name of an individual to contact should the foreign government seek further information.

Interim Guidance for Reporting Exports of PCBs and Chlorofluorocarbons

In addition to serving as a proposed rule, these procedures immediately supersede earlier interim guidance published in the June 7, 1978, **Federal Register** (43 FR 24818) regarding notifications of export for PCB's and chlorofluorocarbons. Such notices should now be submitted in accordance with the procedures at sections 707.1, 707.3, and 707.4 of this proposed Part. This step is being taken because the June 1978 guidance has proved to be too general to be truly useful. The Agency will of course revise these procedures as appropriate after comments are received and reviewed.

Sunset Provision

Internal EPA regulations state that any new reporting requirement must contain a provision for repealing that requirement on a specific date within five years after its promulgation. The general requirements to provide notice of export are exempt from the imposition of such a "sunset" provision because these notices are required by statute. However, the statute does not specifically address the duration of the notice requirement for a given chemical. Therefore, the Agency is considering whether to adopt a sunset provision governing the reporting for a particular chemical. It is likely that export notifications to foreign governments for the same chemical will become less useful over time, since no new information will be imparted by repetitive notices to the same country. On the other hand, if a sunset provision is adopted, a country to which a chemical is exported for the first time after the sunset provision takes effect may not become aware of EPA action on the chemical. The likelihood of this is unknown. The Agency invites comment on whether this rule should include a sunset provision governing the duration of the reporting requirement.

Official Rulemaking Record

EPA has established the official record for this rule (docket number OTS 120001) which is available for public inspection in the Office of Toxic Substances, Room 447 East Tower from 9 a.m. to 5 p.m. on working days. This record includes (1) the rule being reviewed, (2) written comments, and (3) any other information the Administrator identifies on or before the rule's promulgation date. Accordingly, drafts of the rule included in this record will be limited to those released outside the Agency. The record includes the following categories of information:

1. This proposed rule.
2. Minutes of informal meetings held on September 13, 14, and 19, 1978, and October 27, 1978, with industry and foreign government representatives.
3. A letter from Natural Resources Defense Council concerning interim procedures under section 12(b).
4. A draft of this proposed rule sent to the Manufacturing Chemists Association (now Chemical Manufacturers Association).
5. Letters of transmittal sent with that draft (item 4), and written comments received on it.
6. Correspondence with the Bureau of the Census, dated April 11, April 18, April 30, June 14, and June 26, 1979, concerning possible use of Federal Trade Statistics Act data.

EPA will designate the complete rulemaking record on or before the date the rule is promulgated. The final rule will permit persons to point out any errors or omissions in the record.

Note.—EPA has determined that this document does not contain a major proposal requiring preparation of a Regulatory Analysis under Executive Order No. 12044.

This rule is proposed under the authority of section 12(b) of the Toxic Substances Control Act, Pub. L. 94–469, 90 Stat. 2033 [15 U.S.C. 2611(b)].

Dated: September 25, 1979.

Douglas M. Costle,

Administrator.

Title 40 of the Code of Federal Regulations is amended by adding a new Part 707 as set forth below:

PART 707—NOTIFICATION OF EXPORT UNDER SECTION 12(b)

Sec.

707.1 Applicability and compliance.
707.2 Definitions.
707.3 Submission to agency.
707.4 Contents of notice.
707.5 EPA notice to foreign governments.

Authority: Section 12(b), Pub. L. 94–469, 90 Stat. 2033 [15 U.S.C. 2611(b)].

§ 707.1 Applicability and compliance.

(a) Any person who exports or intends to export a chemical substance, mixture, or in the case of PCBs, items, shall notify the Environmental Protection Agency of such exportation to a particular country if any of the following actions have been taken under the Toxic Substances Control Act with respect to that chemical substance or mixture:

(1) Data are required under section 4 or 5(b),

(2) An order has been issued under section 5,

(3) A rule has been proposed or promulgated under section 5 or 6, or

(4) An action is pending, or relief has been granted under section 5 or 7.

(b) Any person who exports or intends to export polychlorinated biphenyls (PCBs) or PCB items, except PCB equipment, for any purpose other than disposal shall notify EPA of such intent or exportation under section 12(b). PCBs and PCB items have the definitions published in 40 CFR 761.2(s) and 761.2(x) respectively. However, notice of export of PCBs and PCB items for disposal is required under section 6. [See 40 CFR 761.30(c)(3) for these requirements.]

(c) Failure to comply with these rules and section 12(b) is a violation of section 15(3) of the Toxic Substances Control Act, and subjects the exporter to the penalty, enforcement, and seizure provisions of sections 16 and 17 of the Toxic Substances Control Act.

§ 707.2 Definitions.

The definitions set forth in the Toxic Substances Control Act section 3 apply for this Part. In addition, the following abbreviations and definitions are provided for purposes of this rule:

(a) "EPA" means the Environmental Protection Agency.

(b) "Exporter" means the person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the chemical substance, mixture or, in the case of PCBs, items out of the United States.

(c) "TSCA" means the Toxic Substances Control Act.

(d) "Regulated chemical" means any chemical substance, mixture, or, in the case of PCBs, items for which export notice is required under section 707.1.

§ 707.3 Submission to agency.

(a) Notice to EPA shall be given in writing on a calendar year basis for each chemical, and for each country, to which exported or to which export is intended.

(1) In the first calendar year in which the exporter is required to notify EPA, notice shall be given of the first exportation or intent to export to each country that occurs after **Federal Register** publication of an action as described in section 707.1.

(2) In subsequent years, notice shall be given of the first export or intent to export, to each country, in that year.

(3) A notice of export shall be mailed to EPA no later than seven days after the regulated chemical leaves the United States.

(4) Notices of intent to export must be based on a definite contractual obligation to export the regulated chemical. Notices of intent to export shall be submitted in the same calendar year as the date of export.

(b) Notices shall be sent to the Document Control Officer, Chemical Information Division, Office of Toxic Substances (TS–793), Environmental Protection Agency, Washington, D.C. 20460.

§ 707.4 Contents of notice.

The notice to EPA shall include:

(a) The name of the regulated chemical as it appears in the section 4, 5, 6, or 7 action. If a category is regulated, the name of the individual regulated chemical within that category, as well as the category, must be given. The name shall be that which appears in Volume I of the EPA Chemical Substance Inventory.

(b) The name and address of the exporter.

(c) The country (countries) of import.

(d) The date of export or intended export.

(e) The section [4, 5, 5(b), 6, or 7] of TSCA under which EPA has taken action.

§ 707.5 EPA notice to foreign governments.

(a) Notice by EPA to the importing country shall be sent no later than seven days after receipt of the first annual notification for each regulated chemical.

(b) Notices shall:

(1) Summarize the regulatory action taken, or indicate the availability of data under section 4 or 5(b) of TSCA.

(2) Identify an individual to contact for further information.

(3) Include a copy of the pertinent **Federal Register** notice.

(c) Notices shall be sent to the country's ambassador in Washington, D.C., or other designated official, and to the U.S. State Department.

[FR Doc. 79–30526 Filed 10–1–79; 8:45 am]

BILLING CODE 6560–01–M

federal register

Tuesday
October 2, 1979

Part III

Department of the Interior

Fish and Wildlife Service

Determination That Harperocallis flava Is an Endangered Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination That Harperocallis flava Is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Harperocallis flava* (Harper's beauty) to be an Endangered species. *Harperocallis flava* is known to occur in three locations in the Apalachicola National Forest in Florida. The Forest Service is actively managing two of these locations for perpetuation of this monotypic genus of lily. There is estimated to be less than 100 individuals of this species, which places it in a very vulnerable position. Changes in current land management, accidental loss, vandalism, and/or overcollecting could easily lead to the extinction of this species.

A determination of *Harperocallis flava* to be an Endangered species would implement the protection provided by the Endangered Species Act of 1973 as amended.

DATE: This rulemaking becomes effective on November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202/343–4646.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant species to Congress on January 9, 1975. This report designated as House Document No. 94–51, contained lists of over 3,100 U.S. vascular plant taxa considered to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition to list these species under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the above mentioned **Federal Register** publication.

Harperocallis flava was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal. A public hearing on the June 16, 1976, proposal was held on August 4, 1976, in Washington, D.C. In the June 24, 1977, **Federal Register**, the Service published a final rulemaking (42 FR 32373–32381, to be codified at 50 CFR Part 17) detailing the regulations to protect Endangered and Threatened plant species. The rules established prohibitions and a permit procedure to grant exemptions to the prohibitions under certain circumstances. The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and CFR 14.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the **Federal Register** prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, **Federal Register** publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909–17916). The Governor of Florida was notified of the proposed action but submitted no comments on the action.

Four comments were received concerning *Harperocallis flava*. An industrial forest corporation commented that they concurred with Endangered status for this species. One comment from a professional botanist noted the species' limited distribution and conjectured on the possibility of its extinction. One comment from an Army Corps of Engineers resource manager noted the species' type locality, its rarity, and possible management techniques. A request from the Forest Service for a consultation concerning management of the species in the Apalachicola National Forest was also received.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Harperocallis flava* McDaniel (Harper's beauty) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Harperocallis flava* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* Since it was described in 1968, three populations of this monotypic genus have been found. All three occur within a 32 kilometer stretch along SR–65 in Franklin and Liberty Counties, Florida. Two of these locations are within 0.5 kilometer of each other in Franklin County, while the third was reported about 32 kilometers north in Liberty County. Recent attempts to relocate this Liberty County population have not been successful. The total number of individuals is not known but has been estimated to be less than 100 plants.

The two Franklin County populations are located so close together they could easily be considered as one population but for the purposes of this rulemaking will be treated as two. Both are located on the Apalachicola National Forest within the area which is managed as the *Harperocallis* Botanical Area. The U.S. Forest Service currently manages this area for the perpetuation of *Harperocallis flava*. Any other uses of this area in the future, especially drainage to allow timber production or mechanical site preparation would threaten the continued existence of this species. The Liberty County location also occurs with the Apalachicola National Forest. If future searches verify an extant population at this site, it should then also be included in the botanical area.

Any drainage in the surrounding area which would effect the water level where these plants are found would threaten the continued existence of this species. The Forest Service includes this precaution in their management suggestions for the Botanical Area.

Both populations occur immediately adjacent to the road and thus are more vulnerable to accidenal loss.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Many individuals and societies collect and and cultivate lilies.

Harperocallis flava is a monotypic genus of lily with a very restricted distribution and would be of considerable interest of lily enthusiasts. Since *Harperocallis flava* only occurs in three small populations all within Apalachicola National Forest and since there is estimated to be fewer than 100 individuals of the species known, any collecting or vandalism could greatly impact this species.

(3) *Disease or predation* (including grazing). Not applicable to this species.

(4) *The inadequacy of existing regulatory machanisms.* Although the species has been included by the Florida Committee on Rare and Endangered Plants and Animals as an endangered species it is not currently protected by any Florida State legislation. Forest Service regulations prohibit removing, destroying, or damaging any plant that is classified as a threatened, endangered, rare or unique species (42 FR 2956–2962).

(5) *Other natural or manmade factors affecting its continued existence.* Since this species occurs in very open wet areas, natural succession of the community in which it occurs could eliminate the proper conditions for its survival. Periodic controlled burning to maintain a relatively open aspect in the shrub and herb layers of the community would probably be beneficial to *Harperocallis flava.* The Forest Service is carrying out prescribed burns at the site.

The extremely limited range and small population sizes both increase the possibility of loss of all or a significant portion of the individuals as a result of any accidental occurrence or natural catastrophe.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consulation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act. Each Federal agency shall, in consulation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of Section 7 of the Endangered Species Act Amendments of 1978.

Provisions for Interagency Cooperation are published in 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. The regulations referred to above, which pertain to plant species, are found at § 17.61 and are summarized below.

All provisions of section 9(a)(2) of the Act, as implemented by § 17.61 (42 FR 32373–32381), would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdictions of the United States to import or export, or to deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale in interstate or foreign commerce this plant. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in **Federal Register** of June 24, 1977 (42 FR 32373–32381), to be codified in 50 CFR Part 17, provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving endangered plants.

Effect Internationally

In addition to the protection provided by the Act, the Service will review the status of this species to determine whether is should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendices to that Convention and whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

> At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Harperocallis flava could be further threatened by taking or vandalism, activities not prohibited by the Endangered Species Act of 1973. Publication of critical habitat maps would make this species more vulnerable and therefore it would not be prudent to determine critical habitat.

Harperocallis flava was proposed on June 16, 1976, and since critical habitat is not being determined for this species, none of the other amended subsections are applicable. Accordingly, the Service is proceeding at this time with a final rulemaking to determine this species to be Endangered pursuant to the Endangered Species Act of 1973, as amended. This rule is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

The primary author of this rule is Ms. E. La Verne Smith, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235–1975).

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plant:

§ 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Liliaceae—Lily family:						
Harperocallis flava	Harper's beauty	USA(FL)	Entire	E		NA

Dated: September 17, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-30413 Filed 10-1-79; 8:45 am]

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federal register

Tuesday
October 2, 1979

Part IV

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act Regulations for Programs

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 675 and 680

Comprehensive Employment and Training Act; Regulations for Programs Under Parts A and C of Title IV of the Act

AGENCY: Department of Labor.

ACTION: Final rules.

SUMMARY: This document contains final rules for youth programs under Title IV, Parts A and C of the Comprehensive Employment and Training Act as reauthorized by the CETA Amendments of 1978. The purpose of this document is to implement these programs. The Youth Employment and Demonstration Projects Act (YEDPA) of 1977, Pub. L. 95–93 became effective on August 5, 1977. It amended the Comprehensive Employment and Training Act by adding several new programs for youth. The purpose of these new programs is to employ and increase the future employability of young persons, to help coordinate and improve existing career development, employment and training programs, and to test different approaches in solving the employment problems of youth.

Title IV, Part A of CETA as reauthorized maintains the authority for the new youth programs authorized by YEDPA; they are: The Youth Incentive Entitlement Pilot Project (YIEPP), designed to test the effect of a guaranteed year round structured work experience to encourage school completion; the Youth Community Conservation and Improvement Projects (YCCIP), designed to provide jobs and employment experience for youth in community betterment projects; and the Youth Employment and Training Programs (YETP), designed to make available to youth a broad range of employment and training services designed locally and adapted to local needs. Part C of Title IV, under the reauthorization, authorizes the Summer Youth Employment Program (SYEP), designed to provide eligible youth with useful work opportunities and supportive services during the summer months and to assist youth in developing their maximum occupational potential. The following Part 680, Subparts A, B and D sets forth the Federal regulations governing three of the Youth Programs, YETP, YCCIP, and YIEPP. Part 680, Subpart C sets forth the Federal regulations governing SYEP. The regulations in this document do not apply to Native American and Migrant YETP and YCCIP and SYEP programs; regulations for these programs will be published separately. These regulations also do not apply to the Secretary's YETP, YCCIP, and SYEP discretionary funds.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taggart, Administrator, Office of Youth Programs, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, Telephone (202) 376–2646.

SUPPLEMENTARY INFORMATION: On March 9, 1979, the Department of Labor published in the **Federal Register** at 44 FR 13188 proposed regulations concerning youth programs under Title IV, Part A of the Comprehensive Employment and Training Act as reauthorized by the CETA Amendments of 1978 (Pub. L. 95–524). The Department also published in the **Federal Register** at 44 FR 12344 final rules to implement the Summer Youth Employment Program (SYEP) of 1979, Title IV, Part C of CETA to allow prime sponsors to begin planning the 1979 summer program.

Although the SYEP regulations were published as final rules, the Department, in keeping with the spirit of 29 CFR 2.7 requested comments on these final rules. A review and comment period was provided for public reaction to both the SYEP rules and the proposed regulations for the other youth programs. Numerous responses were received during the comment period, most of which were directed to the Youth Employment and Training Programs (YETP) and the Youth Community Conservation and Improvement Projects (YCCIP). Few comments were received for the SYEP and YIEPP rules.

Each comment was carefully reviewed with respect to the merits of the suggestions on their own and in relation to other comments received on the same or similar subjects. Several comments were rejected because they were inconsistent with either the provisions or the intent of the Act. The changes made in these regulations reflect continued efforts to improve the quality of the CETA youth programs. A short explanatory statement is provided below to address the most significant issues raised by commentors:

Income Determination

Several comments were received requesting clarification of the formula to be used in annualizing the income of applicants to determine eligibility for YETP programs. The proposed YETP regulations were silent on this issue and neither made reference to a 3-month or 6-month income basis as provided under other CETA programs. In response to these comments, §§ 675.5–8(a)(1)(iii) and 680.8(a)(3), which concern eligibility for participation in YETP, have been revised to require that for YETP, family income shall be annualized on a 6-month basis in determining eligibility.

Eligibility Determination

A number of comments were received regarding the inconsistency between the requirement in the proposed rulemaking that eligibility be determined at the time of enrollment and the requirement in the final CETA regulations for Titles I, II, VI, and VII at § 675.5–1(d) that eligibility be determined at the time of application. This inconsistency was resolved by revising the appropriate sections of the regulations for YETP and YCCIP and the income eligibility regulations for SYEP to require that eligibility be determined at the time of application. The age requirements for summer program eligibility, however, will still be determined at the time of enrollment to ensure that only youth between the ages of 14–21, inclusive, are served. Several commenters requested that the YETP eligibility criteria be revised to include youth who are economically disadvantaged, particularly youth facing significant barriers to employment, such as handicapped youth. This revision has been made to insure greater consistency between the eligibility criteria for the CETA Title II B programs and the YETP program and to provide for the more equitable treatment of these youth.

Income Disregard

The proposed YETP and YCCIP regulations at sections 680.11 and 680.115 provide for an absolute disregard of wages and allowances received by any youth under those programs in determining the eligibility of the youth's family for benefits under any Federal or federally assisted program.

A number of comments were received asking for clarification of this language and how this provision applies when a youth is a family of one. In response to these comments, the regulations have been revised to clarify that wages and allowances shall be disregarded in determining the eligibility of either the youth or the youth's family for benefits received under any Federal or federally assisted program.

Many commenters further requested that the SYEP regulations contain an income disregard provision similar to that provided under YETP and YCCIP. Additionally, other commenters requested that the regulations allow

youth, who participate in training activities under SYEP, to receive basic allowances, rather than the more restricted incentive allowance of $30 per week, when their families receive public assistance.

The Department recognizes the inconsistencies that exist among the provisions governing the youth programs authorized by Title IV and the difficulties prime sponsors have when administering both the income disregard and the method of payment provisions differently for each program. However, it should be recognized that the income disregard requirement is a statutory provision under section 446 of CETA applicable only to YIEPP, YETP, and YCCIP. The regulations merely implement the statutory provisions.

LEA 22 Percent Carry-In Funds

The Act and the regulations require that 22 percent of a prime sponsor's YETP funds be used for in-school programs under Local Educational Agencies agreements. Comments were received inquiring whether the 22 percent should be applied to funds carried into a new fiscal year. The Department agrees with the commenters that the regulation was unclear. The final regulations have been clarified to state that prime sponsors shall apply the 22 percent requirement only to their annual allocation under YETP, and not to the carry-in funds.

Youth Council

The proposed regulations at § 680.4 state that the youth council shall monitor and evaluate YETP and other CETA programs in the prime sponsor's area for the purpose of improving the utilization and coordination of the delivery of services. Comments were received asking that this provision be reevaluated since the general CETA regulations now require prime sponsors to establish an independent monitoring unit which will have the responsibility to conduct indepth monitoring of all programs. The Department has amended the regulations to provide that monitoring units shall make their findings available to the youth councils. Youth councils may then evaluate these findings for the purpose of improving the utilization and coordination of the delivery of services and make recommendations to the planning council consistent with their determinations. The regulations have been revised accordingly.

These regulations meet the criteria for significant regulations in Executive Order 12044 and the Department of Labor's guidelines thereunder (44 FR 5570, January 26, 1979) and have had a comment period of 30 days in order to allow the final regulations to be published as close as possible to the April 1 statutory deadline. For the same reason, the regulations are being made effective Oct. 1, 1979. Accordingly, Title 20 of the Code of Federal Regulations, Chapter V is amended by:

PART 675—INTRODUCTION OF THE REGULATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Adding to the Table of Contents, at § 675.3, a new Table of Contents for Part 680, Subparts A, B, C, and D.

§ 675.3 Table of Contents for Regulations under CETA.

* * * * *

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§ 675.5-8 [Amended]

2. Revising § 675.5-8 (a)(1)(iii) to read as follows:

* * * * *

(iii) (A) Be a member of family with a total family income, annualized on a 6-month basis, at or below 85 percent of the lower living standard income level; or

(B) Be economically disadvantaged.

3. Amending 675.5-8(b)(2) by inserting after the word "criteria" the words "nor

need they be economically disadvantaged".

4. Amending 675.5–8(b)(3) by inserting after the word "income" the words "or economically disadvantaged".

5. Revising Subpart C and adding Subparts A, B and D of Part 680 to read as follows:

PART 680—YOUTH PROGRAMS OPERATED BY PRIME SPONSORS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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Authority: Sec. 126 of the Comprehensive Employment and Training Act [29 U.S.C 801 et seq.], unless otherwise noted.

Subpart A—Youth Employment and Training Programs

§ 680.1 Purpose.

(a) This subpart contains the regulations for the Youth Employment and Training Programs (YETP) under Title IV, Part A, Subparts 3 and 4 of the Act. The introductory and general provisions at *Parts 675 and 676* of Title 20 also apply to YETP programs except that to the extent the regulations set forth in this subpart conflict with other regulations promulgated under the Act, the requirements contained in this subpart shall prevail (sec. 447).

(b) It is the purpose of this program to enhance the job prospects and career opportunities of young persons, especially economically disadvantaged youth, to enable them to secure unsubsidized employment in the public and private sectors of the economy. In addition, this program explores methods of dealing with the structural unemployment problems of youth and the immediate difficulties of youth in need of and unable to find jobs (sec. 431).

§ 680.2 Eligibility for funds under YETP.

Prime sponsors designated under § 676.5 are eligible to receive funds under YETP (sec. 434).

§ 680.3 Allocation of funds.

Allocation of funds under YETP shall be in accordance with section 433 of the Act.

§ 680.4 Program planning, planning and youth councils.

(a) *Planning:* Each prime sponsor shall utilize the planning process and planning council as described in §§ 676.6 and 676.7 of this title, and the youth council described in paragraph (b) of this section (sec. 436(b)). In developing the annual plan subpart of YETP, the prime sponsor shall:

(1) Coordinate the YETP subpart with programs and activities described in the annual plan subpart for Title II, but opportunities for youth under Title II shall not be reduced because of the availability of YETP funds (sec. 436(a));

(2) Coordinate the programs and activities funded under the other titles of CETA, including Job Corps; employment and educational services provided by local educational agencies and post-secondary institutions; activities conducted under the Career Education Incentive Act; services offered by public employment service agencies, public assistance agencies, and courts with jurisdiction over youthful offenders; youth programs funded through other sources such as community-based organizations; and employment and educational activities of business, labor, apprenticeship programs, and nonprofit institutions in the community (sec. 436(a)).

(3) Afford an opportunity to community based organizations of demonstrated effectiveness in providing employment and training activities for youth to participate in the development of the YETP subpart as required by paragraph (c) of this section; and

(4) Afford an opportunity for appropriate labor organizations to comment on the YETP subpart consistent with the provisions of § 676.12 of this title.

(b) *Youth Council.* Each prime sponsor shall establish a youth council (sec. 436(b)).

(1) In consultation with the planning council, the prime sponsor shall make appointments to a youth council which include individuals who are representative of the local educational agency, local vocational advisory council, post-secondary education institutions, business, unions, apprenticeship community, public employment service agencies, local government and nongovernment agencies which are involved in serving youth, the local community, and the prime sponsor. In addition, youth council members shall include not less than two youth who are participants in, or eligible for YETP (sec. 436(b)).

(2) The youth council may be either an entirely separate council or a subcommittee or subcouncil to the planning council, or the prime sponsor may use existing youth councils created with respect to other programs under this Act if these councils meet the requirements set forth in this section. In all cases, the youth council shall report to the planning council (sec. 436(b)).

(3) The youth council shall make recommendations to the planning council for setting basic goals, policies and procedures for the YETP program. The youth council shall review the findings of the prime sponsors monitoring efforts for YETP and other CETA youth programs and make recommendations to the planning council for the purpose of improving the utilization and coordination of the delivery of services under such programs (sec. 436(b)).

(4) The youth council shall review and make recommendations to the planning council with respect to the proposed agreements with local educational agencies under YETP (sec. 436(c)).

(c) *Community-based organizations (CBO's).* Each prime sponsor shall involve CBO's in the planning process as follows:

(1) Forty-five (45) days prior to submission of the proposed YETP subpart to the RA either the complete subpart or a summary of the proposed subpart shall be submitted to such CBO's. Such organizations shall have 30 days for review and comment on the proposed YETP subpart. If a summary is submitted, it shall include at a minimum:

(i) Description of activities to be funded;

(ii) Proposed service deliverers and the services to be provided by each; and

(iii) A copy of the Youth Program Planning Summary and Youth Budget Information Summary.

(2) Any substantive comments received must be considered prior to the submission of the YETP subpart to the RA and written responses will be made to comments from such CBO's regarding selection of service deliverers and these comments and responses will be included when the YETP subpart is transmitted to the RA.

(d) *Selection of service deliverers.* (1) In addition to the provisions of § 676.23 of this title, the following provisions apply to the selection of service deliverers for YETP. The provisions, however, do not apply when the prime sponsor chooses to deliver YETP activities, itself, and to the programs funded with 22 percent of the YETP funds covered by local educational agency (LEA) agreements required in § 680.7.

(i) Published criteria that will be used to evaluate applications; and

(ii) Written notification to each applicant of acceptance or non-acceptance with an explanation of the reasons for disapproval of funding.

(2) A prime sponsor may directly perform classroom training, on-the-job training or work experience as described in § 676.25 of this title, only if, after consultation with CBO's, the prime sponsor determines that direct operation of the program will promote the purposes of this subpart (sec. 432(b)). The prime sponsor shall maintain documentation on the administrative and programmatic benefits of such direct operation.

§ 680.5 Description of the YETP annual plan subpart.

(a) Each prime sponsor shall submit a YETP subpart by a date established by the RA which when approved, shall become part of the annual plan.

(b) The RA shall review and approve or disapprove the YETP subpart using the plan review procedures in § 676.14 of this title.

(c) *Narrative description.* The YETP subpart narrative shall contain:

(1) *Objectives and needs for assistance.*—(i) *Program purpose.* State the purpose, goals, and objectives of the YETP program in the overall strategy for serving unemployed youth in the prime sponsor's area.

(ii) *Analysis of need.* Identify the target groups within the eligible population that will receive services under the program and indicate the planned level of services to be provided to each group.

(iii) *Group waivers.* Describe, in accordance with § 676.30(g), the evidence upon which any request for a waiver of the limitation on participation in work experience is based for any group(s) of youth being served under YETP.

(2) *Results and benefits.* Describe the benefits that will accrue to YETP participants and include:

(i) The quantifiable performance and placement goals for each program activity.

(ii) The quantifiable performance and placement goals for each target group identified in the analysis of need.

(iii) Any non-quantifiable benefits expected from participation in the YETP program.

(iv) Any academic credit received by YETP participants, the level of credit and the activities for which credit will be received, and the agency awarding such credit.

(3) *Approach.* (i) *Program activities and services.* If not elsewhere in the Comprehensive Employment and Training Plan, describe the criteria to be used to select youth that are most in need, participant recruitment and intake process, and eligibility verification of YETP participants.

(ii) *Program linkages.* If not elsewhere described in the Comprehensive Employment and Training Plan, describe the program linkages established under YETP.

(4) *Management and administration.* (i) Describe any significant differences in the administration, operation, and management (including organizational structure) of the YETP program from the information provided elsewhere in the Comprehensive Employment and Training Plan.

(ii) Attach a copy of the Program Planning Summary (PPS) and Budget Information Summary (BIS) on the YETP program.

(iii) Attach a summary of subgrantees and contractors covering financial arrangements under YETP.

(5) *Assurances and certifications.* The YETP assurances and certifications and detailed instructions for completing the requirements of the YETP subpart narrative are contained in the *Forms Preparation Handbook.*

§ 680.6 Activities and services.

(a) Programs may include any type of employment and training activity specified in § 676.25 of this title, except public service employment.

(1) Work experience activities may include a wide range of community betterment activities such as rehabilitation of public properties; assistance of weatherization of homes occupied by low-income families; demonstrations of energy-conserving measures, including solar energy techniques (especially those utilizing materials and supplies available without cost), park establishment and upgrading, neighborhood revitalization,

conservation and improvements, removal of architectural barriers to access, by handicapped individuals, to public facilities, and related activities (sec. 432(a)).

(2) Productive employment and work experience opportunities may be funded in such fields as education, health care, neighborhood transportation services, crime prevention and control, environmental quality control (including integrated pest management activities), preservation of historic sites, and maintenance of visitor facilities (sec. 432(a)).

(3) A written job description shall be developed and maintained for all work experience and on-the-job training positions funded under this subpart to provide a basis for determining their comparability to existing jobs of other individuals similarly employed.

(b) *In-School programs.* The in-school programs shall be designed to provide for either or both of the following two classifications of services (Sec. 423(a)):

(1) *Transition services.* (i) These transition services shall be designed to prepare and assist youth to move from school to unsubsidized jobs in the labor market.

(ii) These services may include:

(A) Outreach, assessment, and orientation;

(B) Counseling, including occupational information, apprenticeship information, and career counseling;

(C) Activities promoting education to work transition;

(D) Provision of labor market information;

(E) Services to youth to help them obtain and retain employment;

(F) Literacy training and bilingual training;

(G) Attainment of certificates of high school equivalency;

(H) Job sampling, including vocational exploration in the public and private sector;

(I) Institutional skills training;

(J) Transportation assistance;

(K) Child care and other necessary supportive services;

(L) Job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youth, in order to improve work relationships between employers and youth;

(M) Provision of information regarding employment and training related opportunities;

(N) Job development, direct placement, and placement assistance to secure unsubsidized employment opportunities for youth to the maximum extent feasible and referral to employability development programs;

(O) Assistance in overcoming sex-stereotyping in job development, and placement; and

(P) Outreach and other services to increase the labor force participation rate among minorities and women.

(2) *Career employment experience.* This activity is a combination of both well supervised employment (work experience or on-the-job training) and certain transition services including, at a minimum, career information, counseling, including career counseling, and occupational information. Where work experience or on-the-job training is supported with funds serving in-school youth under agreements with local educational agencies, the ancillary transition services must also include placement services. Each prime sponsor shall assure that in-school youths participating in career employment experience need such participation in order to continue their education (sec. 436).

(c) *Special component.* A prime sponsor may design a special component using up to 10 percent of its YETP funds for programs to serve a mixture of youth from families above and below the income level specified in § 680.8(a)(3), and who are economically disadvantaged and not economically disadvantaged. The program shall test whether or to what extent income eligible youth benefit from participating in programs designed to serve youth from all economic backgrounds (sec. 435). This special component shall:

(1) Have the follow a structured experimental design;

(2) Establish and use comparison groups;

(3) Provide for followup on participants; and

(4) Provide in an Annual Narrative Report a followup on the experimental outcomes.

§ 680.7 Local Educational Agency agreements.

(a) Prime sponsors shall use at least 22 percent of their annual allocation of funds under this subpart (not including any amounts carried-in from the previous fiscal year) to serve in-school youth in programs designed to enhance their career opportunities and job prospects (sec. 433(d)(1)) pursuant to written agreements between the prime sponsors and local educational agencies (LEA's).

(b) Agreements may be between the prime sponsor and one or more local educational agencies or a combination of LEA's represented by one LEA.

(c) Each agreement may be either a financial or nonfinancial agreement whichever is determined most appropriate by the prime sponsor and the LEA(s), and shall:

(1) Provide a description of the activities and services to be provided to eligible participants;

(2) Detail the responsibility of each party to the agreement for providing the activities and services which have been selected;

(3) Contain provisions to assure that services provided and/or funds received pursuant to the agreement will not supplant existing services and/or State and local funds expended for the same purpose; and

(4) Provide an assurance that the agreement has been reviewed by the youth council.

(d) *Additional provisions.* Additional provisions are required in those agreements which specifically provide for career employment experience opportunities. These include:

(1) Assurances that participating youth will be provided constructive work experience, which will improve their ability to make career decisions and which will provide them with basic work skills needed for regular employment or self-employment;

(2) Assurances that career counseling, including occupational information and placement services will be made available to participating youth and that funds provided under the agreement will be available to, and will be utilized by, the local educational agency or agencies to the extent necessary to pay the cost of school-based counselors to carry out the provisions of this in-school program;

(3) Assurances that jobs provided under this program will be certified by the participating educational agency or institution as relevant to the educational and career goals of the participating youth.

(4) Assurances that the prime sponsor will advise participating youth of the availability of other employment and training resources in the local community to assist such youth in obtaining employment or self-employment; and

(5) An assurance that career employment experience opportunities provided will be certified by a school-based counselor as being relevant to the career and educational program for the youth being provided those opportunities.

(e) In order to carry out the purposes of the LEA agreement, LEA's and prime sponsors, where appropriate, are encouraged to enter into subagreements, grants or contracts with post-secondary schools, State accredited profit and

nonprofit educational institutions, public employment service agencies, and CBO's which have demonstrated effectiveness, in serving youth, particularly those who are economically disadvantaged.

(f) An LEA agreement may be a new agreement or a certification that the existing agreement remains the same or that it is revised as described in attachments to the certification. The certification and/or revisions shall be included as part of the YETP annual plan subpart. If an agreement is not reached within 60 days after the initial submission of the YETP subpart to the RA, the RA shall initiate the reallocation process as described in § 680.15.

§ 680.8 Eligibility for participation.

(a) Each person shall be at the time of application, except as provided in § 680.9 (b) and (c) (sec. 435):

(1) Unemployed or underemployed, or an in-school youth (excluding persons aged 14 and 15);

(2) 16 through 21 years of age inclusive; and

(3) (i) A member of a family with a total family income, annualized on a 6-month basis, at or below 85 percent of the lower living standard income level; or

(ii) Economically disadvantaged.

(b) Programs funded under YETP shall give preference to economically disadvantaged youth within the eligible population. Appropriate efforts shall be made to give service to those youth who have severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military services, those who are offenders, those who are physically or mentally handicapped, those with dependents, or those who have otherwise demonstrated special needs as determined by the Secretary (sec. 444(a)).

(c) A youth may not be enrolled in full-time employment opportunities if:

(1) The individual has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except: (i) During periods when school is not in session, and (ii) where employment is undertaken in cooperation with school-related programs awarding academic credit for work experience; or (2) The individual has not attained a high school diploma or its equivalent and it is determined by the prime sponsor that the youth dropped out of high school in order to participate in YETP (sec. 443(f)).

§ 680.9 Eligibility for participation (extraordinary).

(a) Individuals otherwise eligible under § 680.8 who are in-school youth and who are 14 or 15 years old may participate in programs under YETP when the subpart specifies a youth development strategy which includes career counseling for these youths (sec. 435).

(b) Youth need not meet the income criteria nor need they be economically disadvantaged if they participate in a special component, as described in § 680.6(c) (sec. 435).

(c) Youth, who do not meet the income or economically disadvantaged criteria, and who are not in a special component, may be offered services which are limited to:

(1) Counseling, including occupational information;

(2) Occupational, education, and training information including information on apprenticeship training;

(3) Placement services;

(4) Job referral information through coordinated intake systems; and/or

(5) Assistance in overcoming employment related sex-sterotyping in job development, placement, counseling, and guidance.

§ 680.10 Participant compensation, benefits and working conditions.

Prime sponsors shall provide participant benefits, wages and allowances as provided in § 676.26, and § 676.27 of this title, except:

(a) *Wages.* Participants receiving wages shall be paid no less than the highest of (sec. 442):

(1) The wage rate set forth in section 6 (a)(1) of the Fair Labor Standard Act. Fourteen and fifteen-year olds, however, may be paid the rate set forth in section 14(b) of the Fair Labor Standard Act; or

(2) The applicable State or local minimum wage, including exceptions for the wage rates of 14 and 15-year olds; or

(3) The prevailing wage for a job which is substantially the same as existing jobs of the same employer, except that, the employer may pay less than its prevailing wage, but not less than the minimum wage, if:

(i) The employer, the prime sponsor, and the appropriate collective bargaining agent, when a collective bargaining agreement is affected, agrees in writing to a lesser wage;

(ii) There is job restructuring. In order to accomplish job restructuring, the prime sponsor, employer, and the appropriate collective bargaining agent shall enter into an agreement concerning the restructuring. If, after agreeing to the restructured job, the agent, employer, or prime sponsor disagrees over the wages to be paid for the restructured job, the parties shall resolve such dispute at the local level within 30 days. If, after 30 days, an agreement has not been reached, they shall either agree to negotiate in good faith with the RA to resolve the disagreement or select other jobs. If negotiations with the RA do not result in resolution within the 30 days, the RA shall set the wage rate; or

(iii) The employer creates new jobs. If disputes arise regarding whether the jobs are new to the employer, the prime sponsor, appropriate collective bargaining agent, and employer should attempt to resolve the issue within 30 days after the agent has been informed of those jobs. If no agreement can be reached within that time frame, they shall either agree to negotiate in good faith with the RA to resolve the disagreement, or select other jobs. If negotiations with the RA do not result in a resolution within 30 days, the RA shall make a determination as to whether or not the jobs are new to the employer; or

(4) The prevailing wage determined by the Secretary under the Davis-Bacon Act (See 29 CFR Parts 1, 3, 5, and 7) in the case of jobs in projects to which the provisions of the Davis-Bacon Act, or any Federal law containing labor standards in accordance with the Davis-Bacon Act, apply. However, in the case of such projects financed under YETP under $5,000, the employer, prime sponsor, and appropriate collective bargaining agent may agree to pay youth participants not less than the applicable minimum wage and not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe an appropriate ratio of journeymen to such participating youth to work on the project. If they cannot agree in 30 days, they may request a decision from the RA, or develop other jobs (sec. 442).

(b) Because most jobs will be short-term and/or part-time work assignments, and are designed to enhance the employability of individuals who are new entrants who have never worked, or individuals who are new entrants who have not been working in the competitive labor market, most jobs will be at entry level. Prime sponsors, therefore, are expected to pay wherever feasible the minimum rate required by this section, rather than a higher rate.

§ 680.11 Earnings disregard.

Wages and allowances received by any youth under YETP shall be disregarded in determining the eligibility of the youth or the youth's family for,

and the amount of, any benefits received based on need, under any Federal or federally assisted programs (sec. 446).

§ 680.12 Maintenance of effort.

(a) The maintenance of effort provisions of § 676.73(a) of this title apply to all activities funded under YETP (sec. 443).

(b) The maintenance of effort provisions for public service employment programs described in § 676.73 (b) and (c) of this title, shall apply to work experience activities under YETP.

§ 680.13 Substitution for Title II programs.

Programs funded under YETP shall be supplementary to but not replace programs and activities for youth available under Title II of the Act (sec. 431).

§ 680.14 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational agencies and post-secondary institutions to award academic credit for the competencies participants gain from the program (sec. 445).

§ 680.15 Reallocation procedures.

(a) Reallocation procedures under § 676.47 of this title shall apply except as in paragraph (b) of this section (sec. 444(b)).

(b) If all proposed LEA agreements or certifications to existing agreements are not signed by the prime sponsor and the LEA(s) within 60 days after the initial submission of the YETP subpart to the RA for review and approval, the RA shall initiate reallocation procedures for those funds which were required to be covered under LEA agreements *except;* the RA may extend the 60 day period for a reasonable period of time when the RA determines that an agreement could not be reached because of circumstances beyond the control of the prime sponsor and LEA, for example, work stoppages. If the RA has initiated reallocation procedures, the RA shall mediate the dispute during the 30 day comment period.

§ 680.16 Modifications.

(a) The procedures specified in § 676.16 of this title shall apply to modifying the YETP subpart.

(b)(1) When a collective bargaining agreement would be affected, the appropriate bargaining agent and the RA shall be notified in writing of all wage rate and job classification changes under the YETP program at least 15 calendar days prior to implementing such changes.

(2) If the bargaining agent disagrees with the proposed changes in wage rates or job classifications, the dispute shall be resolved and the resolution recorded in writing prior to implementing such changes.

§ 680.17 Reporting requirements.

The reporting requirements under § 676.44 of this title shall apply to YETP. In addition, each prime sponsor shall, at the end of each fiscal year and on a date established by the Secretary, submit an Annual Narrative Report. The report will include an assessment of the sponsor's performance and the accomplishments of the program.

§ 680.18 Governor's Statewide Youth Services Program.

(a) *Activities and services.* The Governor shall use the funds allocated under section 433 of the Act to provide statewide youth services such as the following:

(1) Expanded and experimental programs in apprenticeship arrangements, in conjunction with businesses, labor unions, State or Federal apprenticeship agencies;

(2) Special model employment and training programs and related services with particular emphasis on experimental job training in the private sector;

(3) Providing labor market and occupational information for prime sponsors and local educational agencies without reimbursement;

(4) Fostering cooperative efforts between State and local institutions, including (i) occupational and career guidance and counseling, as well as placement services for in-school and out-of-school youth; and (ii) coordination of statewide activities carried out under the Career Education Incentive Act to improve the quality of education and enhance career opportunities for students by relating education to their employment aspirations (sec. 433(c)).

(5) Funding employment and training programs as defined in § 680.6 for eligible youth who are under the supervision of the State.

(b) *Eligibility for participation.* Individuals participating in the Governor's statewide youth services program shall meet the eligibility criteria provided in § 680.8 or 680.9 (sec. 435).

(c) *Limitation of funds.* (1) The overall 20 percent limitation of funds used for administration as set out in § 676.40–2 of this title shall not apply to the Governor's youth services plan. (2) The requirement in § 676.42 for pooling of administrative costs shall not apply to the Governor's youth services plan. Such costs however, may be pooled in accordance with the procedures set forth in § 676.42.

(d) *Governor's statewide youth services plan.* The Governor's youth services plan shall include the following information:

(1) *The Master Plan.* The Governor may utilize the Master Plan developed for the Balance of State program or the Master Plan developed for the Governor's Special Grant as described in § 677.33 of this title, in lieu of developing a separate Master Plan for the Governor's statewide youth services program;

(2) A Request for Approval Letter;

(3) Application for Federal Assistance (standard form 424);

(4) The narrative description which shall include the following:

(i) *Objectives and need for assistance.* (A) A description of the purpose, goals, and objectives of the statewide youth services plan, including how the Governor's youth services plan, will enhance or expand the quality of youth employment and training services presently provided throughout the State.

(B) A description of the target groups that will be served by the Governor's youth services plan, including an explanation of why the specific groups were selected, and the groups of youth that will be served who are under the supervision of the State.

(ii) *Results and benefits.* As described in the YETP narrative requirements, provide a description of expected results and benefits that will accrue to the participants.

(iii) *Approach.*—(A) *Program activities and services.* Describe the activities and services to be provided under this plan and include:

(1) The service deliverers and the activities they will provide;

(2) The number of participants to be served by each activity;

(3) The duration of each activity; and

(4) If training is one of the activities, the skill(s) to be learned.

(B) *Program linkages.* Describe the program linkages, if not elsewhere described in the Comprehensive Employment and Training Plan for Special Grants to Governors.

(iv) *Management and administration.* (A) Provide the organizational chart and staffing pattern for the plan, if not included in the master plan.

(B) Describe the monitoring and evaluation process if different than that found elsewhere in the Comprehensive Em.ployment and Training Plan for Special Grants to Governors.

(C) Attach a Program Planning Summary (PPS) and a Budget Information Summary (BIS).

(v) The assurances and certifications for the Governor's youth services plan and detailed instructions for completing the requirements of the plan are contained in the *Forms Preparation Handbook.*

(e) *Procedures for comment, modification and approval of Governor's youth services plan.* (1) In developing the Governor's youth services plan, the Governor shall establish a youth council as described in § 680.4(b) which shall report to the State Employment and Training Council. The responsibilities of this council shall be those described in § 680.4, except the references to local agencies shall mean representatives of State agencies who represent statewide concerns.

(2) In submitting the Governor's youth service plan, the procedures specified in § 676.12(a), (b) and (d) and § 677.33(a)(3) of this title shall be followed.

(3) The approval procedures to be followed for the Governor's youth services plan are those specified in § 676.14 of this title.

(4) The modification procedures specified in § 676.16 of this title shall be used to modify the Governor's youth services plan under YETP.

Subpart B—Youth Community Conservation and Improvement Projects

§ 680.100 Purpose.

(a) This subpart contains the regulations for the Youth Community Conservation and Improvement Projects (YCCIP) under Title IV, Part A, Subparts 2 and 4 of the Act. The introductory and general provisions at *Parts 675 and 676* of Title 20 and the YETP regulations at Subpart A of this Part also apply to YCCIP programs, except that to the extent the regulations set forth in this subpart conflict with other regulations promulgated under the Act, the requirements contained in this subpart shall prevail (sec. 447).

(b) This program seeks to provide youth, experiencing severe difficulties in obtaining employment with well supervised work in projects that produce tangible benefits to the community.

§ 680.101 Eligibility for funds under YCCIP.

Prime sponsors designated under § 676.5 are eligible to apply for YCCIP funds for projects in their area.

§ 680.102 Allocation of funds.

(a) *Allocations.* Allocation of funds under YCCIP shall be in accordance with section 423 of the Act.

(b) *Program funding estimates.* The Secretary will provide prime sponsors with program funding estimates based on their relative share of the State's unemployed population.

§ 680.103 Program planning, planning and youth councils.

(a) *Planning.* The prime sponsor shall utilize the planning process and planning council as described in §§ 676.6 and 676.7 of this title and the youth council established for YETP in developing its annual plan subpart for YCCIP (sec. 426(c)).

(b) *Additional information.* The RA may require that the additional information specified below be submitted at the same time as the Preapplication for Federal Assistance. Where such information is required, a decision concerning the adequacy of that information must be provided to the prime sponsor by five (5) working days after the submission date of the preapplication. The prime sponsor will not be required to submit such information in its annual plan subpart. Such information includes a description of methods to:

(1) Solicit applications, particularly, from neighborhood and community-based organizations, and solicit comments on the project applications from the planning and youth councils;

(2) Objectively select and rank project applications; and

(3) Involve appropriate labor organizations in the planning process.

§ 680.104 Description of the YCCIP annual plan subpart.

(a) Each prime sponsor shall submit a YCCIP subpart, by date established by the RA which, when approved, shall become part of the annual plan.

(b) The RA shall review and approve or disapprove the YCCIP subpart using the procedures in §676.14 of this title.

(c) *Narrative description.* The narrative shall contain:

(1) *Objectives and needs for assistance.* Using the requirements for the YETP narrative, provide a description of the purpose, goals and objectives of the YCCIP program and the target groups that will be served.

(2) *Results and benefits.* As described in the YETP narrative requirements, provide a description of the benefits that will accrue to the participants and to the community through the YCCIP program (Sec. 426(b)).

(3) *Approach.* (i) *Participant recruitment and eligibility.* As described, in the YETP narrative requirements, provide the methods that will be used to recruit, select and verify eligibility of YCCIP youth.

(ii) *Worksite supervision.* (A) Describe the training for worksite supervisors and other worksite personnel involved with project participants (sec. 425(b)(3)); and

(B) If the supervisor/worker ratio is less than 1:12, provide justification (sec. 425(b)(3)).

(iii) *Program activities and services.* (A) Describe the job training and skill development activities that will be available to participants. Indicate the service delivered and the activities they will provide, the duration of each activity and the skills to be learned, and the number of participants to be served by each activity (sec. 426(b)(2)).

(B) Describe plans to coordinate the training and skill development activities with school-related programs (sec. 426(b)(2)).

(iv) *Program linkages.* If not elsewhere described in the Comprehensive Employment and Training Plan, describe the program linkages established under YCCIP.

(v) *Project solicitation and selection.* (A) If not included elsewhere in the Comprehensive Employment and Training Plan, describe the method used to solicit YCCIP project applications. Describe the efforts made to solicit applications from neighborhood and community-based organizations; and the method used by program agents to solicit applications, if different from the prime sponsor's (sec. 426(a) (1)).

(B) List or attach the criteria used to determine which project proposals are eligible for funding (sec. 426(a)(1)).

(C) Attach all project applications approved by the prime sponsor and the program agent and include a ranked listing of the approved project applications which total 100 percent of the prime sponsors funding estimate (sec. 426(a)(1)). Also include a ranked listing of any additional approved project applications above the funding estimate.

(D) Attach all project applications approved by program agents but not approved by the prime sponsors and describe why these project proposals were not approved by the prime sponsor (sec. 426(a)(1)).

(4) *Management and administration.* (i) Describe any significant differences in the administration, operation, and management (including organizational structure) of the YCCIP program from the information provided elsewhere in the Comprehensive Employment and Training Plan.

(ii) Attach a copy of the Program Planning Summary (PPS) and Budget Information Summary (BIS) on the YCCIP program.

(5) *Assurances and certifications.* The Assurances and certifications and detailed instructions for completing the

requirements of the YCCIP annual plan subpart are contained in the *Forms Preparation Handbook.*

§ 680.105 Project planning process.

(a) *Program specifications.* In developing the program specifications, prime sponsors may, after obtaining the approval of the planning and youth councils, limit the types of project activities by:

(1) Establishing limitations on the size and duration of all projects;

(2) Restricting projects to specified community needs; and

(3) Identifying specific neighborhoods or geographic areas in which projects may be conducted.

(b) *Procedures.* Each prime sponsor shall establish procedures for its own use and the use of any program agent(s) which will assure that potential project applicants, particularly neighborhood and community-based organizations, are notified of the project application process and the cut-off date for acceptance of project applications. The method of notification may be public hearings, public notice in the newspapers, bulletins, or other appropriate media.

§ 680.106 Project application content.

All project applications must contain the following information:

(a) *Agency.* Name of agency or organization applying for project funds, type of agency (community-based organization, local educational agency) and, if applicable, the program agent to which it was submitted;

(b) *Description of project.* (1) The need for the project in the area in which it will be conducted and how the project will meet the need;

(2) The types of jobs youth are to perform;

(3) The full-time supervisor to youth ratio, or its equivalent and the reason for selecting the ratio;

(4) The qualifications of the supervisors in terms of necessary skills and experiences, or where these are not yet specifically identified, assurances that supervisors will be adequately trained in the skills needed to carry out the projects and in instructing participating youth and a description of the method for selecting supervisors; and

(5) The beginning and ending dates of the project;

(c) *Participants.* (1) Identify the number of participants to be enrolled and their expected duration of employment, not exceeding 12 months;

(2) List the target groups to be served; and

(3) Describe the expected benefits to accrue to participants, e.g., skills to be obtained, academic credits to be earned;

(d) *Job titles, description and wages.* (1) The principal job titles, job descriptions, and hourly wages to be paid. If job restructuring is to occur, a description of the methods of the analysis to be used, the expected results, the methods for obtaining concurrence of appropriate collective bargaining agents, when a collective bargaining agreement is affected, and the relevant expertise of personnel who performed the restructuring; and

(2) The participation of appropriate collective bargaining agents, if a collective bargaining agreement will be affected, with regard to job classifications and wage rates;

(e) *Administration.* A description of the project applicant's organization (including type of organization, purpose of organization), experience in operating employment and training programs and/or providing public services, and a description of the accounting and financial management procedures and/or arrangements; and

(f) *Budget.* The budget shall include totals for the following line items:

(1) Direct program costs;

(2) Costs of participant wages and fringe benefits;

(3) Costs of wages and fringe benefits of worksite supervisors;

(4) Costs of job-related training;

(5) Costs of materials, supplies and equipment used by participants on the job; and

(6) Costs of supportive services for participants.

§ 680.107 Project application submission.

The project applicant shall submit applications to the program agent or to the prime sponsor, if there is no program agent, for its area.

§ 680.108 Project review.

(a) *Criteria.* The prime sponsor shall establish criteria to be used consistently by itself and any program agent for evaluating and approving project applications. These criteria are subject to review and comment by the youth and planning councils.

(b) *Information.* Each project, in order to be approved must:

(1) Provide tangible output and measurable benefits which will accrue to the community;

(2) Provide benefits to participants in terms of work habits, skills, apprenticeable skills, and attainment of academic credit, where applicable;

(3) Be labor intensive;

(4) Assure an adequate level of supervision, taking into account the complexity of the jobs to be created;

(5) Describe or assure adequate qualifications for supervisors in terms of necessary skills and experience;

(6) Assure that projects shall permit in-school youths employed in the projects to coordinate their jobs with classroom instruction and, to the extent feasible, permit such youths to receive academic credit for their participation in the program (sec. 427(b)); and

(7) Assure that any person hired to supervise youth shall not impede the promotional rights of existing employees.

(c) *Process.* Project applications from neighborhood and community-based organizations of demonstrated effectiveness in providing employment and training services to youth shall be considered before applications from other project applicants are considered. Where it can be documented that a neighborhood or community-based organization does not have the administrative capability to run a project, or its project application does not meet the project review criteria established by the prime sponsor, then project applications from other than neighborhood and community-based organizations may be considered: *Provided,* the same criteria are used.

(d) *Review.* Program agents shall review the project applications submitted to them, approve or disapprove them, and submit all project applications to the prime sponsor, indicating their approval or disapproval.

(e) The prime sponsor shall review those project applications received, including those submitted by any program agent(s). When reviewing those submitted by a program agent, the prime sponsor shall give due consideration to project applications approved by the program agent.

(f) After review, the prime sponsor shall submit all project applications to the youth and planning councils for comment and recommendations (sec. 426(c)).

(g) After review of any comments and/or recommendations of the planning and youth councils, the prime sponsor shall approve or disapprove the project applications. The prime sponsor, however, shall not disapprove a project application recommended for approval by the councils unless it has first considered any comments and recommendations made by the planning and youth councils and unless it has provided the councils with a written statement of its reasons for disapproval (sec. 426(c)(2)).

(h) In case of disapproval, the prime sponsor shall inform the project applicant in writing of its disapproval. It shall also indicate the reasons for the disapproval.

§ 680.109 Project prioritization.

Each prime sponsor shall rank, in terms of their relative priority, approved project applications. Each prime sponsor shall submit:

(a) A primary listing or prioritized proposed projects not to exceed 100 percent of the program funding estimate; and

(b) If additional projects have been approved, a second listing to be considered for future funding, in instances where:

(1) Projects submitted within the 100 percent are not acceptable to the RA;

(2) A project is subsequently found to be nonproductive or is withdrawn; or

(3) Additional funds become available.

§ 680.110 Project activities.

(a) Each project shall provide participants with constructive work in terms of individual and community benefits in such areas as, the rehabilitation or improvement of public facilities (including removing of architectural barriers which limit the access to these facilities by handicapped individuals), neighborhood improvements, weatherization and basic repairs to low-income housing, energy conservation including solar energy projects, especially those utilizing materials and supplies available without cost, and conservation, maintenance, or restoration of natural resources on non-Federal publicly held lands (sec. 422).

(b) Training provided in YCCIP shall be directly related to the development of specific skills needed for the job.

§ 680.111 Agreements with project applicants.

(a) Prime sponsors or program agents shall enter into financial agreements with project applicants except as provided in paragraph (b) of this section.

(b) The prime sponsor or program agent may enter into a nonfinancial agreement with a project applicant if there is a written agreement that clearly identifies the administrative and programmatic benefits of such a nonfinancial agreement.

§ 680.112 Program agent responsibility.

A program agent under title II may elect to be a program agent under this subpart. Program agents shall approve or disapprove projects, administer the program in their areas, and be subject to the limitation of funds provided in § 680.113. The administrative responsibilities described in § 677.54(b) of this title shall apply to YCCIP program agents.

§ 680.113 Limitation on use of funds.

(a) *Administrative costs.* No more than 5 percent of the total funds may be used by the prime sponsor and program agent(s) for administrative costs. The remaining funds shall be made available for projects.

(b) *Project funds.* Of the project funds:

(1) At least 65 percent of the funds available shall be used for participant wages and fringe benefits, unless adequate justification is provided in the prime sponsor's YCCIP annual plan subpart.

(2) No more than 10 percent may be used by project applicants for administrative costs.

(3) Any remaining funds may be used for project related training of participants, project supervisors, service to participants, and for the acquisition, lease, or rental of materials, equipment, and supplies.

§ 680.114 Supervisory personnel.

Each project shall have an adequate number of skilled supervisors. There shall be at least the ratio of 1 full-time supervisor to every 12 youths, unless satisfactory justification for another ratio is provided in the prime sponsor's YCCIP annual plan subpart. Supervisors shall have the skills needed to carry out the project and shall be able to instruct participants in those skills (sec. 425(b)).

§ 680.115 Eligibility for participation.

(a) Each person shall, at the time of application:

(1) Be 16 through 19 years of age, inclusive; and

(2) Be unemployed (sec. 422).

(b) *Selection.* In selecting eligible youth, prime sponsors shall give preference to the economically disadvantaged youth within the eligible population.

(1) Appropriate efforts shall be made to serve those eligible youths who have severe handicaps in obtaining employment (sec. 444(a)).

(2) A youth may not be enrolled in full-time employment opportunities if:

(i) The individual has not attained the age with respect to which the requirement of complusory education ceases to apply under the laws of the State in which such individual resides, except: (A) During periods when school is not in session, and (B) where employment is undertaken in cooperation with school-related programs awarding academic credit for work experience; of

(ii) The individual has not attained a high school diploma or its equivalent and it is determined by the prime sponsor that the youth dropped out of high school in order to participate in YCCIP (sec. 443(f)).

(c) *Limitation.* Each participant shall be limited to a maximum enrollment of 12 months with no more than two reenrollments, provided age eligibility is met at the time of each reenrollment and the 12 month limitation is not exceeded. Consistent with the termination procedures specified in § 676.30(b), every effort shall be made to transition participants into unsubsidized jobs or other CETA opportunities upon completion of the 12 months enrollment (sec. 428).

§ 680.116 Participant compensation, benefits and working conditions.

(a) Participants shall receive wages as described in § 680.10(a).

(b) Each participant shall be provided the benefits and working conditions as provided in § 676.27 of this title.

§ 680.117 Earnings disregard.

Wages received by any youth under YCCIP shall be disregarded in determining the eligibility of the youth or the youth's family for, and the amount of, any benefits received based on need, under any Federal or federally assisted programs (sec. 446).

§ 680.118 Maintenance of effort.

The provisions of § 680.12 regarding the maintenance of effort shall apply to YCCIP programs.

§ 680.119 Substitution for Title II programs.

Programs funded under YCCIP shall be supplementary to but not replace programs and activities for youth available under title II of the Act (sec. 421).

§ 680.120 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational agencies and post-secondary institutions to award academic credit for competencies participants gain from their participation in the program (sec. 445(a)). If academic credit is not given for work experience in YCCIP projects, high school dropouts and potential dropouts shall be encouraged to return to or remain in school.

§ 680.121 Reallocation procedures.

The reallocation procedures under § 680.15(a) shall apply to YCCIP programs.

§ 680.122 Modifications.

The modification procedures under § 680.16 shall apply to YCCIP programs.

§ 680.123 Reporting requirements.

The reporting requirements under § 680.17 shall apply to YCCIP programs.

§ 680.124 Review by the RA, redistribution.

(a) The RA may approve projects up to 100 percent of the prime sponsors program funding estimate.

(b) The RA shall disapprove any project application which does not meet the requirements of the Act, and the regulations. RA's shall review individual applications for unresolved disagreements between appropriate labor organizations, employers, and prime sponsors with respect to jobs that have been restructured. RA's shall provide in writing to the prime sponsor an explanation for any prioritized project applications that are rejected.

(c) *Redistribution.* If there are insufficient approved prioritized project applications to equal the prime sponsor's program funding estimate, the RA shall allow the prime sponsor 30 days in which to modify the prioritized project list. If the prime sponsor fails to submit revised project applications or submits revised project applications which are not approvable, the RA shall award the unused funds to other prime sponsors within the State for project applications approved by the RA. In States with only one prime sponsor or in States where no other prime sponsor will be able to spend these funds within a reasonable period of time, the RA shall initiate the reallocation procedures set forth in § 676.47 of this title.

Subpart C—Summer Youth Employment Programs

§ 680.200 Purpose.

(a) This subpart contains the regulations for that part of the Summer Youth Employment Program (SYEP) under Title IV, Part C of the Act which is operated by prime sponsors designated under § 676.5 of this title. The introductory and general provisions at *Parts 675 and 676* and the YETP regulations at Subpart A of this Part also apply to the SYEP program. To the extent, however, that the regulations in this subpart conflict with other regulations promulgated under the Act, the requirements contained in this subpart shall prevail (sec. 484).

(b) The Summer Youth Employment Program shall provide eligible youth with useful work and sufficient basic education and institutional or on-the-job training to assist these youths to develop their maximum occupational potential and to obtain employment not subsidized under this Act. The programs shall be designed to meet the diverse individual needs of each participant. Among these are:

(1) Structured and well supervised work;

(2) Opportunities to explore vocational interest;

(3) Job rotations to expose youth to different work settings;

(4) Vocational counseling and occupational information;

(5) Providing income to participants who without assistance would be unable to attend school;

(6) Meeting special employability needs;

(7) Services to induce and aid dropouts to return to school; and

(8) Placement into short-term subsidized employment leading to full-time unsubsidized employment for youth where return-to-school is not expected.

§ 680.201 Eligibility for SYEP funds.

Prime sponsors designated under § 676.5 are eligible to receive funds under SYEP (sec. 482).

§ 680.202 Allocation of funds.

Allocation of funds under SYEP shall be in accordance with section 483 of the Act.

§ 680.203 Unexpended previous year funds.

Unexpended summer program funds as of September 30 of each year shall be used in planning and designing the next year's summer program as described in § 680.204.

§ 680.204 Startup of program.

(a) During the planning and design phase of the program and prior to the close of the school year, only those activities outlined in paragraph (b) below are permissible. Youth may not be compensated for participation in the program prior to the close of school.

(b) Upon approval by the RA, the following planning and design activities shall be allowable beginning October 1 of each year;

(1) Development of the SYEP annual plan subpart;

(2) Hiring of staff (planners, worksite developers, intake specialists, etc.);

(3) Publication and clearance;

(4) Worksite development;

(5) Recruitment, intake and selection of participants;

(6) Arrangements for supportive services;

(7) Dissemination of program information, including orientation;

(8) Development of coordination between schools and other services;

(9) Staff training; and

(10) Other activities, with the approval of the RA, that may be characterized as planning and design but not program operation.

§ 680.205 Program planning; planning and youth councils.

(a) Each prime sponsor shall utilize the planning process and planning council, as described in § 676.6 and 676.7 of this title, and the youth council established under subpart A of this Part.

(b) In developing the SYEP annual plan subpart, the prime sponsor shall coordinate SYEP activities with programs for youth under Part 677 and subparts A and B of this Part (sec. 483(a)).

§ 680.206 Basic program design provisions.

Each prime sponsor shall:

(a) Provide services to those individuals most in need among its economically disadvantaged youth population, within the prime sponsor's jurisdiction, taking into account any priorities identified by the Secretary. Such services shall be provided on an equitable basis considering the geographic distribution of economically disadvantaged youth within the prime sponsor's jurisdiction.

(b) Design programs which are, to the maximum extent feasible, consistent with every participant's fullest capabilities.

(c) Develop outreach and recruitment techniques aimed at all segments of the economically disadvantaged youth population; especially school dropouts, youth not likely to return-to-school without assistance from the summer program, and youth who remain in school but are likely to be confronted with significant employment barriers relating to work attitude, aptitude, social adjustment, and other such factors.

(d) Provide labor market orientation to all participants either on a group or individual basis.

(e) Make maximum efforts to develop cooperative relationships with other community resources so that SYEP activities, including worksite supervision, are provided in the summer program at no cost, or at minimum cost, to the summer program.

(f) Make appropriate efforts to encourage local educational agencies and post-secondary institutions to award academic credit for the competencies participants gain from their participation in the summer program.

§ 680.207 Description of the SYEP annual plan subpart.

(a) Each prime sponsor shall submit a SYEP subpart by a date established by the RA which, when approved, shall become part of the annual plan. The RA may request an advance copy of the plan for preliminary review or authorize the prime sponsor to simultaneously submit the subpart to the regional office during the comment and publication process. The RA may conditionally approve the plan subject to final resolution of any comments received during the comment and publication period or any comments made by the regional office.

(b) The RA shall review, and approve or disapprove the SYEP subpart using the procedures in § 676.14 of this title.

(c) The SYEP subpart shall consist of the following items:

(1) Approval Request Letter;

(2) Application for Federal Assistance (Standard Form 424); and

(3) Narrative description.

(d) *Narrative description.* The narrative description shall contain:

(1) *Objectives and needs for assistance.* (i) Using the requirements for the YETP narrative, provide a description of the purpose, goals,and objectives of the SYEP program and the target groups that will be served by the program.

(ii) *Special group waivers.* Describe the conditions for which a waiver to the limitation on participation in work experience is being requested for any special group(s) of youth being served under SYEP.

(2) *Results and benefits.* Using the requirements for the YETP narrative, describe the participant benefits that will result from the program.

(3) *Approach* (i) *Program activities and services.* (A) Provide a description of the program activities and services and indicate the service deliverers and the activities they will provide, the duration for each activity and the skills to be learned, and the number of participants to be served by each activity.

(B) Describe the labor market orientation component.

(ii) *Program linkages.* If not elsewhere described in the Comprehensive Employment and Training Plan, described the program linkages established under SYEP.

(iii) *Worksites.* (A) Attach a copy of a worksite agreement which is representative of the worksite agreements used for SYEP.

(B) Describe the training for worksite supervisors, and other worksite personnel with respect to their responsibilities under the SYEP.

(iv) *Participant recruitment and selection.* Using the requirements for the YETP narrative, describe the methods that will be used to recruit, select, and verify eligibility of YETP youth.

(v) *Special components.* (A) If a vocational exploration program (VEP) is to be funded under the SYEP, describe the program and indicate the number of participants and planned expenditures for the program, the organizations with which agreements have been written, the arrangements covered by these agreements, the occupations to which participants will be exposed, provide evidence of the approval by the affected collective bargaining agent(s), and if a nationally funded VEP is operating in the prime sponsor's area, identify the functions or activities the prime sponsor will perform for the nationally funded program.

(B) If an Entitlement project under subpart D of this Part is being funded and operated with SYEP funds, describe the project, including the primary program activities.

(4) *Management and administration.* (i) Describe any significant differences in the administration, operations, and management (including organizational structure) of the SYEP program from the information provided elsewhere in the Comprehensive Employment and Training Plan.

(ii) Describe the results of or attach copies of any evaluation/assessment reports conducted on the last year's SYEP program which were used to set priorities and/or determine the programmatic goals for purpose of SYEP.

(iii) Attach copies, if any, of comments and recommendations received on the SYEP plan from the appropriate labor organizations, the youth council, the planning council, CBO's and LEA's.

(iv) If not elsewhere included in the Comprehensive Employment and Training Plan, describe the monitoring and evaluation process that will be used for the program.

(v) Attach a copy of the Youth Program Planning Summary and Youth Budget Information Summary on the SYEP program.

(5) *Assurances and certifications.* The SYEP assurances and certifications and detailed instructions for completing the requirements of the SYEP annual plan subpart are contained in the *Forms Preparation Handbook.*

§ 680.208 Activities and services.

(a) Programs may include any employment and training activity or service specified in § 676.25 of this title, except public service employment.

(b) Prime sponsors operating Youth Incentive Entitlement Pilot Projects (YIEPP) may use SYEP funds for their YIEPP program. The provisions of Subpart D of this Part shall apply to SYEP funds used for this purpose.

§ 680.209 Program management provisions.

Each prime sponsor shall:

(a) Provide adequate skilled supervisors to participants at each worksite.

(b) Closely monitor the performance of service deliverers in compliance with the provisions of the regulations governing the summer program, particularly the provisions of paragraph (h) of this section. Specifically, prime sponsors shall have sufficient technical and managerial personnel to monitor performance and to measure program outcomes against prime sponsor's established goals.

(c) Ensure that enrollee applications are widely available and that jobs are awarded among the most severely disadvantaged in an equitable fashion. Each prime sponsor shall inform each participant of the purposes of the program, the conditions and standards (including such items as hours of work, pay provisions and complaint procedures) for work activities in the program and require a signature of the applicant or (in the case of minors) the parent, responsible adult, or guardian attesting to the accuracy of the information, especially income data, provided on the application.

(d) When using contractors or subrecipients, enter into contracts or subgrants in accordance with § 676.37. Prime sponsors may enter into contracts or subgrants for those allowable activities or operations of the summer program only with organizations that have demonstrated sufficient program capability and shall have reasonable assurances that such organizations:

(1) Have sufficient capability to operate the program;

(2) Have financial management capability as required by § 676.34;

(3) Assure in their applications that all proposed worksites meet the requirements of this subpart, and that such worksites will meet the standards of § 680.210;

(4) Assure in their applications that they will have available for review and monitoring the names and qualifications of their officers, directors, and managing personnel, including the names and qualifications of officers, directors and managing personnel of any affiliate, subsidiary, etc., who have operational or fiscal responsibilities for the summer program;

(5) Assure in their applications that they will have available a list of all Department of Labor; Department of Health, Education, and Welfare; and Department of Agriculture programs under which they have received financial assistance during the last three years and provide in their applications a statement that to the best of their knowledge, they have substantially complied with the requirements, procedures and objectives of such programs;

(6) Assure in their applications that there is no information available to them showing substantial non-compliance with the Act and regulations in operation during the terms of the previous year's summer program, or if there is, they shall include in their applications a copy of an acceptable plan to correct such deficiencies; and

(7) Assure in their applications that all of their personnel will have basic training in the program and regulations before the summer program begins.

(e) Consider in selecting contractors or subrecipients the capability of such organizations to:

(1) Provide worthwhile work to participants (i.e., work that is appropriate in terms of participants' needs and local market demands);

(2) Provide the specific services contracted for;

(3) Restrict expenditures to allowable cost items, only;

(4) Submit timely and accurate reports;

(5) Authorize payment only for time worked by a participant or an employee of the project sponsor; and

(6) Provide such public information regarding the program worksites and its administrators as may be requested.

(f) Require their contractors or subrecipients to:

(1) Have supervisory and operational personnel for monitoring each site to which participants are assigned;

(2) Assure that all sites, where participants will be assigned, have the capability and facilities to provide services to summer youth in a sanitary and safe environment; and

(3) Train their own personnel and worksite personnel with regard to the duties and responsibilities, including monitoring.

(g) Compile and continually update a list of worksites divided by contractor and subrecipient to aid in its monitoring efforts and to be made available to the public on request.

(h) Visit worksites of each contractor or subrecipient on a sample basis during the first half of the summer program to determine whether:

(1) The activities on the site are those described in the worksite agreement;

(2) There is sufficient meaningful work to occupy all the youth assigned during the hours they are at the site;

(3) Attendance records are being maintained and accurately record time worked by each enrollee; and

(4) The requirements of the Act and this subpart are being met.

(i) Promptly review the reports written by its own and Federal monitors.

(j) Revisit worksites where monitors report problems.

(k) Close worksites where it finds serious or continual violations of the Act, the regulations or conditions of the contract or subgrant, and which are not likely to be remedied by quick remedial action.

§ 680.210 Worksite standards.

(a) No participants under 18 years of age shall be employed in any occupation which the Secretary has found, pursuant to his authority under the Fair Labor Standards Act, to be particularly hazardous for persons between 16 and 18 years of age (see Subpart E of Part 570 of Title 29).

(b) participants who are 14 and 15 years of age shall participate only in accordance with the limitations imposed by the Fair Labor Standards Act. (See subpart C of Part 570 §§ 570.31 and 570.35 of Title 29.)

(c) (1) Each prime sponsor shall develop a written financial or non-financial agreement with each worksite employer which assures:

(i) Adequate supervision of each participant,

(ii) Adequate accountability for participant time and attendance, and

(iii) Adherence to the rules and regulations governing SYEP.

(2) Such written agreements may be memoranda of understanding, simple work statements or other documents which indicate an estimate of the number of participants at the worksite and any operational conditions to which the worksite is expected to adhere.

(d) Each prime sponsor shall establish procedures for the monitoring and evaluation of each worksite to insure compliance with the worksite agreements and the terms and conditions of subgrants and contracts.

(e) No participant shall be required to work, nor be compensated for work, with CETA funds, for more than 40 hours per week. While the Department uses a 9-week, 26-hour week job as the basis for estimating the number of youth to be served, it is not intended to take away the flexibility of the prime sponsor to establish job slots in keeping with the needs of the area and the youth to be served.

§ 680.211 Eligibility for participation.

Each person shall be:

(a) At the time of application, economically disadvantaged; and

(b) At the time of enrollment, 14 through 21 years of age inclusive (sec. 402(a)).

§ 680.212 Participant compensation, benefits and working conditions.

(a) Prime sponsors shall provide participant benefits, wages, and allowances as provided in §§ 676.26 and 676.27.

(b) Participants enrolled in vocational exploration activities shall be compensated as described in § 676.26 *except:* Participants receiving public assistance, or whose needs or income are taken into account in determining such public assistance payments to others, may recieve a stipend in addition to their incentive allowance for participation in vocational exploration program activities; *Provided,* That the participant's total allowances (the incentive allowance plus any stipend) do not exceed the basic allowances paid to other participants.

This stipend is available to provide for the exceptional expenses incurred by these participants which might otherwise prevent the individuals from participating in a VEP activity. The first $30 of such total allowance payment shall be disregarded in determining the amount of public assistance payments under Federal or federally assisted public assistance programs. In prescribing the total allowance payment for each participant, the prime sponsor shall insure that no individual shall receive an amount in allowances which would result in a net loss to the youth or the youth's family in public assistance benefits.

§ 680.213 Reallocation procedures.

The reallocation procedures under § 676.47 shall apply to SYEP programs.

§ 680.214 Modifications.

(a) The procedures specified in § 676.16 shall apply to the modifying of the SYEP subpart, except that the provisions concerning A–95 clearance shall not apply.

(b) The RA shall notify the prime sponsor of approval or disapproval within 10 days of receipt of the proposed modification.

§ 680.215 Reporting requirements.

Each prime sponsor shall submit the following reports to the RA:

(a) A Youth Program Status Summary, as of June 30 and September 30

(separate reporting of the vocational exploration program component will be included in this report);

(b) A Youth Financial Status Report, as of June 30 and September 30 (separate reporting of the Vocational exploration program component will be included in this report);

(c) Separate Quarterly Summary of Participant Characteristics reports as of September 30, based on the participant records for this program and any Part 677 summer youth programs;

(d) Selected information required on the above reports shall be submitted for informational purposes for participants and expenditures in summer components funded with monies in the Part 677 annual plan subparts as applicable;

(e) Selected information required on the above reports shall also be submitted for reporting purposes, for participants and expenditures in entitlement projects funded with monies provided under this subpart, as well as in the required entitlement reports; and

(f) The reports in this section shall be submitted to the RA no later than 30 days after the end of the report period.

§ 680.216 Termination date for the summer program.

(a) Participants shall not be enrolled in program activities beyond September 30. However, in no event may a participant work full time after the beginning of his or her school year.

(b) In addition to the activities described in § 680.204, allowable activities after September 30 include: report and record preparation and submittal, completion of evaluations and assessments of the summer program, and audits.

Subpart D—Youth Incentive Entitlement Pilot Projects

§ 680.300 Scope and purpose of subpart.

(a) This subpart contains the regulations governing the Youth Incentive Entitlement Pilot Projects (Entitlement Projects) under Title IV, Part A, Subpart 1 of the Act. The Youth Incentive Entitlement Pilot Projects were established by Title II of the Youth Employment and Demonstration Projects Act (YEDPA) of 1977.

(b) The basic purpose of the Entitlement Projects is to test the experimental idea of guaranteeing jobs, or in some cases a combination of jobs and training, to economically disadvantaged youth. The program is operating only in certain prime sponsor areas, or portions of prime sponsor areas, chosen by the Department of Labor. Within those areas during the school year, otherwise unavailable part-time employment, or a combination of part-time employment and training, will be guaranteed to those economically disadvantaged youth between the ages of 16 to 19 inclusive, who are in secondary school or who are in a program leading to a certificate of high school equivalency. In addition, in those same areas during the summer, otherwise unavailable full-time employment, or a combination of part-time employment and training, will be guaranteed to economically disadvantaged youth, between the ages of 16 to 19 inclusive, who are in a secondary school or who are in a program leading to a certificate of high school equivalency (sec. 416(a)).

(c) Congress mandated that the entitlement approach be rigorously tested under varying geographic, economic, and other circumstances. Because of the high cost of guaranteeing year-round jobs to all in-school disadvantaged youths, only a limited number of demonstrations could be undertaken with available funds. In order to test whether jurisdictions can feasibly implement substantial programs, only a limited number of Tier I projects were implemented. These are covering entire jurisdictions or neighborhoods. In order to test a number of innovative approaches authorized by the Act and to get a wider geographic spread, a somewhat larger number of Tier II projects were funded, demonstrating specific innovative entitlement approaches. These projects might cover only the area served by a particular school or small school district.

(d) To make sure that Entitlement Projects would be selected and operated as a national experiment, with the necessary flexibility to develop and test new and improved ideas, Congress did not authorize the Secretary to allocate funds to CETA prime sponsors by formula. Instead, the Secretary of Labor was required to determine how many Entitlement Projects are to be established and where they should be located.

§ 680.301 Regulations governing entitlement projects; definitions.

(a) All the provisions of Part 676 of this title shall apply to the Entitlement program except to the extent they conflict with the regulations in this subpart.

(b) To the extent that the research, demonstration, and informational requirements of this subpart conflict with the regulations contained in Part 676, the regulations in this subpart shall prevail. In order to determine whether a conflict exists, grantees shall consider

both the regulations in this subpart and the terms of the Entitlement grants which implement the regulations in this subpart. For example, the regulations throughout this subpart contain requirements that the grantee submit detailed information not required by the regulations in Part 676. Because of the research and demonstration nature of the Entitlement program such information is essential. As a result, the Entitlement grants, which implement the regulations contained in this subpart, contain reporting and other requirements which are both different from, and more detailed than, those in Part 676. In such cases, the grantees shall follow the Entitlement grant requirements. Other specific examples of such conflicts are as follows:

(1) Since under the regulations in this subpart, the Entitlement program is administered by the national office the terms regional office and Regional Administrator in Part 676 mean for purposes of this subpart national office and Grant Officer respectively; and

(2) To the extent that Entitlement grants require the use of categories for allocating costs for reporting purposes which are different from or more detailed than the allocable cost categories in § 676.41, the grantee shall allocate costs pursuant to the categories in the Entitlement grant.

(c) Questions regarding the applicability of specific provisions of Part 676 which may appear to conflict with the regulations or grant shall be addressed to the Grant Officer.

(d) Definitions for terms used in this subpart may be found at S675.4 of this title, except as stated within this subpart.

§ 680.302 Funding of entitlement projects.

(a) Of the funds available under this subpart, the Secretary shall reserve a portion of the funds for research, technical assistance, consultants, and other appropriate purposes.

(b) The Secretary shall use the remaining funds under this subpart to fund selected Entitlement Projects.

§ 680.303 Eligibility for funds.

All prime sponsors under Title II of the Act were eligible to apply for Entitlement Project funds.

§ 680.304 [Reserved]

§ 680.305 [Reserved]

§ 680.306 [Reserved]

§ 680.307 [Reserved]

§ 680.308 [Reserved]

§ 680.309 [Reserved]

§ 680.310 [Reserved]

§ 680.311 [Reserved]

§ 680.312 [Reserved]

§ 680.313 [Reserved]

§ 680.314 Assurances and certifications.

The prime sponsor shall assure that, in operating its Entitlement Project, the prime sponsor will comply with the Master Plan including Assurances and Certifications in the Master Plan and with the following additional assurances:

(a) Compliance with Title IV, Part A, Subpart 1 of the Act, with other applicable provisions of the Act, and with the regulations in this subpart; and

(b) Compliance with the Hazardous Occupations Orders issued pursuant to the Fair Labor Standards Act and set forth at 29 CFR 570.50 *et seq.* with respect to the employment of youths under 18 years of age.

§ 680.315 Project responsibilities and requirements.

(a) *Project organization and administration.* (1) Because of the size and complexity of the Entitlement Projects, a single governmental, private nonprofit, or educational agency should be designated to assume overall management responsibility for program operations, including coordinating participant recruitment, work site development, operational relationships among schools, training activities and support services, program monitoring, report preparation, and maintenance of management information. The prime sponsor may delegate this responsibility.

(2) For the Entitlement Project, the entire youth participant payroll shall be centrally administered by the prime sponsor or its delegated management agency. Finally, since this is a demonstration project, extensive research, monitoring, and evalution must be carried out by the prime sponsor under the supervision of the Department of Labor.

(b) *Commitment of local institutions and organizations.* (1) Prime sponsors shall consult with the appropriate labor organizations in developing restructured and/or newly classified jobs.

(2) Section 418(a)(4)(D) of the Act also requires that prime sponsors consult and work with a number of other local institutions and organizations in planning and implementing Entitlement Projects, including law enforcement and judicial agencies, youth groups, State and local public assistance agencies, community-based organizations, the private sector, and the State Employment Service. Arrangements should be made with all appropriate groups to obtain their assistance in operating the program.

(c) *Ageements.* Prime sponsors shall comply with the following agreements in carrying out their Entitlement Projects:

(1) All wage agreements entered into pursuant to § 680.319(a);

(2) An agreement with the State Employment Service agency;

(3) Agreements obtained from each participating school and high school equivalency (GED) program in the Entitlement Project area which is attended by eligible youths, and, to the extent feasible and appropriate, with every such school outside the Entitlement Project area which eligible youths from the Entitlement Project attend, indicating their willingness to provide a monthly status report for each participant certifying the participant's compliance or noncompliance with the school's or GED program's minimum academic and attendance requirements, including, from each participating secondary school and GED program a description of the standards and policies for determining its minimum academic and attendance requirements;

(4) All on-the-job training, employment guarantee and other agreements entered into with private nonprofit and for-profit employers;

(5) Any agreements with unions with respect to apprenticeship training; and

(6) Any other agreements entered into in order to run the Entitlement program.

(d) *Program operation-related documentation.* Prime sponsors shall document the following:

(1) The procedures for verification and reverification of eligibility criteria as required in § 680.313(f), and the method by which these will be implemented, and how the eligibility criteria and verification procedures will be explained to participants at the time of enrollment;

(2) Policies for defining good cause for the participant's rejection of a job or other nonparticipation; proposed procedures and timetable for making another job offer in such cases; and proposed procedures for the resolution of grievances.

(3) In detail, standards for determining satisfactory performance including policies on attendance and lateness on the job or at training, suspension and termination policies and procedures, and the procedures and staff responsibilities for monitoring program performance.

(4) (i) Descriptions of which of the following groups of youth, if any will be considered by the prime sponsor to "reside" in the Entitlement Area and therefore be eligible (if otherwise eligible) for program participation:

(A) Youths confined in prisons or other correctional institutions in the area;

(B) Youths in area hospitals, drug rehabilitation centers, half-way houses, etc.; and

(ii) How the enrollment eligibility criteria and procedures will be applied to any of these or other groups of youth in institutional "residences" selected to be included in the program.

§ 680.316 Eligibility of participants.

(a) Every youth who resides in the geographic area of the Entitlement Project shall be entitled to participate in the program provided that, at the time of application and selection, the youth provides documented evidence which shows that:

(1) The youth is aged 16–19 inclusive, unless the Department has authorized the prime sponsor to administer an entitlement Project for youths between 19 and 25 years of age;

(2) The youth has not received a high school diploma or certificate of high school equivalency;

(3) The youth has resided in the Entitlement Project area for 30 days. Newly discharged veterans however, are exempt from the 30 day residency requirement;

(4) The youth is economically disadvantaged. For purposes of this subpart, economically disadvantaged shall mean that the youth:

(i) Either constitutes a family of one, or is a member of a family,

(ii) And receives cash welfare payments under a Federal, State or local program, or whose income is at or below the poverty level as determined by the Office of Management and Budget (OMB). For the purposes of this paragraph, a "family" is as defined in § 675.4 of this title, and the term "family income" is as defined in § 675.4 of this title. Family income shall be computed pursuant to § 675.4 of this title except that earnings received by a youth under Title IV OJT shall be disregarded in computing family income. In the case of newly discharged veterans, income received while in military service shall be disregarded in computing family income; and

(5) The youth is:

(i) Enrolled in and attending a State-certified secondary school program leading to a high school diploma, or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment; or

(ii) Enrolled in and attending a certified or approved program leading to a certificate of high school equivalency (GED), or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment.

(b) If the youth is under the juvenile or criminal justice system, the appropriate authorities must approve the youth's participation or continued participation in writing.

(c) The citizenship provisions of § 675.5(b) of this title shall apply to the Entitlement program.

(d)(1) No otherwise eligible youth shall be excluded from participation because of any mental or physical handicap.

(2) The prime sponsor must take every step necessary to insure that such youths can participate. The prime sponsor may not segregate such youths from regular program activities, but must redesign these activities to ensure participation.

(e) No youth may take a job under this subpart if a member of his or her immediate family as defined in § 676.66(c)(1) of this title, has responsibility for hiring persons into that job. Therefore, prime sponsors shall assure that eligible youths are not placed in jobs by members of their immediate families. The provisions of § 676.66 (a) and (b) shall not apply to this subpart. (Section 418(a)(4)(I).)

(f) A participant must continue to be economically disadvantaged as defined in § 680.316(a)(4) and to reside within the Entitlement Area or be terminated from the program. The prime sponsor shall re-verify participant economically disadvantaged status and residency between the seventh and twelfth month following enrollment and annually thereafter. In re-verifying economically disadvantaged status, however, wages and allowances received under the Entitlement program shall not be included when computing family income.

(g) A participant must meet minimum academic and attendance requirements of the secondary school or high school equivalency program in which the participant is enrolled or be terminated from the Entitlement program. The secondary school or GED program must provide monthly assurances that the participant is meeting minimum academic and attendance requirements.

(h) A participant who has been found by the prime sponsor, after notice and an opportunity for a hearing, to have refused a job or to be otherwise refusing to participate in the program without good cause, shall be terminated from the program. The participant shall be given a termination notice which states that the participant may appeal the termination to the appropriate ETA regional office. Upon receipt of such an appeal the regional office shall process it as a complaint pursuant to Subpart (f) of Part 676.

(i) Except as provided below, any participant who has been terminated from the Entitlement program may re-enroll at any time provided the participant meets the eligibility criteria in this section. Participants who have been terminated for failure to participate without good cause must wait 60 days before they apply for re-enrollment. Re-enrollment of such participant after the 60 day period shall be subject to a determination by the prime sponsor as to whether such individual would properly participate in the program.

(j) For youths who remain eligible as stated in (f) through (i) of this section, the minimum guaranteed period of employment for Entitlement-eligible youth is either 8 weeks of full-time summer employment or 6 months of part-time school-year employment (sec. 417). Therefore:

(1) A participant reaching 20 years of age while in the program may remain in the program until the participant completes either 8 weeks of full-time summer employment or 6 months of part-time school-year employment. If upon reaching the 20th birthday the participant has already completed either 8 weeks of full-time summer or 6 months of part-time school-year employment, the participant shall be immediately terminated from the program. For projects that are serving youth 19–25, this requirement applies to youth reaching 25 years of age.

(2) A participant who receives a high school diploma or a certificate of high school equivalency while in the program may remain in the program until the completion of either 8 weeks of full-time summer employment or 6 months of part-time school-year employment.

(k) Since jobs during the school year must last at least 6 months, and jobs in the summer must last at least 8 weeks, no youth may be enrolled in the program if the grant will end before the youth can complete the required period of employment unless there are sufficient funds to maintain that youth for the minimum guaranteed period of employment.

§ 680.317 Work sites.

(a) Work sites shall:

(1) Not detract from or interfere with the educational curriculum of the participants and, whenever possible, shall complement that curriculum;

(2) Be primarily in the Entitlement Area or easily accessible, and in reasonable proximity to the residences of eligible youth;

(3) Maintain a cooperative relationship with local business, union and community group interests;

(4) Provide attendance and productivity standards, which are adequate for monitoring purposes and capable on-site supervision; and

(5) Be developed and committed in such numbers and in such a way as to minimize the time between enrollment and assignment to a work site of any participant.

(b) Emphasis in work site development shall be placed on jobs having careful supervision and which provide youth with structured, productive work settings. Jobs shall be designed to introduce youth to the habits of successful work life and entry level or preparatory skills.

(c) Prime sponsors should make every effort to create new and different job classifications, occupations, and restructured jobs (sec 418(a)(3)).

(d) Participants shall spend a majority of paid program time on the work site engaged in direct job performance. Training may be provided during the remaining time, provided the training is directly related to the specific work assignment.

§ 680.318 Allowable activities.

(a) The Entitlement project may include any type of employment and training activity specified in § 676.25 of this title, except public service employment.

§ 680.319 Participant benefits.

(a) The wage provisions of § 680.10 shall apply to the Entitlement program. In addition:

(1) In Entitlement projects in which employment with private-for-profit employers is authorized, up to 100 percent of the wages may be paid. (i) However, in such cases, prime sponsors must submit acceptable plans for reducing the level of wage subsidy over the period of participation of the participant.

(ii) No additional payments shall be provided by the Entitlement program to any such for-profit organization.

(2) In the case of participants working at jobs and/or engaged in training provided by private-for-profit organizations wages (and/or allowances) shall be paid, as in all cases, by the centrally administered payroll facility required by § 680.315 (1)(b).

(3) Each participant shall spend the majority of his/her paid time in the Entitlement program in either work or training which is directly related to the assignment. Consequently, participants should be paid wages for both work time and training time, except when more than 50 percent of scheduled program time is spent in training. In such cases, allowances shall be paid in accordance with § 676.26 for the period spent in training.

(b) Each participant, while in on-the-job training, or work experience, shall be assured of the general benefits and working conditions for program participants required by § 676.27 of this title.

(c) No funds under the Entitlement program may be used for retirement benefits or costs.

§ 680.320 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational agencies to award academic credit for the competencies participants gain in the Entitlement program.

§ 680.321 Disregarding earnings.

The provisions of § 680.11 of this Part shall apply to the Entitlement program (sec. 446).

§ 680.322 Maintenance of effort.

The provisions of § 680.12 and 680.13 shall apply to the Entitlement program.

§ 680.323 Limitations on use of funds.

(a) No funds under the Entitlement program may be used to pay for time spent in the Entitlement program in excess of 20 hours a week during the school year or 40 hours per week during the summer. The minimum paid program time guaranteed for each employed youth shall be 10 hours per week during the school year and 30 hours per week during the summer. Prime sponsors may also allow youths to work 40 hours a week during school year vacations of 5 consecutive school days or more, but there shall be no minimum paid program guarantee applicable to these school year vacations.

(b) *Training and support services.* (1) The basic intent of the Entitlement Projects is to provide employment. Training and support services may be provided, however, it should be assumed that a participant will spend most of paid program time engaged in direct job performance at the worksite.

(2) Any training that is conducted during paid program time should be

directly related to the participant's specific work assignment.

(3) Participants are to be paid for time spent in training in accordance with § 676.26 and § 680.319(a)(3)).

(4) Participants shall not be paid for time spent in supporting services (as defined in § 676.25(e)(3)).

(5) Prime sponsors are discouraged from paying for staff and overhead costs for training and support services out of Entitlement funds. Prime sponsors should use funds from other sources to cover these costs.

(c) *Innovative Approaches.* Prime sponsors may test a variety of innovative employment and training approaches within the larger context of the Entitlement program. These approaches should not cover an entire Tier I project, of which the basic purpose is to test the Entitlement notion itself, but may be used as a component of Tier I projects. Tier II projects should include one or more of the following innovative approaches:

(1) The use of subsidies to private for-profit employers to encourage such employers to provide employment and training opportunities;

(2) Arrangements with unions to enable eligible youth to enter into apprenticeship training as part of the employment entitlement;

(3) Inclusion of economically disadvantaged youth between the age of 19 and 25 who have not received their high school diploma or equivalent;

(4) Inclusion of occupational and career counseling, outreach, career exploration, and on-the-job training as part of the employment entitlement;

(5) Inclusion of youth under the jurisdiction of the juvenile or criminal justice system with the approval of the appropriate authorities.

(b) Prime sponsors may use program funds under both Title II and Title IV, Part C of the Act for the Entitlement Project. Funds under Title IV, Part A, Subparts 2 and 3 of the Act may also be used provided modifications are obtained for those grants. Funds received under Title IV, Part C shall be integrated with funds received under this subpart. Therefore, the regulations under this subpart shall apply to such funds. Title II funds and other Title IV funds, however, may not be integrated, but must be separately accounted for. The regulations appropriate to each program shall apply to such funds when conflicts occur between those regulations and the Entitlement regulations. Thus, for example, Entitlement Project wages and allowances paid for with Title II funds, shall be paid at the wage rates and allowance rates set forth in the Title II regulations.

Signed at Washington, D.C., the 27th day of September 1979.

Ray Marshall,

Secretary of Labor.

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Part V

Department of Energy

Economic Regulatory Administration

Mandatory Petroleum Allocation Regulations; Amendment to Special Rule 9 Providing for the Special Allocation of Middle Distillates

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-79-25]

Mandatory Petroleum Allocation Regulations; Amendment to Special Rule No. 9 Providing for the Special Allocation of Middle Distillates

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending Special Rule No. 9 to Subpart A, Part 211 to extend its effectiveness through January 31, 1980. Today's action is intended to promote activities involving surface passenger mass transportation by ensuring the continued availability of diesel fuel for such activities.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTAL INFORMATION:

I. *Background.*
II. *Amendment Adopted.*
III. *Procedural Requirement.*

I. Background

In response to requests by the Department of Agriculture and other interested groups, we adopted a Special Rule No. 9 which provided for those engaged in agricultural activities to receive their current requirements of middle distillates in order to prevent the interruption of planting activities (44 FR 28606, May 15, 1979). We requested comments on Special Rule No. 9 through June 15, 1979 and held a public hearing in Washington, D.C. on May 18, 1979. We specifically requested comments as to whether any other activity, such as surface passenger mass transportation, should be included within the coverage of Special Rule 9 and as to whether the Rule should be extended beyond July 31, 1979. Based on early comments and market data, we amended Special Rule No. 9 to include surface passenger mass transportation, agricultural trucking and crude oil and natural gas production activities (44 FR 31626, June 1, 1979).

Our review of all comments received by June 15, 1979 indicated that Special Rule No. 9 had served its original purpose, which was to provide enough fuel for planting the Nation's crops. However, the comments and our own analysis also indicated that the shortage of petroleum products resulted in difficulties for consumers of middle distillates engaged in many non-priority activities, and that this shortage situation had been exacerbated by the adoption of Special Rule No. 9. Accordingly, on June 21, 1979 we revised Special Rule No. 9 so that it provided an allocation only for surface passenger mass transportation (44 FR 37188, June 25, 1979). We continued the rulemaking proceeding, however, to consider the need for any additional action.

The revised Special Rule No. 9 provided for the allocation of middle distillates through September 30, 1979. We have received a significant number of comments, however, that urge us to extend the effectiveness of the revised Rule indefinitely. These comments restate the views expressed at the May hearing and in the earlier written comments that the activities included within surface passenger mass transportation were essential for many individuals and, together with vanpooling, had helped to conserve energy by giving individuals the choice of using more energy-efficient forms of transportation. They also indicated that the continuation of many of these energy-efficient activities at current levels require an assurance that sufficient fuel will be available in the coming months.

After considering these comments, we believe it appropriate to extend the effectiveness of Special Rule No. 9. Accordingly, we are amending Special Rule No. 9 to extend its effectiveness through January 31, 1980. In addition, we plan to issue shortly a Notice of Proposed Rulemaking to make Special Rule No. 9 permanent.

II. Amendment Adopted

Special Rule No. 9 is revised to be effective through January 31, 1980. The Operation of Special Rule No. 9 is thoroughly discussed in the May 15 and June 1 Notices, and that discussion is incorporated herein by reference. It should be noted, however, that the provisions in Special Rule 9 which related to the redirection of product and the review of inventory practices expired on July 31, 1979, and have been deleted.

III. Procedural Requirement

A. Section 404 of the DOE Act

Section 404(a) of the DOE Act requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of functions transferred to him under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under section 402 (a)(1) or (b) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

Following an opportunity to review Special Rule No. 9, the FERC has declined to determine that it may significantly affect one of its functions under the sections noted above.

B. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action. A copy of this Rule was provided to the EPA Administrator who has responded that EPA does not foresee this Rule having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of EPA.

C. National Environmental Policy Act

It has been determined that these amendments do not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and therefore an environmental assessment or an

environmental impact statement is not required by NEPA and the applicable DOE regulations for compliance with NEPA. This determination is based on our analysis which indicates that today's action will have no effect on the production or the available supply of middle distillates.

D. Section 501 of the DOE Act

Subsection 501(b) of the DOE Act requires that comments on a proposed rule be permitted for thirty days. Subsection 501(c) of the DOE Act requires that an opportunity be provided for the oral presentation of comments. As noted previously, we have complied with these prior notice and hearing requirements and have considered the comments received in deciding whether to adopt this Rule.

E. Executive Order 12044

Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for public comment for a minimum of 60 days and to prepare a regulatory analysis for those significant regulations which are determined likely to have a major impact. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979).

Today's action will provide for a limited extension of an existing regulation. We do not expect such extension to affect important policy concerns or impose any significant additional burdens on the public. Moreover, we have determined that today's action will not be the object of much public interest, as indicated by the fact that no general objections regarding the allocation of middle distillates for mass transportation were raised in the comments received in response to the adoption and initial extension of Special Rule No. 9. Finally, we will soon be issuing a Notice of proposed rulemaking to make Special Rule No. 9 permanent and, thus, will be providing ample opportunity for public participation in determining the extent to which the continued special allocation of middle distillates for mass transportation is necessary and appropriate. In view of these considerations, we have determined that today's action to extend Special Rule No. 9 does not constitute a significant regulation as contemplated by that term in Executive Order 12044 and, therefore, that a 60-day comment period and the preparation of a regulatory analysis are not required.

F. Section 553 of the Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act requires that a substantive rule not become effective less than thirty days after its publication unless the agency finds for good cause this requirement impracticable, unnecessary or contrary to the public interest and publishes this finding together with the rule. We have determined that good cause is found to waive the section 553(d) requirement since it would be contrary to the public interest to permit a situation to arise in which the availability of energy-efficient surface passenger mass transportation might be disrupted due to a lack of sufficient supplies of diesel fuel. Moreover, this requirement is not necessary since the Rule continues a program that is already in effect and on which there has been ample opportunity for comments concerning its specific provisions.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective October 1, 1979.

Issued in Washington, D.C., September 26, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

The Appendix to Subpart A of Part 211 is amended by modifying Special Rule No. 9 to read as follows:

Appendix—Special Rule No. 9

Special Allocation of Middle Distillates for Surface Passenger Mass Transportation

1. *Scope.* Notwithstanding the provisions of paragraphs (b) and (c) of § 210.35 of Part 210 of this chapter and of paragraphs (b)(5) and (b)(6) of § 211.1 of this part, this Special Rule establishes a special allocation program for middle distillates for the months of May 1979 through January 1980.

2. *Definitions.* For purposes of this Special Rule, the relevant definitions of § 211.51 of Part 211 of this chapter shall apply, except that the following definitions shall apply:

"Base period" means the first calendar month prior to May 1979 in which a wholesale purchaser purchased or obtained middle distillate volumes.

"Current requirements" means, (a) with respect to a wholesale purchaser-consumer or end-user, the volume of middle distillates needed by the wholesale purchaser-consumer or end-user to meet its present supply requirements for middle distillates for use in surface passenger mass transportation, but does not include any amounts which the wholesale purchaser-consumer or end-user purchases or obtains for resale or accumulates as an inventory in excess of that purchaser's customary inventory maintained in the conduct of its normal business practices; or, (b) with respect to a wholesale purchaser-reseller, the volume of middle distillates needed by the wholesale purchaser-reseller to meet its present requirements to supply middle distillates to wholesale purchaser-consumers, end-users or other wholesale purchaser-resellers for ultimate use in surface passenger mass transportation.

"Middle distillates" means any of the following, as defined in § 212.31 of Part 212 of this chapter: No. 1 heating oil, No. 1–D diesel fuel, No. 2 heating oil, No. 2–D diesel fuel and kerosene.

"Surface passenger mass transportation" means any activity in which passengers are transported by means of a commuter bus or rail system (including a metropolitan mass transit system), a school bus, a charter bus, a commuter ferry, or an intercity passenger bus or train.

3. *General Rule.* Each supplier of middle distillates shall supply all wholesale purchaser-consumers, all end-users, and all wholesale purchaser-resellers with their current requirements for middle distillates which have been certified to that supplier in accordance with the provisions of this Special Rule.

4. *Certification Requirements.*

(a) *End-users.* An end-user may certify to any supplier its current requirements for middle distillates for surface passenger mass transportation.

(b) *Wholesale purchaser-consumers.* A wholesale purchaser-consumer may certify to its base period supplier its current requirements for middle distillates for ultimate use in surface passenger mass transportation.

(c) *Wholesale purchaser-resellers.* A wholesale purchaser-reseller may certify to its base period supplier its current requirements for: (i) Any end user; (ii) any wholesale purchaser-consumer it supplied during the base period (in accordance with paragraph (d) of this section; (iii) any wholesale purchaser-consumer it agrees to supply under section (7); (iv) any assigned purchasers, and (v) any certification for volumes to be supplied pursuant to this Special Rule.

(d) *Purchasers with more than one base period supplier.* A purchaser or supplier which purchased or obtained middle distillates during the base period from more than one supplier may certify to each such supplier a percentage of its current requirements for surface passenger mass transportation which does not exceed the percentage of the total volumes of middle

distillates purchased or obtained by the purchaser from that supplier in the base period.

5. *Validation of Certifications.* In the event that a purchaser and its supplier cannot agree on the volume of middle distillates which the supplier is required to supply to the purchaser under this Special Rule, the purchaser may request validation of the required volume from the appropriate ERA Regional Office. From the time the supplier receives certification, the supplier shall supply the purchaser any volumes which are not in dispute. If ERA determines that the purchaser is entitled to volumes in excess of those supplied by the supplier during the period in which certification was in dispute, ERA may order the supplier to supply such increased requirements and to supply the purchaser with additional volumes of middle distillates equal to the amount the purchaser would have received if the increased requirements had been supplied during such period.

6. *Assignment of suppliers.* Any purchaser which is unable to purchase or obtain its total current requirements for ultimate use in surface passenger mass transportation may apply to the appropriate ERA Regional Office as provided in Subpart C of Part 205 of this chapter to be assigned a supplier: *Provided,* That, an end-user in a State in which there is a State Office must apply to that State Office as provided in Subpart Q of Part 205 of this chapter for the assignment of a supplier. The purchaser may be assigned one or more suppliers and the amount of its current requirements to be supplied by each supplier may be specified.

7. *Mutual agreements.* As an alternative to the procedures set forth in sections (5) and (6) of this Special Rule, a supplier of middle distillates may agree to supply that portion of the current requirements of a wholesale purchaser-consumer which has been unable to obtain the full amount of its current requirements from its base period suppliers.

8. *Normal business practices; non-discriminatory pricing.* The requirements of paragraphs (a) and (b) of § 210.62 of this chapter shall apply to suppliers to prohibit any practice or any form of discrimination (including price discrimination) which has the effect of circumventing, frustrating or impairing the objectives, purposes and intent of this Special Rule.

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federal register

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October 2, 1979

Part VI

Office of Management and Budget

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of budget authority totalling $61.9 million and a revision to one previously transmitted deferral increasing the amount deferred by $3.8 million. These items involve the Departments of Agriculture and Commerce and the Railroad Retirement Board.

The details of each deferral are contained in the attached reports.

Jimmy Carter

The White House,
September 27, 1979.

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CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Department of Agriculture:	
	Forest Service	
D79-37A	Timber salvage sales	9,298
	Department of Commerce:	
	National Oceanic and Atmospheric Administration	
D79-66	Construction	60,000
D79-67	Fishing vessel and gear damage compensation fund	600
D79-68	Fishermen's contingency fund	300
	Other Independent Agencies:	
	Railroad Retirement Board	
D79-69	Regional rail transportation protective account	1,000
	Total, deferrals	71,198

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message:		
New items	---	61,900
Change to amount previously submitted	---	3,798
Effect of thirteenth special message	---	65,698
Previous special messages	908,692	4,614,638
Total amount proposed in special messages	908,692	4,680,336

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D79-37 transmitted to the Congress on December 7, 1978, and printed as House Document No. 96-3.

This revision to a deferral for the Department of Agriculture's timber salvage sales in the Forest Service increases the previously reported deferral from $5,500,000 to $9,297,732. This increase of $3,797,732 reflects a correction to apportionment documents previously prepared. The adjustment was necessary because the actual amount of unobligated balances brought forward was $3,797,732 higher than originally estimated.

Deferral No: D79-37A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 95-465): $ 3,000,000
Bureau: Forest Service	Other budgetary resources: 20,025,932*
Appropriation title & symbol: Timber Salvage Sales 1/ 12X5204 12X1126	Total budgetary resources: 23,025,932*
	Amount to be deferred: Part of year: $ ____ Entire year: 9,297,732*
OMB identification code: 12-5204-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: *The timber salvage sales fund was authorized by the National Forest Management Act of 1976 to increase the capability of the Forest Service to offer insect-infested, dead, damaged, or fallen timber for sale. Receipts from the sale of such timber are deposited in a special fund and are available until expended to cover the costs of design, engineering, and supervision of the construction of needed roads, as well as the cost to the Forest Service of sale preparation and supervision of actual harvesting.

Public Law 95-465, making appropriations for the Department of the Interior and related agencies, 1979, provided $3 million for design and construction of roads and preparation, harvest administration and sale of salvageable timber on national forests which have not yet built up a salvage fund from receipts. In addition to these funds, estimated receipts for salvage sales are available to finance the program.

Present program plans for timber salvage sales require a resource level of $13,728,200. The remaining $9,297,732 is being deferred in accordance with the Antideficiency Act (31 USC 665) which authorizes the establishment of reserves for contingencies. This action is being taken because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

Estimated Effects: There are no programmatic or budgetary effects that result from this deferral action. The reserve reflects the time lag between deposit of receipts from salvage sales and the expenditure of these funds to cover the costs of additional sales.

Outlay Effect: There is no outlay effect of this deferral because the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1978.

* Revised from previous report.

Deferral No: D79-66

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce Bureau: National Oceanic and Atmospheric Administration	New budget authority (P.L. 96-38): $60,000,000 Other budgetary resources: 13,101,887 Total budgetary resources: 73,101,887
Appropriation title & symbol Construction 13x1452	Amount to be deferred: Part of year: $ --- Entire year: 60,000,000
OMB identification code: 13-1452-0-1-306 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: Public Law 96-38, enacted July 25, 1979, included a supplemental appropriation of $60,000,000 to fund the completion of the National Oceanic and Atmospheric Administration's (NOAA) Western Regional Center in Seattle, Washington. Funds available from prior years that were withheld due to a court injunction (see deferral D79-5) and subsequently released will be sufficient to cover preliminary construction costs for the remainder of FY 1979. The supplemental appropriation will fund 1980 and 1981 construction requirements and is deferred for the remainder of FY 1979.

This deferral action is in accord with congressional intent to fully fund this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral will have no budgetary or programmatic impact.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-67

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-38): $1,000,000
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources: ---
Appropriation title & symbol: Fishing Vessel and Gear Damage Compensation Fund 13x5119	Total budgetary resources: 1,000,000
	Amount to be deferred: Part of year: $---
	Entire year: 600,000
OMB identification code: 13-5119-0-2-376	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year _____ (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other _____

Justification: Public Law 96-38, enacted July 25, 1979, included a supplemental appropriation of $1,000,000 to establish the Fishing Vessel and Gear Damage Compensation Fund. This fund provides compensation to fishing vessel owners who sustain losses or damage to their gear or vessels while engaged in any fishing subject to the exclusive fishery management authority of the United States under the Fishery Conservation and Management Act of 1976, provided that the loss is attributable to any foreign vessel, its crew, fishing gear, or a natural disaster. Claims approximating the amount of the supplemental are in process at this time; however, it is now estimated that--due to the timing of enactment of supplemental funding--fewer claims can be approved for payment prior to the end of FY 1979 than was originally anticipated. The deferred funds will be used to pay the remaining claims in 1980.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral will have no budgetary or programmatic impact.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-68

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-38): $450,000
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources: ---
Appropriation title & symbol: Fishermen's Contingency Fund 13x5120	Total budgetary resources: 450,000
	Amount to be deferred: Part of year: $---
	Entire year: 300,000
OMB identification code: 13-5120-0-2-376	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year _____ (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other _____

Justification: Public Law 96-38, enacted July 25, 1979, included a supplemental appropriation of $450,000 to establish the Fishermen's Contingency Fund. This fund provides reasonable compensation to commercial fishermen for damages to or loss of fishing gear, including loss of profits related to oil and gas exploration, development, and production on the Outer Continental Shelf. Claims approximating the amount of the supplemental are in process at this time; however, it is estimated that fewer claims can be approved for payment in FY 1979 than planned earlier due to the passage of the supplemental later in the fiscal year than was originally anticipated. The deferred funds will be used to pay the remaining claims in 1980.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral will have no budgetary or programmatic impact.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-69

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Railroad Retirement Board	New budget authority (P.L. 95-480; P.L. 96-38): $ 43,870,000
Bureau:	Other budgetary resources: 56,118,240
Appropriation title & symbol: Regional rail transportation protective account 60X0110	Total budgetary resources: 99,988,240
	Amount to be deferred: Part of year: $ ---
	Entire year: 1,000,000
OMB identification code: 60-0110-0-1-604	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual; [ ] Multiple-year _____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other _____

Justification: The Regional Rail Reorganization Act of 1973 established a program to reimburse various organizations that provide benefits to employees adversely affected by the creation of the Midwest and Northeast rail system up to the aggregate sum of $250 million. This program--having reached its authorized limit--will terminate on September 30, 1979, at which time a closing audit will be undertaken. To allow for any retroactive adjustments the audit may require while limiting total expenditure to the $250 million authorized, $1,000,000 is being deferred for the remainder of FY 1979. Any funds remaining after required audit adjustments will be expended in accordance with statutory provisions.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: Use of any portion of the amount deferred, including whatever sum is not required to make audit adjustments, will be delayed from one to three months.

Outlay Effect: As a result of this deferral, $1,000,000 in outlays will be shifted from FY 1979 to FY 1980.

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federal register

Tuesday
October 2, 1979

Part VII

Council on Wage and Price Stability

Anti-Inflationary Pay and Price Standards; Procedural Rules; Wage and Price Advisory Committees Charter Amendments

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Pay and Price Standards

AGENCY: Council on Wage and Price Stability.

ACTION: Interim Final Standards for the Second Program Year, with comments requested.

SUMMARY: On August 10, 1979, the Council published an *Issue Paper* (44 FR 47232) soliciting public comment on issues that arose with the pay and price standards during the first program year. In view of these comments, which are discussed in detail below, the Council is revising Subparts A, C and D of Part 705 for the second program year. Because the second program year begins on or before October 1 for all companies, the Council is publishing these revisions in interim final form, effective October 1, and public comment is solicited on an expedited basis. Any changes suggested by the comments that are ultimately incorporated in the final standards will be effective as of October 1, but no one who relies on the standards set forth herein will be found out of compliance with the final standards for the interim period.

Subpart B of Part 705, which is the pay standard, is unchanged pending the receipt of recommendations from the reconstituted Pay Advisory Committee. The Council, however, will continue its policy of administering the pay standard to remedy certain inequities that arose during the first program year.

DATES: The effective date of the revised Part 705 is October 1, 1979. Comments must be received on or before October 17, 1979.

ADDRESS: Written comments should be addressed to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Industries, Contact Person, and Telephone No.

Metals, Machinery & Equipment, Eugene Roberts; 456–7784.
Food, Agriculture & Trade, Steve Hiemstra; 456–7740.
Energy, Chemicals, Utilities & Transportation, John Keith; 456–7747.
Construction & Building Materials, Joseph Lackey; 456–7156.
Health Insurance & Other Services, Arthur Coraxzini; 456–7730.

ANALYSIS OF COMMENTS AND CHANGES:

Second-Year Pay and Price Standards

Introduction

The voluntary pay and price standards announced on October 24, 1978, were one element of the President's anti-inflation program. As the first year of the program drew to a close, the Council undertook to evaluate the performance of the standards and to consider various modifications for the second year. The Council's preliminary analysis led to the release, on August 7, 1979, of an *Issue Paper: Pay and Price Standards* (44 FR 47232, August 10, 1979). Public comments on the questions raised in that paper were due September 5.

The public response to the *Issue Paper* was encouraging, particularly in view of the relatively short time for filing comments. Over 600 were filed, on behalf of labor groups, business entities, State and local governments, public interest groups, and concerned individuals. While the perspectives differed and the suggestions covered a wide range, there were certain recurrent themes.

Most important, there was widespread recognition among both proponents and opponents of the standards that they have been at least moderately successful in restraining inflation, even in the face of sharp accelerations in food and energy prices. The annual rate of increase in those sectors of the economy to which the basic price deceleration standard is applicable has been a little above 7 percent, or about one percentage point above the rate anticipated if all firms in these sectors had been able to adhere to that particular standard. The overall rate of increase in pay rates (hourly wages plus private fringe benefits) has also run about one percentage point above the target rate; the actual annual rate during the first program year has been about 8½ percent.

The comments also stressed the importance of continuity and consistency to the continued effectiveness of the standards; many entities have devoted a large amount of time and expense to developing compliance programs, and major changes in the standards could nullify these efforts. At the same time, the comments emphasized certain problems with the first-year standards, most of which were identified in the *Issue Paper*. Those most prominently mentioned were that: (1) As a result of certain companies' having had abnormally depressed base periods and/or unusual program-year cost increases, the profit-margin exception has been more frequently used than was initially contemplated; and (2) there has been a growing disparity between pay increases of employee units covered by cost-of-living adjustment (COLA) clauses and those not covered. In addition, it was noted that, unlike previous instances in which the government has been involved in developing pay policies, this program has not included a clearly defined role for representatives of labor, management, and the public.

In response to these comments, the President has announced that the Pay Advisory Committee has been reconstituted to provide greater participation by the public in the anti-inflation program. The Committee, which will be composed of fifteen members—five representatives of labor, five business representatives, and five representatives of the general public—will advise the Council on developing policies that encourage anti-inflationary pay behavior by employers and labor, that decelerate the rate of inflation, and that provide for a fair and equitable distribution of the burden of restraint. The amended charter provides that the Committee will recommend new or revised interpretations of the pay standard and changes, if any, in pay exception and noncompliance decisions of the Council. Most importantly, the Committee is charged to submit, by October 31, 1979, its recommendations for modifications, if any, to the pay standard itself, including specifically the basic pay standard, the inflation assumption for evaluating cost-of-living adjustment clauses, the threshold for the low-wage exemption, the treatment of increments and tandem relationships, and the appropriate adjustment for employee units not covered by cost-of-living adjustment clauses. Rather than unduly restrict the options available at the outset to the Committee, we are not now publishing any modifications to the current pay standard. Until the Committee submits its recommendations, the first-year standards (presently found in 705B) remain in effect, and the Council will continue its current policy of using the gross-inequity exception to remedy certain inequities that have arisen during the first program year.

The President has also directed that the Price Advisory Committee be reconstituted with five members representative of the general public. While it will have the same objectives and many of the same responsibilities as the Pay Advisory Committee, it will be asked to work with a revised price standard that has been developed by the Council. As will be discussed in more

detail below, the revised standard will be cast as a company-specific cumulative standard that limits the increase during the first two program years to the cumulative base-period price change. Semiannual limitations will also be imposed. An exception for uncontrollable cost increases will again be available, but the resulting profit limitation will be appreciably more restrictive than it was in the first year.

There follows a discussion of the design of the second-year price standard. The issues considered by the Council are numbered as they appeared in the *Issue Paper*. After each issue, we summarize the public comments relating to that issue, and explain the Council's conclusions. The proposed standards are then reproduced as Subpart 705A ("The Price Standard"), Subpart 705C ("Modified Price Standards for Selected Industries"), and Subpart 705D ("Definitions") (with revised definitions for the price standard and the first-year definitions for the pay standard).

1. *The Aggregate Price Standard.* The people who commented on this subject generally supported the approach taken by the Council in the first program year, which linked the aggregate price standard to the pay standard. The Council will retain the linkage between the pay and price standards, although the tentativeness of the second-year pay standard makes that nexus less precise.

No changes will be made in the assumptions underlying the linkage. However, the Council's present policy of allowing catchup adjustments for workers without cost-of-living adjustments who complied with the first-year standard constitutes an effective relaxation in the pay standard. While qualifying workers can expect up to one percentage point automatically, not all workers will qualify. On the other hand, allowances of more than one percentage point may be approved in extraordinary cases. On balance, the Council believes that this relaxation in the pay standard amounts to an average of about one percentage point. Maintenance of the same nexus between the price and pay standards requires that the aggregate price standard in the second year be one percentage point higher than the 5¾ percent first-year standard. Any further quantifiable changes of the pay standard during the second program year may be the basis for further changes of the price standard.

For the present, compounding the first-year aggregate price standard of 5¾ percent with the second-year's 6¾ percent, we obtain a two-year aggregate standard of 13 percent. The two-year cumulative increase over the 1976–77 base period (see issue A.3) in those sectors covered by the price standard was also 13 percent. The two-year company-specific price standard (see issue A.4), therefore, limits the cumulative price increase for each company over the two program years to its cumulative 1976–77 increase.

2. *Range of Allowable Price Increases.* The first program year's price limitations for individual companies were limited to the range between 1½ percent and 9½ percent, regardless of the company's actual rate of price change during the base-period. Many commentators recognized the inequities created by so wide a range, and there was substantial support for raising the bottom limit on the ground that for many companies the base-period rate of price increase was abnormally low. Only a few comments discussed the upper limit.

For the second year, the Council has decided to narrow the range of stipulated price increases, and to raise the bottom by more than it lowers the top. The lower bound will be raised from 1½ percent to 3½ percent, which should reduce inequities for firms whose markets were depressed (or who showed especial restraint) during the 1976–77 base period, without adversely affecting next year's inflation rate (since most firms with low base-period rates of price change will be constrained now, as they were in the past, much more by market forces than by the price standard). The upper bound will be lowered from 9½ percent to 8½ percent. Such a tightening of the standard is equitable in view of the continued availability of an exception (the profit-limitation) to accommodate firms subjected to genuinely uncontrollable cost pressures necessitating average price increases greater than 8½ percent. A 3½ to 8½ percent price band for the second year on top of 1½ to 9½ percent for the first, translates into a compound 5-to-19-percent band for the cumulative two-year period.

3. *The Choice of the Base Period.* The price standard is based on an assumption that there is some continuity over time in the differences among companies and industries in their respective productivity and cost trends, and that their relative price changes in the recent past adequately reflect these differences. For the first program year, 1976–77 was selected as the reference period for measuring these underlying relative cost trends. A more recent base period would have penalized firms that cooperated with the Administration's informal program to restrain price increases (announced January 1978); and an earlier base period would have been less representative because of the 1974–75 recession and the 1973–74 surge in energy prices.

A few companies suggested changing the base period because of circumstances peculiar to their own companies or industries. Most comments, however, argued against a change on the grounds that: (1) the present base is at least as good as any other; (2) a good deal of effort has gone into developing figures for that period; and (3) changing it would impose additional costs and create unnecessary confusion.

The Council has decided to retain the 1976–77 base period for the second program year. Although large increases in the costs of energy and raw materials since 1977 have sharply altered cost trends for some industries, expanding the base would not do much to make the cost experience more representative, since crude-material prices did not take off dramatically until early 1979, and including the first program year—in hope of bringing the base more nearly up to date—would reward companies that raised their prices sharply and penalize those that had practiced restraint. Moreover, as reflected in the comments, since firms have already computed their based-period price changes, retaining the 1976–77 base period minimizes calculation costs. Compliance costs were substantial for some firms in the first year, and increasing those costs would provide a disincentive for compliance with a voluntary program.

4. *One-Year vs. Two-Year Standard.* The *Issue Paper* suggested two alternatives for measuring compliance for the second program year—a one-year or a two-year standard. Most of the commentators supported a two-year cumulative price standard on the ground that this would permit the carrying forward of unused allowable price increases from the first program year. Many of those recommending a one-year standard also argued for a carry-forward provision, thereby essentially endorsing the crucial aspect of a two-year standard.

Since there is overwhelming support for a two-year standard, the Council will cast the price standard as a cumulative two-year price limitation measured from the base quarter in 1978 to the corresponding quarter in 1980. This approach has the virtue of greater comparability to the 1976–77 base period, since the large increases in crude-material costs experienced in the first program year are likely to subside during the second. Moreover, a two-year standard will reward companies that showed restraint in the first year, or, to

put it another way, will eliminate any incentive for firms to use all of their allowable increases in each program year.

One difficulty with the two-year price limitation is that some companies were granted or properly self-administered profit-margin exceptions during the first year and then legitimately increased their prices by more than what would have been allowable under the basic price standard. To enable these companies to return to the price standard, the Council has decided to permit them to exceed the amount that would otherwise be permitted under that standard in the first six months of the second program year, so long as they do not use more than one half of the difference between their actual first-year price increase and their full two-year limitation.

5. *Excluded Products.* During the first program year, most crude and raw materials were excluded from the program. Most of those who commented on this issue urged no change in these provisions, although isolated commentators suggested also excluding natural gas liquids, forest and lumber products, lead, and zinc. A related issue raised by some is whether new products should continue to be excluded and, if so, how to do the calculations.

Although much of the inflation during the past year has been in the excluded areas, no major changes are proposed for the second program year. As noted in the *Issue Paper* and reflected in the comments, it is imprudent to apply price standards to sectors where price increases are the result of supply shortages, and it is difficult to apply rigid standards where sellers lack discretion in setting prices for their goods. Moreover, the current economic slowdown is expected to continue into the second program year, and thus the present price pressures in the excluded sectors are expected to decrease in any event.

To reflect the Council's actual policy during the first program year, two exclusions are being made explicit in the standards—for non-Federal hospitals (which are monitored by the Department of Health, Education, and Welfare) and health maintenance organizations. Another change to reflect existing policy is more precise definitions for custom products, new products, organized exchange markets, and health maintenance organizations. Finally, in response to the public comments, the standards will provide that new or discontinued and custom products that were excluded during the first program year can also be excluded during the second.

6. *Special-Sector Standards.* During the first program year, special standards were adopted for several sectors: retailing, wholesaling, food processing, petroleum refining, electric and gas utilities, insurance, some professions, financial institutions, government enterprises, and government-subsidized private companies. In general, the comments recommended that these standards be retained in their present form, with some minor modifications and clarifications.

The Council has decided to keep the basic structure of the wholesale/retail standard unchanged. In the second year, as in the first, wholesale/retail units can increase their percentage gross margins in accordance with their base-period margin trend. As with the price standard, the base year remains the same and the standard is cast as a two-year cumulative limitation. Some commentators suggested that companies with a negative margin trend should be allowed to increase their percentage margins in the second year by some stipulated amount. This suggestion has not been adopted since the standard already allows such companies to maintain a constant percentage margin, and therefore allows dollar gross margins to expand at the same rate as the cost of goods purchased for resale, plus growth in physical volume.

The wholesale/retail standard is being altered to bar the inclusion of significant vertically integrated manufacturing operations under the percentage-gross-margin standard. This change is required because the rationale underlying the creation of this special standard for wholesale/retail trade (i.e., that the prices of goods are determined primarily by the cost of the goods purchased for resale) does not apply to manufacturing operations.

Three different dollar-gross-margin standards are available for food processors, petroleum-refinery operations, and utilities, respectively. In the first program year, these standards limited the growth in gross margins from the base quarter to the last quarter of the program year. Many commentators suggested that reliance on data for individual quarters is inappropriate because of the volatility of quarterly gross-margin data. In response to these comments, all three standards have been changed—they will now all compare annual gross margins in the second program year with gross margins in the base year. As with the price standard, the base year remains the same and the standard is cumulative over the two-year period.

All of the dollar gross-margin standards limit growth in dollar margins to no more than 13½ percent (6½ percent compounded), with adjustment for physical volume growth. Some commentators suggested that gross margins be redefined to add items to the cost of goods sold (in particular, food processors suggested excluding energy and packaging cost from their gross margin). This suggestion was rejected because the uncontrollable-cost exception is available for companies experiencing rapid increases in costs of inputs other than those purchased for processing, and, in order to encourage cost-saving input substitution when relative prices change, it is desirable to limit the number of inputs that are eligible for cost passthrough.

During the first year, the food-processors standard imposed explicit 6-month and 9-month limitations on gross-margin growth. The remaining three margin standards contained no explicit intermediate limitations. Experience during the first year indicates that such limitations are desirable (other than for utilities, whose rates are regulated and typically adjusted infrequently) to permit evaluations of compliance on a timely basis. Accordingly, the second-year standards will contain semi-annual margin limitations. The numerical values of these limitations are derived by assuming a linear movement of the margin from the base-year average to the second-program-year annual limit, with the average values being reached at mid-year.

Again as under the price standard, companies in these sectors that were granted or properly self-administered profit-margin exceptions during the first year are permitted to adjust their gross margins to the second-year limitation in a gradual fashion. However, the Council has decided that companies that wish to remain subject to the profit-margin limitation (as well as those that wish to move to that limitation during the second program year) must demonstrate first that they cannot comply with the gross-margin standard. Some of those commenting on this issue urged that companies be permitted to go directly to the profit margin, but, as noted in the *Issue Paper* and not disputed in any of the comments, many of them have sought to qualify for the profit-margin limitation for the precise reasons for which the gross-margin standard was designed.

The first-year standards for petroleum-refinery operations allowed dollar margins to increase by 6.5 percent, plus any positive percentage growth in physical volume, and required only input mix adjustments. In order to make the volume adjustment

symmetrical, and because there is a good measure of physical volume for this industry, the second-year standard is cast in terms of the gross margin per barrel of output. Also for symmetry, and to avoid distortions in the gross-margin changes as a result of mix changes, the second-year standard requires both input and output mix adjustments.

In the first-year standard for gas and electric utilities, the last three paragraphs dealt with its administration by public utility commissions. Although the Council remains committed to the approach spelled out in that paragraph, such matters are not appropriately included in the standards themselves and have therefore been deleted. Also, the coverage of this standard has been expanded to include water and sewer utilities.

The professional-fee standard is being extended to the second year in much the same way as the gross margin tests: It is cast as a cumulative limitation by compounding 6½ percent over two years.

The standard for government enterprises and private companies receiving government subsidies also remains substantially unchanged, but one change in the coverage criterion is being made in response to public comment. Specifically, the criterion based upon eligibility to disaggregate has been replaced by a criterion based upon availability of required data. In addition, the section has been expanded to cover nonprofit organizations.

The special-sector standards for the insurance and banking industries run on a calendar-year basis. The Council is still gaining valuable experience with these standards. As a result, the second-year revisions will not be proposed until later this year.

7. *The Insufficient-Product-Coverage Rule.* In the first program year, a company that derived 75 percent or more of its revenue from excluded products was not covered by the program. This provision was intended to avoid imposing unnecessary compliance burdens on companies for which only a small fraction of total operations would be covered. But the 75-percent rule, combined with the flexibility afforded companies in organizing for compliance purposes, resulted in considerable slippage in the price standard. This occurred because companies were able to disaggregate their operations in such a way that products normally covered by the program, and for which large price increases were taken, were placed in compliance units that qualified for exclusion under the 75-percent rule. Moreover, although the revenue excluded from the program as a result of the rule might be a small percentage of a company's total revenue, it could amount to several hundred million dollars for large firms, a dollar value large enough to warrant monitoring by the Council. For these reasons, the Council has eliminated the 75-percent rule from the second-year program, notwithstanding the fact that most commentators favored its retention.

The Council has also made more explicit its interpretation of the portion of the insufficient-product-coverage rule that applies when revenue from new, discontinued, and custom products, and products exchanged in non-arms-length transactions, account for one-third or more of the company's revenue after deducting the other excluded products. In these cases, the company as a whole should comply with the two-part profit limitation, and, in addition, it should comply with the two-year and intermediate price limitations for nonexcluded products unless the revenue from those products is less than $50 million. This two-part requirement for compliance does not reflect any change in the Council's policies; the dollar threshold has been inserted, however, in response to public concern that otherwise there would be computational burdens imposed in situations where compliance with the price standard would have only negligible anti-inflationary benefits.

The insufficient-product-coverage rule has been incorporated in a new section, called "Special Situations." This section also sets forth the treatment of acquisitions and divestitures, which is essentially unchanged (but simplified) from what was previously incorporated in the "Definitions" section.

8. *Adjusting the Profit-Margin Limitation.* In the first-year standards, the profit-margin limitation was intended to constrain price changes to equal (approximately) cost changes in those cases where uncontrollable cost increases precluded compliance with the basic price standard. This limitation consisted of a two-part test:

(a) The profit margin (dollar profit as a percent of sales) in the first year was not to exceed the average profit margin of the best two of the three preceding years.

(b) Dollar-profit growth during the first year was restricted to 6½ percent (plus an adjustment for any positive growth in physical volume) over base-year profit. Base-year profit was allowed to be either actual profit earned during the base year or base-year sales multiplied by the best-two-out-of-three average profit margin. This choice was provided in recognition of the fact that profit is highly volatile from year to year.

In many cases, the choice of the alternative base-year profit measure allowed firms not only a passthrough of cost surges but also a catch-up from their actual base-year profit margin to their best-two-out-of-three margin. Because of the resulting serious potential for slippage, the Council imposed a condition on some profit-margin exceptions granted or self-administered during the first year. The condition had the effect of tightening up the dollar-profit-growth allowance by constraining dollar profits to an amount consistent with a passthrough of cost changes per unit of output from the base quarter to the fourth quarter of the program year. At the same time, it based allowable dollar-profit growth on a single quarter that might not have accurately reflected the firm's "normal" profit position.

The comments did not provide any consensus on how the limitation should be modified, if at all. Based on the Council's experience, the second-year standard will continue to provide a profit limitation in situations where companies cannot calculate their program-year price change or cannot satisfy the price limitations due to uncontrollable increases in the prices of goods and services they buy. If, however, a company cannot calculate its base-period price change because of a lack of historical records, it will be assigned a two-year price limitation of 10 percent. (If the company is eligible for a gross-margin standard, the Council may provide a constructive gross-margin limitation.)

In applying the profit limitation, the Council will retain the average best-two-out-of-three base for the profit-margin limitation and will impose a 13.5-percent (6.5 percent compounded) limit on dollar profit growth over the two program years. The fourth-quarter condition used during the first program year will not be continued. Instead, to reduce the potential for slippage, the amount of catch-up of dollar profits will be limited to 50 percent. This will be achieved by defining base-year profit as (1) actual base-year profit or (2) the *average* of actual base-year profit and the multiple of base-year revenue and the best-two-out-of-three margin (rather than the three-out-of-three margin mentioned in the *Issue Paper*).

In response to numerous public comments, the Council will consider in individual cases adjusting price limitations for particularly large increases in costs of raw materials and other particular inputs that the Council may specify, so as to reduce the pressures on companies with such cost increases to move to the profit limitation.

9. *Company Organization.* At the beginning of the first program year, companies were given the option of disaggregating their operations for compliance purposes (i.e., of reporting as one or more distinct compliance units) if certain accounting criteria were satisfied. The disaggregated reporting "company" as defined in the first year will be called a "compliance unit" in the standards for the second year.

Most comments supported the proposition that companies should be permitted to reorganize for compliance purposes for the second program year. In spite of the fact that, in the first year, some companies organized themselves to take advantage of the various available exceptions and exemptions, the Council has decided to allow companies to reorganize for compliance purposes at the outset of the second program year but not thereafter. Changes within companies, changes in the economic circumstances of industries within which various parts of a large company may operate, simple mistakes in past choices of compliance structure, and modifications in the standards justify affording companies full latitude for reorganization. The Council does not believe that this will result in significant slippage because companies are not allowed to reorganize during the program year. This policy will be reflected in the Council's procedural rules.

10. *A Product-Specific vs. A Company-Specific Price Standard.* Because the price standard establishes a limitation based on a company-wide average price increase and does not set limits on price increases for individual items, the standard is not easily monitored by consumers. Throughout the first program year, various groups voiced opposition to the company-wide standard for this reason and requested product-specific price standards. All but one of the public comments, however, strongly supported retention of the company-wide standard. For the reasons set forth in the *Issue Paper,* the Council has decided to continue with the current approach. The Council is, however, pursuing the possibility of requesting companies to post base-period price levels of selected products.

11. *Quarterly Limitations.* The first-year standards included 6-month and 9-month limitations on average price increases in order to deter companies from taking all of their allowable price increase early in the program year. The Council contemplated adopting quarterly limitations in the second year for the same reason. The comments have, however, expressed vigorous opposition to quarterly limits in general and to a first-quarter test in particular. The principal argument is that such limits increase compliance burdens for those businesses whose pricing and production schedules extend beyond a quarter's length. The difficulty with a first-quarter test in particular is that, for many businesses, first-quarter pricing decisions have already been made on the assumption that, as in the first year, there would not be any difference between the first- and second-quarter limits in the second-year standards.

In response to these sentiments, the Council is not imposing different first- and second-quarter price limitations. In other words, compliance does not require that companies implement their price increases gradually, satisfying a first-quarter limitation that is more restrictive than the second-quarter limitation. On the other hand, the Council could not countenance the absence of any restrictions on first-quarter price increases. For this reason, the standard is cast as a semi-annual limitation to be met on a quarterly basis. However, if price developments during the first quarter suggest the need for more restrictive quarterly limitations, the third quarter limitation may be adjusted downward.

Finally, the Council is eliminating the first-year requirement that companies that justify exceeding quarterly limits on the grounds of seasonality must comply not only with the price standard for the year but also with the profit limitation. The comments suggest, and we agree, that the profit restriction in this context is an unnecessary restraint in view of its limited anti-inflationary benefit.

* * * * *

Each of these changes has been incorporated in the standard, and editorial changes have been made to clarify the Council's interpretations. In addition the proposed language of the standard reflects the decision announced August 27 to begin a twelve-month second program year on October 1, 1979. As we explained earlier, a majority of the comments received on this issue preferred the present October 1 program year, in large part because companies have established compliance plans based on the present system. It was felt that a change at this time would cause unnecessary confusion and additional expense.

Accordingly, Subparts A, C, and D of Part 705, Title 6 CFR are adopted on an interim basis to read as follows:

PART 705—ANTI-INFLATIONARY PAY AND PRICE STANDARD

Subpart A—The Price Standard

Sec.

705.1 Compliance with the price standard.
705.2 The two-year price limitation.
705.3 Intermediate price limitations.
705.4 Exclusions.
705.5 Special situations.
705.5 Exceptions
* * * * *

Subpart C—Modified Price Standards for Selected Industries

705.40 General applicability of modified price standards.
705.41 Exceptions.
705.42 Percentage-gross-margin standard for wholesale and retail trade.
705.43 Gross-margin standard for food manufacturing and processing.
705.44 Gross-margin standard for petroleum-refinery operations.
705.45 Gross-margin standard for electric, gas, and water utilities.
705.46 Professional-fee standard.
705.47 Federal, state, and local government enterprises, private nonprofit enterprises, and government-subsidized private companies.
705.48 Price standard for medical and dental insurance providers.
705.49 Price standard for providers of insurance other than medical and dental insurance.
705.50 Standard for financial institutions.

Subpart D—Definitions

705.60 Base—Period price change.
705.61 Base quarter.
705.62 Base year.
705.63 Company.
705.64 Compliance unit.
705.65 Custom product.
705.66 Employee.
705.67 First program year.
705.68 Future—Value incentive plans.
705.69 Health maintenance organization.
705.70 New products.
705.71 Organized exchange market.
705.72 Pay.
705.73 Pay rate.
705.74 Two-year price change.
705.75 Product.
705.76 Product price.
705.77 Profit margin.
705.78 Second program year.

Authority.—Council on Wage and Price Stability Act, Pub. L. 93-387 (August 24, 1974), as amended by Pub. L. 94078 (August 9, 1975) and Pub. L. 95-121 (October 5, 1977), 12 U.S.C. 1904 note; as last amended by Pub. L. 96-10 (May 10, 1979); E.O. 12092 (November 3, 1978); E.O. 12161 (September 28, 1979).

Subpart A—The Price Standard

§ 705.1 Compliance with the price standard.

A compliance unit complies with the price standard if and only if it satisfies the two-year and the intermediate price limitations in §§ 705.2 and 705.3, subject

to the applicable provisions of 705.4, 705.5, and 705.6.

§ 705.2 The two-year price limitation.

A compliance unit complies with the two-year price limitation if its two-year price change is no greater than the base-period price change or 19 percent, whichever is less. However, a compliance unit will be in compliance with the two-year price limitation regardless of its base-period price change if its two-year price change is 5 percent or less.

(a) The base-period price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the last calendar or complete fiscal quarter of 1975 to the corresponding quarter of 1977.

(b) If a compliance unit cannot compute its base-period price change because of a lack of historical records, it is assigned a two-year price limitation of 10 percent.

(c) The two-year price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the last calendar or fiscal quarter completed before October 2, 1978, to the corresponding quarter of 1980.

§ 705.3 Intermediate price limitations.

(a) A compliance unit complies with the 18-month price limitation if the 18-month price change does not exceed three quarters of the two-year price limitation. The 18-month price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the base quarter to the second quarter of the second program year.

(b) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it complies with the 18-month price limitation if the 18-month price change does not exceed the two-year price limitation less one half of the difference between the two-year price limitation and the price change realized during the first program year.

(c) The sales-weighted average price change from the base quarter to the first quarter of the second program year should not exceed the 18-month price limitation in paragraph (a) or, if applicable, in paragraph (b) of this section. The sales-weighted average price change from the base quarter to the third quarter of the second program year should not exceed the two-year price limitation.

(d) A compliance unit may exceed the intermediate price limitations if it can demonstrate that its price increases:

(1) Are justified on grounds of seasonal variations in business operations, historical business practices, or unusual business conditions; and

(2) Will not prevent compliance with the two-year price limitation by the end of the second program year.

§ 705.4 Exclusions.

(a) Producers of goods and services in the following categories should exclude the revenue from the sale of those goods or services from the calculation of the base-period price change and the two-year and intermediate price changes:

(1) Agricultural, fishing, forestry, and mineral products included in the 1972 Standard Industrial Classification Major Groups 01, 02, 08 (except 085), 09, 10 (except 108), 11 (except 1112), 12 (except 1213), 13 (except 1321 and 138), and 14 (except 148).

(2) Recyclable scrap materials, including, but not limited to, ferrous and nonferrour metal scrap, wastepaper, textile waste, scrap rubber, scrap plastics, and glass cullet.

(3) Commodities whose historical and current price changes are closely tied to price movements in an organized exchange market for that commodity, either domestic or foreign, including, but not necessarily limited to, gold, silver, oilseeds, and oil and protein meals.

(4) Interest received.

(5) Exports.

(6) Hospital services subject to price monitoring by the Department of Health, Education, and Welfare.

(7) Services of health maintenance organizations.

(8) Products exchanged in other than arms-length transactions.

(9) New or discontinued products, except that products that were sold by the compliance unit throughout the base period or throughout the first two program years should be included in the respective calculations of the price changes for those periods.

(10) Custom products, except that custom products produced and delivered throughout the base period or throughout the first two program years should be included in the respective calculations of the price changes for those periods.

(b) Deliveries during the two program years at prices determined by contracts in effect before October 2, 1978, should be excluded from the calculation of the two-year and intermediate price changes. This exclusion applies only if the contract clearly specifies the final transaction prices or contains a nondiscretionary formula for determining the final transaction prices (i.e., only if there is no seller discretion to adjust those prices).

§ 705.5 Special situations.

(a) *Insufficient Product Coverage.* If products excluded under § 705.4(a) (8) through (10) account for one-third or more of a compliance unit's total revenue for the first two program years minus revenue from the sale of products excluded under § 705.4(a) (1) through (7) and § 705.4(b), the compliance unit should

(1) comply with the two-year and intermediate price limitations in §§ 705.2 and 705.3 for those products not excluded under § 705.4, unless those products account for less than $50 million in sales during each of the first two program years, and

(2) comply with the profit limitation in § 705.6(a) for the compliance unit as a whole.

(b) *Acquisitions.* A company acquired after September 30, 1975, may be combined with the acquiring company or may be treated as a separate compliance unit.

(c) *Divestitures.* A company should exclude the data for any divested entity from all calculations.

§ 705.6 Exceptions.

(a) *Inability to Compute and Uncontrollable Costs.* If a compliance unit cannot calculate its two-year and intermediate price changes or cannot comply with the two-year or intermediate price limitations because of uncontrollable increases in the prices of the goods and services that it buys, it should satisfy the following two-part profit limitation:

(1) The profit margin in the second program year should not exceed the sales-weighted average profit margin for the best two of the compliance unit's last three fiscal years completed before October 2, 1978. In addition, the profit margin during each quarter of the second program year should not exceed the same sales-weighted average unless it can be demonstrated that any excess is consistent with an explicit plan, based on reasonable projections of economic conditions, to achieve compliance for the second program year as a whole.

(2) Second-program-year profit should not exceed base-year profit by more than 13.5 percent plus any positive percentage growth in physical volume from the base year to the second program year. Base-year profit can be either (i) actual base-year profit or (ii) base-year revenue times the average of the base-year profit margin and the average profit margin determined in subparagraph (1) above.

(b) *Undue Hardship and Gross Inequity.* The Council may except a compliance unit from, or make appropriate adjustments to, the price

limitations or the profit limitation if their application would cause undue hardship or gross inequity.

(1) An undue hardship exists if application of the price standards would seriously threaten the company's financial viability.

(2) A gross inequity is any situation that, in the Council's judgment, is manifestly unfair.

Subpart C—Modified Price Standards for Selected Industries

§ 705.40 General applicability of modified price standards.

This Subpart provides modified price standards for industries for which the price standard in Subpart 705 A may be inappropriate.

§ 705.41 Exceptions.

(a) Except as noted in the following sections, a compliance unit eligible to apply a modified price standard may alternatively comply with the two-part profit limitation in § 705.6(a) if and only if it can demonstrate that: (1) It cannot make the calculations required for the modified standard; or (2) as a result of uncontrollable cost increases, compliance with the modified standard would cause a significant deterioration of the compliance unit's profit position.

(b) The Council may except a compliance unit from, or make appropriate adjustments to, the relevant modified standard if application of the relevant modified price standard would cause undue hardship or gross inequity within the meaning of § 705.6(b).

§ 705.42 Percentage-gross-margin standard for wholesale and retail trade.

(a) *Eligibility.* (1) A compliance unit in the wholesale and retail trade industries (1972 Standard Industrial Classification Major Groups 50 through 59, including food service operations but excluding manufacturing sales branches and offices) is eligible for a percentage-gross-margin standard as an alternative to the price standard in Subpart 705 A.

(2) Notwithstanding the definition of "compliance unit" in Subpart 705 D, manufacturing and processing operations of a compliance unit applying the percentage-gross-margin limitation must be treated as separate compliance units under Subpart 705 A or the appropriate modified standard in Subpart 705 C if the base-year sales of these operations exceeded either $50 million or 10 percent of the 1978 sales of the wholesale and/or retail operations. The transfer-price policy of vertically integrated companies must be consistent over time.

(b) *Definition.* (1) The *gross margin* is net sales (gross sales adjusted for discounts, returns coupons, and other allowances) less the cost of goods sold. For manufacturing or processing operations that are allowed to be aggregated with wholesale and retail operations, the gross margin is net sales less the cost of material inputs used in the manufacturing or processing operations.

(2) The *percentage gross margin* is the gross margin divided by net sales.

(3) The *margin trend* is the percentage change of the percentage gross margin between the base year and the corresponding year prior to October 2, 1976. If this percentage change is negative, then the *margin trend* is zero.

(4) In computing its percentage gross margin, a compliance unit may adjust for changes in the composition of sales at any reasonable level of aggregation, such as division, department, product category, or individual product level, but such adjustments must be made consistently.

(c) *Annual Percentage-Gross-Margin Limitation.* A compliance unit complies with the annual percentage-gross-margin limitation if its percentage gross margin in the second program year does not exceed its percentage gross margin during the base year plus its margin trend.

(d) *Intermediate Percentage-Gross-Margin Limitations.* A compliance unit complies with the intermediate percentage-gross-margin limitation if

(1) Its percentage gross margin in each of the first and second quarters of the second program year does not exceed its base-year percentage gross margin by more than 87.5 percent of its margin trend, and

(2) Its percentage gross margin in each of the third and fourth quarters of the second program year does not exceed its base-year percentage gross margin by more than 112.5 percent of its margin trend.

(e) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it need not comply with the intermediate limitations in paragraph (d) of this section. However, during the second program year, any percentage-gross-margin increases allowable under paragraph (c) of this section should be implemented in equal quarterly increments.

(f) A compliance unit may exceed the intermediate limitations in (d) if it can demonstrate that its percentage-gross-margin increases

(1) Are justified on grounds of seasonal variations in business operations, historical business practices, or unusual business conditions, and

(2) Will not prevent compliance with the annual limitation in paragraph (c) of this section.

(g) *Inability to Compute.* If a compliance unit is unable to compute its percentage-gross-margin limitation because of a lack of historical data, the Council may assign it a gross-margin limitation.

§ 705.43 Gross-margin standard for food manufacturing and processing.

(a) *Eligibility.* A compliance unit in the food manufacturing and processing industries (1972 Standard Industrial Classification Major Group 20, excluding 2082, 2083, 2084, and 2085; i.e., including nonalcoholic but excluding alcoholic beverage industries) is eligible for a gross-margin standard as an alternative to the price standard in Subpart 705 A.

(b) *Definitions.* (1) The *gross margin* is equal to net sales (gross sales adjusted for discounts, returns, coupons, and other allowances) less the cost of food products used in food manufacturing and processing.

(2) In computing its gross margin, a compliance unit may adjust for changes in the composition of sales at any reasonable level of aggregation, such as division, department, product category, or individual product level, but such adjustments must be made consistently.

(c) *Annual Gross-Margin Limitation.* A compliance unit complies with the annual gross-margin limitation if its gross margin in the second program year does not exceed its base-year gross margin by more than 13.5 percent plus any positive percentage growth in physical volume over base-year volume.

(d) *Intermediate Gross-Margin Limitations.* A compliance unit complies with the intermediate gross-margin limitations if

(1) Its gross margin in each of the first and second quarters of the second program year does not exceed one-fourth of its base-year gross margin by more than 12 percent plus any positive percentage growth in physical volume over the base-year quarterly average volume, and

(2) Its gross margin in each of the third and fourth quarters of the second program year does not exceed one-fourth of its base-year gross margin by more than 15 percent plus any positive percentage growth in physical volume over the base-year quarterly average volume.

(e) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it need not comply with the intermediate gross-margin limitations in paragraph (d) of this section. However, during the second

program year, any gross-margin increases allowable under paragraph (c) of this section should be implemented in equal quarterly increments.

(f) A compliance unit may exceed the intermediate gross-margin limitations in paragraph (d) of this section if it can demonstrate that increases in excess of these limitations

(1) Are justified on the grounds of seasonal variations in business operations, historical business practices, or unusual business conditions, and

(2) Will not prevent compliance with the annual gross-margin limitation in paragraph (c) of this section.

(g) *Physical Volume Increases.* Physical volume increases to be used in justifying increases in gross margins may be computed by deflating revenues using a measure of price increases as the deflator, or by computing changes in units or tonnage sold when such units are revenue weighted by major product categories.

(h) *Inability to Compute.* If a compliance unit is unable to compute its gross-margin limitation because of a lack of historical data, the Council may assign a gross-margin limitation.

§ 705.44 Gross-margin standard for petroleum-refinery operations.

(a) *Eligibility.* Petroleum refiners are eligible for a gross-margin standard as an alternative to the price standard in Subpart 705A for their refinery operations.

(b) *Definitions.* (1) Petroleum refiners are "refiners" as defined in § 212.31 of Department of Energy regulations, 10 CFR 212.31 (in brief, a firm that refines, blends, or substantially changes crude oil and certain petroleum products, and sells its output to resellers, retailers, or ultimate consumers).

(2) Notwithstanding the definition of "compliance unit" in Subpart 705D, a petroleum refiner may disaggregate its operations into the following three groups and treat each as a separate compliance unit:

(i) Petroleum-refinery operations (including distribution and marketing of petroleum products);

(ii) Crude-oil and natural-gas production to the point of first sale or transfer; and

(iii) All other operations.

(3) For petroleum-refinery operations, the *gross margin* is net sales (gross sales adjusted for discounts, rebates, and other allowances) less the cost of petroleum inputs associated with those sales, including crude oil, feedstock, blendstock, finished petroleum products purchased for resale, natural gas, natural gas liquids, and natural gas-liquid products. The gross margin must be adjusted to remove the effects of changes in the mix of inputs and outputs (for example, a shift to greater utilization of crude and away from blends or a shift away from gasoline to middle distillates).

(c) *Annual Gross-Margin Limitation.* A petroleum-refinery operation complies with the annual gross-margin limitation if its gross margin per barrel in the second program year does not exceed its gross margin per barrel in the base year by more than 13.5 percent.

(d) *Intermediate Gross-Margin Limitations.* A petroleum-refinery operation complies with the intermediate gross-margin limitations if:

(1) Its gross margin per barrel in each of the first and second quarters of the second program year does not exceed its gross margin per barrel in the base year by more than 12 percent, and

(2) Its gross margin per barrel in each of the third and fourth quarters of the second program year does not exceed its gross margin per barrel in the base year by more than 15 percent.

(e) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it need not comply with the intermediate gross-margin limitations in paragraph (d) of this section. However, during the second program year, any gross-margin increases allowable under (c) should be implemented in equal quarterly increments.

(f) A compliance unit may exceed the intermediate gross-margin limitations in paragraph (d) of this section, if it can demonstrate that increases in excess of these limitations

(1) Are justified on the grounds of seasonal variations in business operations, historical business practices, or unusual business conditions, and

(2) Will not prevent compliance with the annual gross-margin limitation in paragraph (c) of this section.

(g) *Applications of the Profit Limitation.* If any of the compliance untis of a petroleum refiner properly evaluated its compliance under the two-part profit limitation in §705.6(a), it should follow generally accepted accounting principles and procedures in allocating costs and expenses to the respective compliance units if they have historically made these allocations. Costs that have not historically been allocated (for example, unallocated corporate overhead expenses) may be allocated to the compliance unit, other than the crude-oil and natural-gas production units that has the largest dollar sales volume, or in any other reasonable manner, as long as it is done consistently in the base quarter and the second program year.

§ 705.45 Gross-margin standard for electric, gas, and water utilities.

(a) *Eligibility.* Utilities that sell electric power at retail or wholesale, that sell natural gas at retail or wholesale but not at the wellhead, and that provide drinking water at retail or wholesale are eligible for a gross-margin standard as an alternative to the price standard in Subpart 705A.

(b) *Definitions.* (1) For electric and gas utilities, the *gross margin* is sales less the cost of purchased fuels, gas, and power.

(2) For water utilities, the *gross margin* is sales less the cost of purchased water and power.

(c) *Gross-Margin Standard.* A compliance unit complies with the gross-margin standard if its gross margin in the second program year does not exceed its gross margin in the base year by more than 13.5 percent plus any positive percentage growth in physical volume over the same period.

§ 705.46 Professional—Fee standard.

(a) *Coverage.* (1) This standard applies to fees and charges for the services of physicians, dentists, lawyers, accountants, engineers, architects, outside directors, and other professionals; these include all activities included in 1972 Standard Industrial Classification Major Groups 80 (except 805, 806, 808, and 809), 81, 891, and 893.

(2) All compliance units that provide professional services on a fee-for-service basis, regardless of the proportion of the compliance unit's total revenue that is derived from professional services, are expected to comply with the professional-fee standard for that portion of the compliance unit's revenue. For other lines of business, the compliance unit should comply with the applicable price standard in Subparts 705 A or 705 C.

(b) *Professional-Fee Standard.* A compliance unit complies with the professional-fee standard if:

(1) The sales-weighted average percentage change in fees from the base year to the second program year does not exceed 13.5 percent, and

(2) The percentage increase in the fee for any single service from the base year to the second program year does not exceed 19 percent.

The period used to determine sales-volume weights should be a period of time that is representative of normal business operations.

§ 705.47 Federal, State, and local government enterprises, private nonprofit enterprises, and government-subsidized private companies.

(a) Subject to paragraph (c) of this section, government enterprises as defined in paragraph (b) of this section and private nonprofit enterprises should comply with the price standard in Subpart 705 A or the appropriate alternative standard in Subpart 705 C.

(b) A government enterprise is any unit of a Federal, State, or local government for which data are available to determine compliance and that satisfies either of the following conditions:

(1) It is the U.S. Postal Service, a college or university, a toll facility, an alcoholic-beverage store, a commissary (retail outlet), a parking system, a port authority, an airport, an electric, gas, sewer, water, or other utility, a transportation service, a housing authority, or a health facility other than a hospital; or

(2) Its base-year operating revenue (i.e., revenue from sales of goods and services) equals at least 50 percent of base-year operating expenses.

(c) Government enterprises and private compliance units that receive government operating subsidies should use a subsidy-adjusted price change for both the base period and the two-year program period. In either period, the subsidy-adjusted price change is the weighted sum of the percentage price change and the percentage change in the operating subsidy per unit of output during that period. The price change is weighted by revenues from sales of goods and services divided by the sum of these revenues and total operating subsidies. The change in the subsidy per unit of output is weighted by total operating subsidies divided by the sum of revenues from sales of goods and services and total operating subsidies. During the base period, weights are determined by using the revenues and operating subsidies in the last calendar or complete fiscal quarter of 1975. During the program year, weights are determined using the revenues and operating subsidies in the last calendar or fiscal quarter completed before October 2, 1978.

(d) If a government enterprise or a private nonprofit enterprise cannot comply with the price standard in 705 A or the appropriate alternative standard because it cannot calculate its price change or because of uncontrollable increases in the prices of goods and services that it buys, it should comply with the profit limitation in § 705.6(a) substituting the terms "operating margin" for "profit margin" and "operating surplus" for "profits." If the compliance unit utilizes fund accounting, operating surplus is the budget line item "net increases in current fund balance" and operating margin is operating surplus divided by operating funds or revenues. Compliance units reporting deficits in their current fund balance may be excepted from this standard if they qualify for an exception based on undue hardship or gross inequity.

§ 705.48 Price standard for medical and dental insurance providers. [Reserved]

§ 705.49 Price standard for providers of insurance other than medical and dental insurance. [Reserved]

§ 705.50 Standard for financial institutions. [Reserved]

Subpart D—Definitions

§ 705.60 Base-period price change.

The base-period price change is the sales-weighted average of the percentage changes in product prices from the last calendar or complete fiscal quarter of 1975 to the corresponding quarter of 1977. It may be computed using the following formula:

$$BPPC = \left[\left(\sum_i S_i \times \frac{P_i(77)}{P_i(75)}\right) - 1.0\right] \times 100$$

where

$BPPC$ = the base-period price change;

$P_i(77)$ = price of the ith product in the last complete fiscal or calendar quarter of 1977;

$P_i(75)$ = price of the ith product in the last complete fiscal or calendar quarter of 1975;

S_i = ith-product sales share (i.e., the ith-product sales divided by total sales) in the last complete fiscal or calendar quarter in 1975; and

$\sum_i$ = the summation sign, where the subscript i runs over all products not excluded in 705A-4.

The choice of fiscal or calendar quarters must be consistent throughout the compliance unit's calculations.

§ 705.61 Base quarter.

The base quarter is either (a) the compliance unit's last complete fiscal quarter before October 2, 1978, or (b) the calendar quarter July 1, 1978, through September 30, 1978, except as otherwise specified in a modified price standard.

§ 705.62 Base year.

The base year is the four calendar or fiscal quarters ending before October 2, 1978, except as otherwise specified in a modified price standard.

§ 705.63 Company.

A company is any independent contractor, sole proprietorship, partnership, corporation, association, estate, trust, or any other entity, however organized, that is engaged in domestic business operations and that is neither controlled nor owned by another entity. The term "company" includes Federal, State, and local government entities.

§ 705.64 Compliance unit.

(a) A compliance unit is a company or part of a company separately identified for purposes of compliance with the pay or price standards. An unconsolidated, controlled entity must be treated as a separate compliance unit. Entities that are consolidated should be consolidated in accordance with 17 CFR 210.4–01 to 210.4–09 prescribed by the Securities and Exchange Commission.

(b) One or more parts of a consolidated company may be treated as a separate unit for purposes of complying with the price standard if

(1) Each part maintains accounting records that permit the Council to ascertain whether the prices and profits of each part accurately reflect the economic realities of its operations,

(2) Allocation of overhead among the parts is made in a consistent and reasonable manner, as if the parts were not commonly owned,

(3) Transfers between parts are valued as if they were arms length transactions, and

(4) Internal accounting procedures adhere to generally accepted accounting principles and procedures, consistently and historically applied.

§ 705.65 Custom product.

A custom product is one that is produced specifically to the unique

specifications of a particular buyer. Such products must have characteristics that are substantially different from those of any other product sold by the company. A product is not substantially different merely because of differences in specifications, style, packaging, or quality. If such differences are significant, appropriate adjustments should be made when measuring prices.

§ 705.66 Employee.

An employee is any individual residing in the United States who is either an employee within the meaning of Section 3121(d) of the Internal Revenue Code, 26 U.S.C., or the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151 *et seq.*

§ 705.67 First program year.

A compliance unit's first program year is the one-year period immediately following its base quarter.

§ 705.68 Future-value incentive plans.

Future-value incentive plans include any long-term plans under which units (shares, stock options, awards, shares subject to option, or investment amounts) are granted or issued, the compensation value of which will not be known until some future time. Examples of these include qualified and nonqualified stock options, performance share plans, performance unit plans, stock appreciation rights, restricted stock or property plans, phantom-stock plans, and book-value plans.

§ 705.69 Health maintenance organization.

A health maintenance organization is one that provides health services to its members on a prepaid basis either directly or under contract.

§ 705.70 New products.

A new product is one that is introduced during either the base period or the first two program years. A product does not become new merely because of changes in specifications, style, packaging, or quality. If such changes are significant, appropriate adjustments should be made in measuring prices (for example, quality decreases should be reflected as price increases and quality increases as price decreases).

§ 705.71 Organized exchange market.

A market qualifies as an organized exchange market only if the following three conditions are satisfied:

(a) The market is established for a specific purpose and is governed by a defined set of rules regarding (1) eligibility for participation in the market, (2) the roles of participants (including buyers, sellers, and middlemen or specialists), (3) offers, acceptances, and rejections of bids and (4) the procedure for an exchange.

(b) The exchange prices are determined exclusively within the act of exchange and are unaffected by the requirements or resources of individual buyers or sellers.

(c) The price determined on the exchange is equal to the price paid by the individual taking physical delivery of the commodity.

§ 705.72 Pay.

Pay includes the following:

(a) The straight-time wage and salary paid during the compliance unit's customary pay period, including, where applicable, payments for shift differentials, skill differentials, and cost-of-living adjustments;

(b) Incentive pay and other forms of income such as:

(1) Sales commissions and production-incentive pay;

(2) Bonuses and other annual incentive compensation charged when earned (that is, when the services are performed that generate the compensation);

(3) Compensation from long-term incentive plans (other than those covered under 705B-5) new future-value incentive plans, and other similar compensation arrangements charged when accrued; and

(4) Job perquisites and other forms of compensation not covered elsewhere in this definition but reported as income under the Internal Revenue Code and its interpretive regulations and rulings.

(c) Employer contributions or costs for the following fringe benefit items:

(1) Pay for time not worked (e.g., paid vacations and holidays, sick leave and other paid leave);

(2) Saving and thrift plans such as qualified stock bonus plans, qualified profit-sharing plans, employee stock-ownership plans, and other qualified defined-contribution plans;

(3) Qualified defined-benefit retirement plans;

(4) Health benefit plans; and

(5) Life insurance, accident insurance, legal assistance, educational assistance, and other plans resulting in benefits to employees but not reported as income.

(d) Pay does not include overtime wages as long as the conditions of that pay are unchanged. Also, pay does not include employer contributions for legally-mandated benefit programs.

§ 705.73 Pay rate.

An employee unit's pay rate in any quarter should be determined in a manner consistent with the employer's accounting practices. Pay rates should be constructed as pay per straight-time hour worked. Pay rates should be the average rates for the employee unit over the quarter or as of the last customary pay period within the quarter. When employer costs for certain pay elements are incurred irregularly (for example, bonus payments and vacation pay) these items should be included according to the pay programs in effect at the end of the quarter and should be included in pay-rate computations as though they were incurred evenly over time. For employees not compensated on an hourly basis, an estimate of straight-time hours worked should be made and applied consistently. The method used to compute pay rates must be applied consistently in all measurement periods.

§ 705.74 Two-year price change.

The two-year price change is the sales-weighted average of the percentage changes in product prices from the base quarter to the corresponding quarter of 1980. It may be computed using the following formula:

$$TYPC = \left[\left(\sum_i S_i \times \frac{P_i(80)}{P_i(78)}\right) - 1.0\right] \times 100$$

where

$TYPC$ = the price change over the first two program years;

$P_i(80)$ = the price of the ith product in the 1980 quarter corresponding to the base quarter;

$P_i(78)$ = the price of the ith product in the base quarter;

S_i = ith-product sales share (i.e., the ith-product sales divided by total sales) in the base quarter; and

$\sum_i$ = the summation sign, where the subscript i runs over all products not excluded in 705A-4.

The choice of fiscal or calendar quarters must be consistent throughout the compliance unit's calculations.

§ 705.75 Product.

A product is a category of goods and/or services that is established by the compliance unit for purposes of complying with the price standard. These groupings should be established in such a manner that the measured price changes for each product reasonably reflect the changes in the prices of the individual goods and services contained within the category. The method of establishing product groups must be applied consistently in all measurement periods.

§ 705.76 Product price.

The price of a product during a quarter is computed by dividing the revenues from sale or lease of the product by the number of units sold or leased. Prices may be measured at the end of a calendar or fiscal quarter only if prices have remained substantially unchanged during the quarter. A product price may be determined from a sample of the individual goods and services in the product category, in which case the sampling methods must follow sound statistical procedures. List prices may be used only if percentage changes in these prices are representative of percentage changes in actual transaction prices.

§ 705.77 Profit margin.

A compliance unit's profit margin is the ratio of profit to net sales and/or revenues.

(a) Profit is defined as the sum of item 14 and items 11 through 13 minus items 7 through 10 in 17 CFR 210.5–03. Briefly, profit is "income or loss before income tax expense" minus dividend income, interest or profit on securities, and miscellaneous other income, plus interest and amortization of debt discount and expense, losses on securities, and miscellaneous income deductions.

(b) Net sales and/or revenues consist of net sales of tangible products (gross sales less discounts, returns, and allowances), operating revenues of public utilities, and other revenues such as royalties, rents, and the sale of services and intangible products (e.g., engineering, research and development, and other professional services). This definition is consistent with 17 CFR 210.5–03, items 1A, 1B, and 1C.

§ 705.78 Second program year.

The second program year is the one-year period immediately following the compliance unit's first program year.

Dated: September 28, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

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6 CFR Part 706

Procedural Rules

AGENCY: Council on Wage and Price Stability.

ACTION: Interim Final Procedural Rules for the Second Program Year, with comments requested.

SUMMARY: The Council's rules in 6 CFR Part 706 are being revised to simplify and streamline the procedures for submitting materials to the Council, for requesting approval of exceptions to the pay and price standards, and for determining whether there is noncompliance with those standards.

On August 17, 1979, the Council published in the **Federal Register** (44 FR 48632) proposed revised procedures and solicited public comment, not only on those procedures, but also on all aspects of the administration of the standards. After considering the comments received, the procedures have been further modified and are being published in interim final form pending publication of final substantive standards. The changes from the procedures previously published in the **Federal Register** are explained in the narrative below.

DATES: The effective date of the revised Part 706 is October 1, 1979. Comments on these interim procedures must be received on or before October 17, 1979.

ADDRESS: Comments should be addressed to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Jane Campana (202) 456–6210.

ANALYSIS OF COMMENTS AND CHANGES:

Second-Year Procedural Rules

Introduction

In a separate document released today, the Council has set forth its conclusions about the substantive aspects of the second-year voluntary pay and price standards. The procedural aspects of the program have also been re-evaluated. The Council published in the **Federal Register** on August 17, 1979, proposed revisions of its rules, on the basis of its own experiences during the first year as well as suggestions offered during the year by those affected by the program. At the same time, we solicited public comments by September 17 on all aspects of the administration of the standards.

Over 40 comments were filed, most of which provided detailed and thoughtful analyses of our procedures. Although they included some criticism of the Council's early administration of the standards, their general tenor was that the Council's practices and decision-making processes had improved over the course of the year.

Some of the comments offered specific recommendations for further changes, many of which we have adopted. These will be discussed below. Two general comments, however, deserve special emphasis: (1) That the Council should explain more fully the basis for its decisions; and (2) that the Council should more frequently (or systematically) issue general interpretations of the standards. These suggestions are good ones, and, in the second program year, the Council will continue to try to improve its performance in these respects. It should be recognized, however, that the factual basis for particular decisions (or even for interpretations) are usually confidential, and therefore it is often difficult to explain adequately the predicate for a particular result. Nonetheless, we expect to provide more guidance during the second program year through more effective use of questions and answers, which will demonstrate how general principles apply to particular (perhaps hypothetical) facts. To help in this effort, we encourage intertested persons to submit written questions to the Council, along with proposed answers. We will publish the ones that appear to have general application.

There follows a detailed discussion of the revisions to the proposed procedural rules, and the rules themselves. These rules do not reflect the future roles of the Advisory Committees announced today. When these Committees develop formal operating procedures, they will be published in proposed form and public comment will be solicited. Any resulting rules will ultimately be incorporated in this Part 706. In addition, a new Part 707, specifying data and other information to be included in reports and exception requests, will be

published for public comment in mid-October.

Subpart A—General Provisions

One comment noted that the signature requirement for submissions to the Council differs from the one on the periodic reporting froms, PM–1 and PAY–1. In response, we have modified the language of § 706.5 to be consistent with Form PAY–1; Form PM–1 will be similarly modified.

Several comments indicated uncertainty as to whether persons should file multiple copies of documents. In order to minimize administrative burdens, we have decided that only a single copy of any document need be filed, unless it contains confidential information. In that event, § 706.6 explicitly states that a duplicate copy from which the confidential information is expurgated should be submitted. This enables the Council to satisfy its public disclosure requirements without breaching the assurance of confidentiality for certain data.

Several persons asked whether, under § 706.8, the Council intends to count only business days in computing time. The plain meaning of this section is that only business days are counted, unless another section specifically states that the time is to be counted in calendar days. Accordingly, unless otherwise specified, the three additional days added to any time period when notice of the Council's action is sent by mail are business days only.

Other comments suggested that the time period begin running on receipt of notice of the Council's action, rather than from the date it was taken. The date of the Council's action is the date of decision or notice, or the date of the cover letter, whichever is later. The Council's decisions and notices are generally sent the day they are dated. While a rule pegged to the receipt date might be preferable when there are unusual delays in the mail, it would be difficult to administer and unusual delays of this kind may serve as a ground for a request for extension of time.

With respect to extensions of time, § 706.9 will be modified in response to the public comments to state explicitly that extensions should be addressed to, and will be granted by, the Office of the General Counsel. In addition, the General Counsel's Office will continue its practice of granting extensions over the telephone, with confirmation in writing by the person making the request.

Subpart B—Reports and Notifications

The Council has attempted to respond to the public comments on company-organization submissions by including a new paragraph (a) that makes explicit that a company may reorganize its compliance units and employee units at the outset of the second year, but not thereafter. As noted in the discussion of the design of the price standard (issue A.9), and initial opportunity to reorganize is necessary to remedy changed circumstances or past errors; but subsequent reorganizations might well be used to evade the standards and are thus not permitted.

The most critical comments concerned the provision of § 706.21(b), which requested a statement of assurance that a company intends to comply with the pay standard. Most commentators thought the request was unnecessary; some believed it to be inconsistent with the spirit of a voluntary program; others said it was an affront to employees. On reflection, the Council agrees that the request is unnecessary, and has deleted it. In that same section, the proposed request that a company state its method of computation for pay compliance has also been deleted, because it duplicates information requested on Form PAY–1.

With respect to periodic submissions—specifically Forms PM–1 and PAY–1—the Council has made certain changes in response to the public comments, but it has rejected others. Specifically, we cannot accept the suggestion that there be no quarterly Form PM–1 reports since such data are necessary for the effective monitoring of price compliance. On the other hand, we have extended the time for filing these forms to 45 *calendar* days after the end of each quarter and 60 calendar days after the last quarter of the year. On the pay side, many comments objected to the increase in the number of units required to report: as drafted, the rules would have required a small compliance unit that is part of a large company to file Form PAY–1. In response to these comments, and to reduce reporting burdens, § 706.22 has been redrafted to apply only to compliance units of 5,000 or more employees. Several comments also opposed the semi-annual submission of Form PAY–1. Again, in response to the expressed concerns, this section has been modified to call for prospective data by March 31, 1980, and actual program-year data within 60 *calendar* days after the end of the program year. Although we thus still contemplate two filings, the first simply calls for prospective data, which should not pose any additional burden on complying companies, who must make such projections in any event. So too, we are not extending the time for filing year-end data to 90 days (even though it would permit more precise calculation of some executive bonus plans) since, as a general rule, a 60-calendar-day period should be adequate; those in any unusual situations can request an extension of time.

Finally most of the comments on § 706.23, relating to submissions by State and local governments, suggested that there be a dollar threshold for reporting by government enterprises such as universities, water districts, etc. It was noted that requiring every government enterprise to report could create a monumental burden, not only on these enterprises, but also on the Council. These comments are well taken and, accordingly, we have decided to treat these entities as commercial entities are treated. In this connection, it should be noted that government enterprises are included in the definition of "company" in Subpart 705D, and therefore those with $250 million or more in net sales or revenues would be subject to the same periodic price-reporting requirements as commercial entities; similarly, those with 5,000 or more employees would be subject to the same pay-reporting requirements as commercial entities.

Subpart C—Requests for Approval of Exceptions

Most of the comments on § 706.31 requested some guidance on whether first-year exceptions continue automatically into the second program year or whether a new request for an exception must be filed. A new paragraph (d) has been added to clarify the procedure: A compliance unit should submit a new request, but it need not resubmit data already on file with the Council. On the other hand, we have rejected the suggestions that all exceptions be self-administered or that the threshold for requesting them be raised. We believe that the opportunity for us to review exception requests is an important element of the program; this review not only provides a check on companies' compliance but also contributes to our understanding of the program's effect on differently situated companies. Moreover, § 706.32 has been modified to make clear that entities self-administering exceptions are expected to retain supporting documentation. The Council will continue to check their compliance and will not permit companies to use self-administration of an exception as a defense, unless it is supported by contemporaneous documentation.

With respect to the provisions for discretionary approvals of exceptions in paragraph (b), some of the comments asked what constitutes "good cause." Earlier Council statements have indicated that good cause would exist, for example, when a company has reached a labor settlement contingent on a determination of compliance or when uncertainty as to the application of the standards would have serious adverse effects on a company. Any attempt to provide a more specific definition would, we believe, be counterproductive, in that it might have the effect of foreclosing other equally meritorious, but unforeseen, situations.

In response to the comments, we have increased the page limitation in § 706.33 to 15, exclusive of supporting documentation. We have not, however, adopted the suggestion that a conference should be scheduled before an exception is denied. On the other hand, a new paragraph (d) has been added to § 706.31 to make clear that a request for a conference may be made at any time.

A significant number of comments recommended that companies be allowed to self-administer an exception if the Council has not acted within a certain period of time, citing the urgency of most requests and the pecuniary loss that could result from delay. In response to these comments, a new paragraph (c) has been added to § 706.33, which provides a procedure for requesting an expedited decision. We recognize that our delay in processing exception requests was a problem in the first program year. We are committed to proceeding more expeditiously during the second year. Nonetheless, because there may be a very large number of requests filed at the beginning of the program year, it would not be prudent to set a strict deadline for Council action. This is particularly so since, during the first year, a significant contributor to the delay was the fact that many of the submissions did not contain all of the data necessary for processing the request.

Section 706.34, relating to notice to interested persons, has been revised to eliminate the requirement that companies serve unions (or employee units) and that unions (or employee units) serve companies with copies of pending requests. This request, while serving a useful function, adds unduly to the administrative burden of the program.

Comments of § 706.35 urged the Council to notify a company of the purpose of any investigation; the suggestion is a good one and we have adopted it. Another comment suggested that any deadline for submission of information be reasonable; we have added language to this effect.

The statement in § 706.36 that the Council may condition its approval of an exception in any manner that it considers appropriate was the focus of several strongly worded objections. Those commenting were concerned specifically about the Council's practice in the first program year of imposing a fourth-quarter condition in grants of profit-margin exceptions. The merits of that particular condition need not be debated for the second program year, since the standards themselves have been redrafted to achieve essentially the same objective. As a general proposition, however, we believe that the Council may impose any condition that furthers the objectives of the program, and we have modified the language of § 706.37(b) accordingly.

A question has been raised as to whether companies that are denied an exception may submit additional exception requests based on the same facts or arguments. A new paragraph (c) of § 706.37 states that, for the second program year, the issues raised at the time of the initial decision may not be resubmitted, but that new requests may be filed based upon new facts.

Subpart D—Special Investigations

This Subpart received the fewest comments, and the only substantive change has been the addition of language to the effect that any request for information will be accompanied by a statement of the purpose of the request and the nature of the Council's need for the information.

Subpart E—Determination of Noncompliance

The principal issue discussed in the comments on this Subpart was the Council's policy with respect to the release of the names of recipients of Notices of Probable Noncompliance. It was argued that this practice can seriously, irremediably and unfairly damage a company's good name. Some recommended that the Council not publicize names at all; others recommended that there be no publicity unless there is concrete evidence of noncompliance. Because of these concerns, the Council will continue its policy, adopted in the latter part of the first year, of *not* publicizing those who have received Notices unless there are compelling reasons to do so.

With respect to § 706.52, "Notice and Reply," several comments pointed out the difficulty of serving notice on employee units. Here, as in the Subpart dealing with exceptions (and for the same reasons), the requirement has been eliminated.

Several comments stated that a conference should be provided routinely before a Notice of Probable Noncompliance is issued. Section 706.52 provides that any recipient of a Notice may request a conference and that, if requested, the Council will arrange for one at a suitable time and location. No additional language is required. So too, we are not extending the time in which to respond to a Notice of Probable Noncompliance; again, extensions are provided in those instances where good cause is shown.

Subpart F—The List of Noncompliers

Only a few comments discussed this Subpart, urging that the Council afford longer time periods or provide a hearing and/or reconsideration as a matter of right. We have adopted neither of these suggestions—the former for the reasons set forth above; the latter because it would unduly encumber the process without providing any appreciable advantage in terms of developing a full and fair record for decision-making.

Subpart G—Reconsideration

We have reordered §§ 706.71 and 706.72 to clarify the process of requesting reconsideration. Once again, despite recommendations to the contrary, we have not extended the time period set forth in this Subpart. As in the case of exception requests and Notices of Probable Noncompliance, we have deleted the requirement that specified persons be served with copies of the request. We have also added a clause explicitly stating that facts and arguments not presented at the time of the initial decision may be presented on reconsideration, but that repeated requests based on essentially the same facts and arguments are not permitted.

Some comments suggested that both a hearing and a conference be provided upon request. Our procedures do precisely that, and we have changed the wording slightly to make this clear. Others suggested that hearings and-or conferences automatically be held in the case of every request for reconsideration. We see no point in doing so, since our rules provide for hearings and conferences on request, and in many instances companies prefer to dispense with the formalities of a time-consuming hearing and opt, instead, for a more informal conference with Council officials.

Several other comments suggested various changes in the conduct of the hearings. Some suggested that issues of

law and/or policy be made legitimate matters of contention in the hearings and that any restraints by the Hearing Officer on the facts or arguments presented be eliminated. This suggestion was rejected because it would unduly burden the process to permit the introduction of matters that are irrelevant or inappropriate for a Hearing Officer to decide.

Others called for specific procedures for each and every step in the process, including specification of the qualifications of the Hearing Officer. We believe the objectives of the program are better served by stressing the general principles of due process, leaving the details to be worked out on a case-by-case basis.

One suggestion that we believe is worthwhile is that the report of the Hearing Officer be made available to the party who requested the hearing, and § 706.74 has been so amended.

Accordingly, 6 CFR Part 706 is revised on an interim basis to read as follows:

PART 706—PROCEDURAL RULES

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706.72 Contents of the request.
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706.76 Stays pending reconsideration.

Authority: Council on Wage and Price Stability Act, Pub. L. 93–387 (August 24, 1974), as amended by Pub. L. 94–78 (August 9, 1975) and Pub. L. 95–121 (October 5, 1977), 12 U.S.C. 1904 note; as last amended by Pub. L. 96–10 (May 10, 1979); E.O. 12092 (November 3, 1978); E.O. 12161 (September 28, 1979).

Subpart A—General Provisions

§ 706.1 Purpose and Scope.

This Part establishes procedures to be used in proceedings before the Council relating to the pay and price standards set forth in Part 705 of this chapter.

(a) Subpart A concerns definitions and general procedural rules.

(b) Subpart B concerns the submission of reports and notifications.

(c) Subpart C concerns requests for approval of exceptions to the standards.

(d) Subpart D concerns special investigations regarding the standards.

(e) Subpart E concerns determinations of noncompliance with the standards.

(f) Subpart F concerns the placement on and removal from the list of noncompliers.

(g) Subpart G concerns requests for reconsideration of Council actions under Subparts C and E.

§ 706.2 Definitions.

(a) "Company," "compliance unit," "net sales or revenues," "first program year," and "second program year" have the same meanings as in Subpart 705D of this chapter.

(b) "Collective-bargaining unit" means an employee unit that is a party to a collective-bargaining agreement.

(c) "Council" means the Council on Wage and Price Stability.

(d) "Employee unit" has the same meaning as in § 705B–2 of this Chapter.

(e) "Hearing Officer" means a person designated by the Council to conduct a hearing.

(f) "Notice of Probable Noncompliance" means a written statement by the Council that a compliance unit or employee unit may be out of compliance with the standards.

(g) "Person" means any compliance unit, employee unit, collective-bargaining unit, company, individual, group, or organization.

(h) "Standards" means the voluntary pay and price standard set forth in Part 705 of this chapter.

(i) "Undue hardship" and "gross inequity" have the same meanings as in § 705a–6 of this chapter.

§ 706.3 Appearances Before the Council.

A person may take any action permitted by this part on his or her own behalf, or may be represented by any person who he or she designates.

§ 706.4 Actions by the Council.

The Chairman of the Council, or his designee, is authorized to take actions for the Council under this part.

§ 706.5 Submission of documents.

(a) Submissions should be sent to the Council on Wage and Price Stability, The Winder Building, 600 17th Street, N.W., Washington, D.C., 20506.

(b) Submissions should be signed by the chief executive officer or authorized designee of a company, compliance unit, employee unit, collective-bargaining unit, or other organization.

(c) Each submission should be plainly marked at the top of the document indicating whether it is a "Report," "Request for Extension of Time," "Request for Exception—(Pay) or (Price)," "Response to Notice of Probable Noncompliance," "Request for Reconsideration," or "Request for Removal from List of Noncompliers."

§ 706.6 Confidential material.

Material for which confidentiality is sought should be submitted in accordance with Part 702 of this chapter and will be treated as there provided. When submissions (other than forms confidential in their entirety, such as PM–1 and Pay–1) contain confidential information, two copies should be submitted. One copy, containing the confidential information, is for the Council's use and should be clearly marked "Contains Confidential Information." The other copy, from which any confidential information should be deleted, is to meet public disclosure requirements.

§ 706.7 Service of documents.

All documents served under this part are to be served personally or by U.S. mail on the person specified in these regulations or his or her designated representative.

§ 706.8 Computation of time.

Except as otherwise provided, any period of time specified in this Part is counted in business days (all days other than Saturdays, Sundays, and Federal holidays), beginning with the first business day after the Council takes any action. If the document setting forth the Council's action is sent by mail, three additional days may be added.

§ 706.9 Extension of time.

If an action is required under this part to be taken within a prescribed period of time, an extension of time will be granted only upon a showing of good cause. Requests for extensions should be made in writing to the Office of General Counsel.

§ 706.10 Consolidations.

The Council may consolidate separate matters if consolidation will expedite the proceedings or otherwise assist the Council in carrying out its functions.

Subpart B—Reports and Notifications

§ 706.20 Purpose and scope.

(a) This subpart concerns the submission of reports and notifications requested by the Council.

(b) A person that has furnished the Council with data requested and retained by the Council need not resubmit such data, but should identify for the Council the document (including page references) containing such data and the date on which it was submitted.

§ 706.21 Submissions on company organization for purposes of compliance.

(a) *Reorganization for Second Year.* A company may reorganize its compliance units and employee units for purposes of compliance with the price and pay standards, respectively, at the beginning of its second program year but not during the year.

(b) *Company Organization for Price Compliance.* A compliance unit that had, or that is part of a company that had, net sales or revenues of $250 million or more in its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the Council by December 1, 1979, with the information to be specified in Part 707.

(c) *Company Organization for Pay Compliance.* A company that had 5,000 or more employees during any calendar quarter of its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the Council by December 1, 1979, with the information to be specified in Part 707.

§ 706.22 Periodic data submissions.

(a) *Form PM–1.* A compliance unit that had, or is part of a company that had, net sales or revenues of $250 million or more in its last complete fiscal year before October 2, 1979, and any other compliance unit designated by the Council, should furnish the Council with the data specified on Form PM–1. These submissions should be made not more than 45 calendar days after the end of each of the first three quarters and 60 calendar days after the end of the second program year.

(b) *Form PAY–1.* A compliance unit that had 5,000 or more employees during any calendar quarter of its last complete fiscal year before October 2, 1979, and any other compliance unit designated by the Council, should furnish the Council the data specified on Form PAY–1. Data on prospective compliance with the second-year pay standard should be filed no later than March 31, 1980. Data on actual pay-rate increases for the second program year should be filed within 60 calendar days after the end of the second program year.

§ 706.23 Submissions by State and local governments.

State and local governments with 5,000 or more employees should submit:

(a) By December 1, 1979, a statement of assurance by the head of the government entity that the entity intends to comply with the pay standard; and

(b) The data to be specified in Part 707 for formal pay plans in operation as of October 1, 1979, within 60 calendar days after the end of the pay plan year.

Subpart C—Requests for Approval of Exceptions

§ 706.30 Purpose and scope.

This subpart concerns requests by a compliance unit or employee unit for the Council's determination that an exception to the pay or price standard is warranted under Part 705.

§ 706.31 Who should request approval.

(a) Any compliance unit or employee unit that intends to apply one or more of the exceptions specified in § 706.32 should request a determination from the Council that the exception is warranted, if:

(1) The request relates to the price standard and the compliance unit had, or is part of a company that had, net sales or revenues of $250 million or more in its last complete fiscal year prior to October 2, 1979; or

(2) The request relates to the pay standard, and (i) the affected employee unit consists of 100 or more employees in a compliance unit with (or that is part of a company with) 1,000 or more employees, or (ii) the affected collective-bargaining agreement covers 1,000 or more employees, regardless of the number of employees in an individual company's employee units.

(b) Any compliance unit or employee unit not covered by paragraph (a) of this section may request a determination that an exception to the pay or price standard is warranted if such unit shows that there is good cause for the Council to entertain such a request.

(c) A compliance unit or employee unit not covered by paragraphs (a) or (b) of this section is expected to self-administer the exceptions in a manner consistent with the standards. A compliance unit or employee unit should retain all data and documents that constitute the basis for the exception in a form suitable for review by the Council.

(d) If a compliance unit or employee unit was granted an exception to the pay or price standards for the first program year and wants to continue that exception for the second program year, it should submit a new request for approval of the exception. The new request need not include data previously supplied, but it should demonstrate that the previously granted exception continues to be appropriate.

§ 706. 32 Grounds for exceptions.

The grounds for an exception to the price standard are contained in §§ 705.6 and 705.41. The grounds for an exception to the pay standard are contained in §§ 705B–9 through 705B–12.

§ 706.33 Contents of the request.

(a) A Request for approval of an exception should be in writing and include data sufficient to demonstrate that the grounds for an exception are met.

(b) The request for approval of an exception should not exceed 15 typewritten pages, exclusive of supporting documents.

(c) If a decision by the Council is required by a certain date, that date should be clearly and conspicuously noted in the request. If the specified date for a decision is within 30 calendar days of the submission of a completed request for an exception, the request should explain the basis for requesting an expedited decision.

§ 706.34 Notice to interested persons.

(a) The Council may notify any person who could be significantly affected by approval of an exception that his written comments should be submitted within ten days. Submission of comments to the Council does not make the person a party to the proceeding.

(b) Any person submitting written comments to the Council about a request submitted under this Subpart should serve a copy of the comments (or a copy from which confidential information has been deleted, provided that it is adequately summarized) upon the compliance unit or employee unit making the request, and should certify to the Council that this requirement has been met. The Council may notify other

interested persons of such comments and provide an opportunity to respond.

§ 706.35 Additional information.

(a) The Council may at any time request such additional information as it deems necessary to reach a determination, and may set a reasonable deadline for the submission of such information.

(b) A request for approval of an exception may be denied if the information called for under §§ 706.33 or 706.35(a) is not provided.

§ 706.36 Conferences.

Any person requesting approval of an exception may request a conference. If the Council determines that a conference is appropriate, it will contact the applicant to arrange a suitable time and location. At its discretion, the Council may invite other interested persons to attend portions of conferences at which confidential material will not be discussed.

§ 706.37 Decision.

(a) The Council will issue a written determination granting or denying a request for approval of an exception as promptly as possible, giving consideration to any showing of urgency under § 706.33(c).

(b) When the Council grants a request for approval of an exception, it may condition its approval in any manner that promotes the objectives of the standards.

(c) The Council's decision will be based on the facts and arguments before it on the date of the decision. If a person relies on certain facts and arguments to support a request for approval of an exception, he may not later rely on substantially the same set of facts and arguments in a new exception request.

Subpart D—Special Investigations

§ 706.40 Purpose and scope.

This subpart concerns special investigations by the Council relating to particular companies, compliance units, or employee units. Additional investigatory procedures are set forth in part 704.

§ 706.41 Investigational policy.

The Council may at its discretion conduct special investigations to examine significant pay and price increases and compliance with the standards. A special investigation may be initiated when the Council's examination of publicly available pay or price indices or the receipt of other information indicates the possibility of pay or price increases in excess of the respective standard for a compliance unit or in a sector of the economy.

§ 706.42 Requests for information.

The Council may request information relating to a compliance unit's specific price actions, its average price increases, its pay programs, or any other information relating to the standards. Any such request will be accompanied by a statement of the purpose of the request and the Council's need for the information.

Subpart E—Determination of Noncompliance

§ 706.50 Purpose and scope.

This subpart concerns the determination of whether compliance units or employee units are in compliance with the standards.

§ 706.51 Notice and reply.

(a) *Notice of Probable Noncompliance.* When the Council has reason to believe that a compliance unit or employee unit may not be in compliance with the standards, it will send a Notice of Probable Noncompliance to the compliance unit and, if the alleged noncompliance relates to a collective-bargaining situation, to any affected collective-bargaining unit.

(b) *Reply.* (1) Within ten days after a Notice of Probable Noncompliance has been issued, the compliance unit and any collective-bargaining unit to which the notice is issued may file a written reply disputing information in that notice, presenting additional information relevant to the allegations in the notice, and raising any available defense.

(2) Available defenses are that any of the exceptions in §§ 705.4, 705B–9 through B–12, and 705.41 are applicable or have been properly self-administered, or that the standards do not properly apply.

(3) The reply may request a conference and, if so, indicate whether any confidential data may be discussed.

(c) If a compliance unit and any collective-bargaining unit to which the notice is issued does not timely reply, the Council may issue a determination of noncompliance.

(d) The Council may request comments from any person concerning the notice, but submitting such comments does not make that person a party to the proceeding.

(e) If a conference is requested, the Council will arrange a suitable time and location.

§ 706.52 Decision.

(a) After considering the record, which shall consist of relevant data developed by the Council and material submitted to the Council, the Council will inform the compliance unit and collective-bargaining unit, if applicable of the Council's conclusions and the reasons therefor.

(b) Whenever the Council has concluded there is noncompliance, it may consider any corrective action offered by the compliance unit or employee unit. If the Council is satisfied that appropriate corrective action will be initiated promptly, the Council will not find the compliance unit or employee unit out of compliance.

(c) After the Council has considered all relevant information, it will set forth in writing the reasons for its decision.

Subpart F—The List of Noncompliers

§ 706.60 Purpose and scope.

This Subpart concerns placement on and removal from the list of noncompliers.

§ 706.61 Listing of noncompliers.

(a) If the Council issues a decision finding a compliance unit out of compliance in accordance with § 706.53(c), it will place the compliance unit's name on a list of noncompliers no sooner than eight days after its decision.

(b) If the listing of a compliance unit has been stayed pending reconsideration in accordance with § 706.76, and the compliance unit is found on reconsideration to be out of compliance, it will be listed no sooner than three days after the reconsideration decision.

§ 706.62 Removal from list of noncompliers.

(a) Any compliance unit that has been placed on the list of noncompliers may request, in writing, that the Council remove it from the list on grounds that the compliance unit has come into compliance with the standard. Any such request should be submitted to the Director. It should state the corrective action that the compliance unit has taken, explain how that action brings the compliance unit into compliance, and indicate whether a conference or hearing is requested.

(b) The Council will provide a conference and, if a disputed substantial and material question of fact is presented, a hearing in accordance with § 706.75 (b) through (d).

(c) The Council will advise the compliance unit as promptly as possible after receipt of any request under paragraph (a) of this section (or after the

completion of any conference or hearing) as to whether the request has been granted or denied. If granted, removal from the list will be effective immediately, and a notice to that effect will be published promptly in the same manner as the publication of the list of noncompliers. If denied, the compliance unit will have exhausted its administrative remedies, and no further reconsideration of the facts or compliance plan presented will be available under Subpart G.

Subpart G—Reconsideration

§ 706.70 Purpose and scope.

This subpart concerns reconsideration of Council actions taken under Subparts C or E.

§ 706.71 General.

(a) Any person who has or could have participated in a matter under Subparts C or E of this part may request reconsideration of the Council's decision within seven days of the Council's action.

(b) Additional facts that were not before the Council at the time of the initial decision may be presented at the time of reconsideration. If a person relies on certain facts and arguments to support a request for reconsideration, he may not later rely on substantially the same set of facts and arguments in a new request for reconsideration.

(c) A person who has participated or could have participated in a matter under Subparts C or E of this part will not have exhausted his administrative remedies until he has submitted a request for reconsideration under this subpart and final action on that request has been taken by the Council.

§ 706.72 Contents of the request.

A request for reconsideration should:

(a) Contain a concise statement of the requested relief and any factual, legal, or policy basis for such relief; and

(b) Specify whether a conference and/or hearing as provided by §§ 706.74 and 706.75 is requested, and, if so, whether confidential data will be discussed; and

(c) If a hearing is requested, identify the substantial and material questions of fact presented.

§ 706.73 Conference on reconsideration.

(a) The Council will, if requested, provide a conference on reconsideration of an action under Subparts C and E.

(b) The Council will notify the requesting party and, in the Council's discretion, other interested persons of the time and place for the conference.

(c) Any subject relevant to the exception or noncompliance decision may be discussed at the conference.

§ 706.74 Hearing on reconsideration.

(a) If a disputed substantial and material question of fact is presented, the Council will, if requested, provide a hearing on reconsideration of an action under Subpart E.

(b) If the Council determines that a hearing is appropriate, it will notify the person requesting the hearing and, in the Council's discretion, other interested persons. Thereafter, the hearing will be promptly scheduled before a Hearing Officer at such time and place as the Council may direct.

(c) A hearing conducted in accordance with this Section may include the submission of such additional evidence and arguments as the Hearing Officer permits.

(d) Within 20 days after the close of the hearing, the Hearing Officer will submit to the Council findings of fact on each substantial and material question of fact. The Council will promptly send a copy of the report to the person who requested the hearing.

§ 706.75 Decision.

(a) Within 20 days of receipt of a request for reconsideration, or within 20 days after the conclusion of any conference under § 706.74, or within 20 days after receipt of a Hearing Officer's findings under § 706.75, the Council will issue a decision affirming, modifying, or reversing its earlier action.

(b) The Council's decision will be in writing and will set forth the reasons on which it is based. Copies of the decision will be served on the person requesting reconsideration.

§ 706.76 Stays pending reconsideration.

A request for reconsideration submitted within seven days of the Council's decision of noncompliance under § 706.53 will stay the placing of a compliance unit's name on a list of noncompliers pending the disposition of the request.

Dated: September 28, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

[FR Doc. 79-30649 Filed 10-1-79; 8:45 am]

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PANAMA CANAL COMPANY

35 CFR Part 133

Panama Canal Tolls

Cross-Reference

For a document giving notice of increase in tolls for Use of the Panama Canal see FR Doc. 79-30653 published in the "Notices" section of this issue. Refer to the Table of Contents under Panama Canal Company for the correct page number.

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COUNCIL ON WAGE AND PRICE STABILITY

Amendment of Charter of Wage Advisory Committee

In accordance with Executive Order 12161, the Council on Wage and Price Stability is amending the charter of its Wage advisory Committee (see 44 FR 36447 (June 22, 1979)) to redesignate the Committee as a Pay Advisory Committee, to enlarge its scope, and to provide greater participation by the public in the development and administration of the pay standard for the second year of the anti-inflation program. The Pay Advisory Committee will advise the Council on developing policies that encourage anti-inflationary pay behavior by private industry, employers and labor, that decelerate the rate of inflation, and that provide for fair and equitable distribution of the burden of restraint. Specifically, the Pay Advisory Committee will recommend modifications to the pay standard, recommend changes, if any, to pay exception and noncompliance decisions of the Council, and recommend new or revised interpretations of the pay standard.

To provide representation of a broad range of viewpoints, the Committee will be composed of fifteen members—five representatives of labor, five business representatives and five representatives of the general public. These members and the Committee's Chairman will be selected by the President. The Chairman and each member from labor and business will be permitted to designate and alternate of his or her choice.

The Council shall provide support for the Committee and, consistent with applicable statutes and regulations, shall furnish all information as may be required by the Committee to carry out its duties and responsibilities.

For further information contact Sally Katzen, General Counsel, Council on Wage and Price Stability (456–6286).

Dated: September 28, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Revised Charter for the Pay Advisory Committee

(1) *The Official Designation.* This Committee will be designated as the Pay Advisory Committee.

(2) *The Objectives and Scope of Activities.* The function of the Committee is to provide public participation and advice to the Council on Wage and Price Stability (Council) on encouraging anti-inflationary pay behavior by private industry, employers, and labor, decelerating the rate of inflation, and providing for a fair and equitable distribution of the burden of restraint.

(3) *Description of Duties of the Committee.* The duties and responsibilities of the Committee are:

(a) To submit, by October 31, 1979, its recommendations for modifications, if any, to the pay standard, including specifically the basic pay standard, the inflation assumption for evaluating cost-of-living adjustment clauses, the threshold for the low-wage exemption, the treatment of increments and tandem relationships, and the appropriate adjustment for employee units not covered by cost-of-living adjustment clauses;

(b) To recommend changes, if any, to pay exception and noncompliance decisions of the Council;

(c) To recommend new or revised interpretations of the pay standard;

(d) To make such other recommendations with respect to the voluntary compliance program that assure fairness and equity in individual cases and that are consistent with the overall objective of the anti-inflation program.

(4) *Membership.* The Committee shall consist of fifteen members, five each from labor, business, and the public, to be selected by the President. The President will also designate one of the public members as Chairman. The Chairman and each member from labor and business may designate an alternate to serve in his or her stead with respect to recommendations under Paragraph 3(b), (c), and (d).

(5) *Estimated Number and Frequency of Meetings.* The Committee will meet regularly once a month and at such other times as the Chairman may determine.

(6) *Procedures of the Committee.* (a) *Quorum.*—Nine members of the Committee, three each from labor, business, and the public, shall constitute a quorum. Recommendations of the Committee shall require the affirmative vote of eight or more members.

(b) *Conflict of Interest.* No member shall participate in the consideration of any matter if such participation would create a conflict of interest under applicable statutes and regulations.

(7) *Designated Agency Official.* The designated agency official who will attend each meeting of the Committee and perform such other functions as are required by law is the Chairman of the Council (or his designee).

(8) *Agency Responsibility for Providing Support.* The Council shall provide support for the Committee and, consistent with applicable statues and regulations, shall furnish all information as may be required by the Committee to carry out its duties and responsibilities. The Office of Pay Monitoring of the Council will furnish staff support for the Committee.

(9) *Duration of the Committee.* The Committee will continue until September 30, 1980, unless the Council terminates the Committee earlier, or extends it, in accordance with need and the public interest.

(10) *Estimated Annual Operating Costs.* The Committee may require an expenditure of approximately $5,000 (one-fifth of a man-year) in Fiscal Year 1980.

(11) *Approval of Revised Charter.*

Date filed: September 28, 1979.

Sally Katzen,

Advisory Committee Management Officer.

Amendment of Charter of Price Advisory Committee

In accordance with Executive Order 12161, the Council on Wage and Price Stability is amending the charter of its Price Advisory Committee to enlarge the scope of the previously described Committee (see 44 FR 36447 (June 22, 1979)) and to provide greater participation by the public in development and administration of the price standard for the second year of the anti-inflation program. The Price Advisory Committee will advise the Council on developing policies that encourage anti-inflationary price behavior by private industry, that decelerate the rate of inflation, and that provide for fair and equitable distribution of the burden of restraint. Specifically, the Price Advisory Committee will recommend possible modifications to the price standard, and new or revised interpretations of the price standard.

The membership of the Committee will be composed of five representatives of the general public. These members and the Committee's Chairman will be selected by the President.

The Council shall provide support for the Committee and, consistent with applicable statutes and regulations, shall furnish all information as may be required by the Committee to carry out its duties and responsibilities.

For further information contact Sally Katzen, General Counsel, Council on Wage and Price Stability (456–6286).

Date: September 28, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Revised Charter for the Price Advisory Committee

(1) *The Official Designation.* This Committee will be designated as the Price Advisory Committee.

(2) *The Objectives and Scope of Activities.* The function of the Committee is to provide public participation and advice to the Council on Wage and Price Stability (Council) on encouraging anti-inflationary price behavior by private industry, decelerating the rate of inflation, and providing for a fair and equitable distribution of the burden of restraint.

(3) *Description of Duties of the Committee.* The duties and responsibilities of the Committee are:

(a) To recommend from time to time modifications, if any, to the price standard;

(b) To recommend new or revised interpretations of the price standard; and

(c) To make such other recommendations with respect to the voluntary compliance program that assure fairness and equity, consistent with the overall objective of the anti-inflation program.

(4) *Membership.* The Committee shall consist of five members of the general public to be selected by the President. The President will also designate one of the members as Chairman.

(5) *Estimated Number and Frequency of Meetings.* The Committee will meet regularly once a month and at such other times as the Chairman may determine.

(6) *Procedures of the Committee.* (a) *Quorum.*—The quorum for conducting business shall be three members of the Committee. Recommendations of the Committee shall require the affirmative vote of three or more members.

(b) *Conflict of Interest.* No member shall participate in the consideration of any matter if such participation would create a conflict of interest under applicable statutes and regulations.

(7) *Designated Agency Official.* The designated agency official, who will attend each meeting of the Committee and perform such other functions as are required by lay, is the Chairman of the Council (or his designee).

(8) *Agency Responsibility for Providing Support.* The Council shall provide support for the Committee and, consistent with applicable statutes and regulations, shall furnish all information as may be required by the Committee to carry out its duties and responsibilities. The Office of Price Monitoring of the Council will furnish staff support for the Committee.

(9) *Duration of the Committee.* The Committee will continue until September 30, 1980, unless the Council terminates the Committee earlier, or extends it, in accordance with need and the public interest.

(10) *Estimated Annual Operating Costs.* The Committee may require an expenditure of approximately $2,500 (one-tenth of a man-year) in Fiscal Year 1980.

(11) *Approval of Revised Charter.*

Date filed: September 28, 1979.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 79-30650 Filed 10-1-79; 8:45 am]

BILLING CODE 3175-01-M

PANAMA CANAL COMPANY

Increase in Tolls for Use of Panama Canal

AGENCY: Panama Canal Company.

SUMMARY: On March 30, 1979, the Panama Canal Company announced a proposed increase in tolls for use of the Panama Canal, to be effective on October 1, 1979. (44 FR 18994). Statutory provisions concerning notice, public hearing and Presidential approval, and the Company's rulemaking procedures would apply and were explained in the notice.

On September 27, 1979, the President signed into law the Panama Canal Act of 1979 (Pub. L. 96-70). Section 1605 of that statute, which became effective on enactment, provides that the Company may change the rates of tolls for use of the Panama Canal during the fiscal year beginning on October 1, 1979, without regard to the procedures required for future increases. Rates of tolls for use of the canal are to be prescribed under the provisions of section 1602(b) of the Act, and any increase under section 1605 requires Presidential approval and becomes effective on the date prescribed by him.

ACTION: *Notice of increase in tolls for use of the Panama Canal.* Notice is hereby given that in accordance with sections 1602(b) and 1605 of the Panama Canal Act of 1979, the rates of tolls prescribed by the Panama Canal Company and approved by the President which have been in effect since November 18, 1976, are changed as follows:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, $1.67 per net vessel ton of 100 cubic feet each of actual earning capacity determined in accordance with the rules for the measurement of vessels for the Panama Canal.

(b) On vessels in ballast without passengers or cargo, $1.33 per net vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, $0.93 per ton of displacement.

Notice is also given that, due to the foregoing action by the Company and the President, the proposal to increase tolls initiated on March 30, 1979, is cancelled.

EFFECTIVE DATE: The foregoing changes in the toll rates have been approved by the President and, as prescribed by him, will become effective on October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas M. Constant, Secretary, Panama Canal Company, 425—13th Street, N.W., Washington, D.C. 20004, Phone: (202) 724-0104.

Dated: September 29, 1979.

Hazel M. Murdock,

Assistant to the Secretary.

[FR Doc. 79-30853 Filed 10-1-79; 11:02 am]

BILLING CODE 3640-01-M

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Tuesday, October 2, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

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

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing September 28, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 111 / Pub. L. 96–70 "Panama Canal Act of 1979". (Sept. 27, 1979; 93 Stat. 452) Price: $2.25.

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