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Thursday
October 18, 1979

Highlights

Briefings on How to Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the Reader Aids Section at the end of this issue. **An interpreter for hearing impaired persons will be present for the November 16 briefing.**

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Highlights

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MEETINGS ANNOUNCED IN THIS ISSUE

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

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FEDERAL LABOR RELATIONS AUTHORITY

Federal Service Impasses Panel

5 CFR Chapter XIV

Interim Rules and Regulation; Case Processing

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Interim rules and regulations.

SUMMARY: This rule amends Appendix A, paragraph (d) (44 FR 44775) of the interim rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 44 FR 44740, to establish new addresses and telephone numbers for the Authority's Washington, D.C. and Atlanta Regional Offices.

EFFECTIVE DATE: October 10, 1979.

FOR FURTHER INFORMATION CONTACT: S. Jesse Reuben, Deputy General Counsel (202) 523-7262.

SUPPLEMENTARY INFORMATION: Effective July 30, 1979, the Authority, General Counsel, and Panel published, at 44 FR 44740, interim rules and regulations to principally govern the processing of cases by the Authority, General Counsel, and Panel under chapter 71 of title 5 of the United States Code. These interim rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and will continue to be applied until their expiration on January 31, 1980, or upon the effective date of final rules and regulations prior to January 31, 1980. As previously indicated at 44 FR 44740, interested labor organizations, agencies and other persons may comment in writing on the interim rules and regulations and such comments should be submitted no later than October 31, 1979.

Appendix A, paragraph (d) of the interim rules and regulations (44 FR 44775) sets forth the temporary office addresses and telephone numbers of the Regional Directors of the Authority. The Authority's Washington, D.C. and Atlanta Regional Offices have changed their addresses and phone numbers from those listed in paragraph (d) of Appendix A.

Accordingly, Appendix A, paragraph (d) of the Authority, General Counsel, and Panel interim rules and regulations (44 FR 44775) is amended, in part, to read as follows:

Appendix A—Authority, General Counsel, Chief Administrative Law Judge, Regional Directors and Panel

Temporary Addresses and Geographic Jurisdictions

* * * * *

(d) The office address of Regional Directors of the Authority, are as follows:

* * * * *

(3) *Washington Regional Office*, 1730 K Street, NW., Room 401, Washington, D.C. 20006, Telephone: FTS-653-7213, Commercial-(202) 653-7213.

(4) *Atlanta Regional Office*, 1776 Peachtree Street, NW. Suite 501, North Wing, Atlanta, Georgia 30309, Telephone: FTS-257-2324, Commercial-(404) 257-2324.

* * * * *

(5 U.S.C. 7134)

Dated: October 11, 1979.

Ronald W. Haughton,
Chairman.
Henry B. Frazier III,
Member.
Leon B. Applewhaite,
Member.
H. Stephan Gordon,
General Counsel

Federal Labor Relations Authority

[FR Doc. 79-32199 Filed 10-17-79; 8:45 am]
BILLING CODE 6325-19-M

DEPARTMENT OF AGRICULTURE

Office of Secretary

7 CFR Part 16

[Amdt. 9]

Restrictions on the Importation of Meat From Nicaragua

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the final rule published on June 20, 1979 (44 FR 36001) regarding limitations on the importation of certain meats from Nicaragua. Imports of such meat from Nicaragua were previously limited to 64.1 million pounds for calendar year 1979 in order to carry out the 1979 restraint program pursuant to Section 204 of the Agricultural Act of 1956. This amendment increases this limitation to 66.8 million pounds for calendar year 1979 in view of the changes which have been made in the restraint levels for various countries participating in the 1979 restraint program. The global level of imports has not been changed.

EFFECTIVE DATE: October 18, 1979. See supplementary information.

FOR FURTHER INFORMATION CONTACT: Bryant Wadsworth (FAS), 202-447-7217 Dairy, Livestock & Poultry Division, CP, FAS, USDA, Room 6621 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The Secretary of State and the Special Representative for Trade Negotiations concur in the issuance of this regulation.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, these regulations fall within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 and E.O. 12044.

Effective Date

Meat released under the provisions of sections 448(b) and 484(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery) and 19 U.S.C. 1484(a)(1)(A) (entry)) prior to (date of publication in the **Federal Register**) shall not be denied entry.

§ 16.5 [Amended]

Accordingly, Section 16.5 "Quantitative Restrictions" of Subpart A, Section 204 Import Regulations of

Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended as follows:

In paragraph (a) "64.1 million pounds" is deleted and "66.8 million pounds" is inserted in lieu thereof.

(Sec. 204 Pub. L. 540 84th Cong., 70 Stat. 200 as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733)).

Issued at Washington, DC., this 12th day of October 1979.

Jim Williams,

Acting Secretary.

[FR Doc. 79-32094 Filed 10-17-79; 8:45 am]

BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 634]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 19–25, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: October 19, 1979.

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

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

The committee met on October 16, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is steady.

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

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

§ 908.934 Valencia Orange Regulation 634.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 19 through October 25, 1979, are established as follows: (1) District 1: 650,000 cartons; (2) District 2: Unlimited; (3) District 3: Unlimited.

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

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

Dated: October 17, 1979

D. S. Kuryloski,

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

[FR Doc. 79-32452 Filed 10-17-79; 12:29 pm]

BILLING CODE 3410-02-M

7 CFR Part 989

Expenses of the Raisin Administrative Committee and Rate of Assessment for the 1979–80 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1979–80 crop year, to be collected from handlers to support activities of the Raisin Administrative Committee which locally administers the Federal marketing order covering raisins produced from grapes grown in California.

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

FOR FURTHER INFORMATION CONTACT: William J. Higgins (202) 447–5053.

SUPPLEMENTARY INFORMATION: *Findings:* Pursuant to Marketing Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Committee, established under this marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postponing the effective time of this action 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 year shall apply to all assessable raisins handled from the beginning of such year which began August 1, 1979. To enable the Committee to meet crop year obligations, 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. To effectuate the declared purposes of the act, it is necessary 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 comments. The

regulation has not been classified significant under USDA criteria for implementing the executive order. An Impact Analysis is available from William J. Higgins, (202) 447–5053.

§ 989.330 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Committee during the 1979–80 crop year will amount to $219,343.

(b) The rate of assessment for said period payable by each handler in accordance with § 989.80 is fixed at $1.00 per ton for: (1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins under paragraph (b)(3) of this section; (2) reserve tonnage raisins released or sold to the handler for use as free tonnage during that crop year; and (3) standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins, but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

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

Dated: October 12, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 79-32156 Filed 10-17-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Reg. D; Docket No. R-0218]

Reserves of Member Banks; Marginal Reserve Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended Regulation D to establish a marginal reserve requirement of 8 per cent on the amount by which the total of certain managed liabilities of member banks (and Edge and Agreement Corporations) and United States branches and agencies of foreign banks exceeds the amount of such managed liabilities outstanding during a base period. The purpose of this action is to better control the expansion of bank credit, help curb speculative excesses in financial, foreign exchange and commodity markets and thereby serve to dampen inflationary forces. The managed liabilities affected by this action include the total of (1) time deposits in denominations of $100,000 or more with original maturities of less than one year; (2) Federal funds borrowings with original maturities of less than one year from U.S. offices of depository institutions not required to maintain Federal reserves and from U.S. government agencies; (3) repurchase agreements with original maturities of less than one year on U.S. government and agency securities entered into with parties other than institutions required to maintain Federal reserves; and (4) Eurodollar borrowings from foreign banking offices, asset sales to related foreign offices, and member bank foreign office loans to U.S. residents. The marginal reserve requirement will not apply to borrowings from the United States, principally in the form of Treasury tax and loan account note balances. The 8 per cent marginal reserve requirement will apply to the amount by which the daily average amount of an institution's total managed liabilities during a reserve computation period exceeds a base amount calculated generally as either the daily average amount of such liabilities outstanding during the base period (September 13 to 26, 1979) or $100 million, whichever is greater.

EFFECTIVE DATE: With regard to member banks (and Edge and Agreement Corporations), the marginal reserve requirement is effective on marginal total managed liabilities outstanding during the seven-day computation period beginning October 11, 1979, and reserves will be required to be maintained against such marginal total managed liabilities during the seven-day period beginning on October 25, 1979. With regard to U.S. branches and agencies of foreign banks, the marginal reserve requirement also is effective on marginal total managed liabilities outstanding during the seven-day computation period beginning October 11, 1979. However, such institutions will not be required to maintain marginal reserves until the seven-day period beginning on November 8, 1979. During the seven-day period beginning on Nobember 8, 1979, the U.S. reporting office of a U.S. branch and agency family will be required to maintain marginal reserves for the family for the seven-day computation periods beginning October 11, 18, and 25.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3623); Anthony F. Cole, Senior Attorney (202/452–3711); or Paul S. Pilecki, Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Board of Governors has amended Regulation D (12 CFR Part 204) to impose a marginal reserve requirement of 8 percent on the amount by which the total managed liabilities of certain institutions exceeds the amount of the institution's base amount of managed liabilities. Generally, an institution's base is the daily average amount of the institution's total managed liabilities outstanding during the base period (September 13–26, 1979) or $100 million, whichever is greater. The marginal reserve requirement will apply to member banks, Edge and Agreement Corporations, and families of U.S. branches and agencies of foreign banks whose foreign parents have worldwide banking assets in excess of $1 billion. The managed liabilities of U.S. branches and agencies of the same foreign bank family will be reported on a consolidated basis. The managed liabilities on which marginal reserves will apply include the total of (1) time deposits in denominations of $100,000 or more with original maturities of less than one year; (2) Federal funds borrowings with original maturities of less than one year from U.S. offices of depository institutions not required to maintain Federal reserves and from U.S. government agencies; (3) repurchase agreements with original maturities of less than one year on U.S. government and agency securities entered into with parties other than institutions required to maintain Federal reserves; and (4) Eurodollar borrowings from foreign banking offices of the same institution or of other banks, asset sales to related foreign offices, and member bank and Edge and Agreement Corporation foreign office loans to U.S. residents.

Time Deposits of $100,000 or More

Managed liabilities subject to the marginal reserve requirement include deposits of the following types:

(a) Time deposits of $100,000 or more with original maturities of less than one year; and

(b) Time deposits of $100,000 or more with original maturities of less than one year represented by promissory notes, acknowledgements of advance, due bills, or similar obligations (written or oral) as provided in § 204.1(f) of Regulation D; and

(c) Time deposits of any denomination with remaining maturities of less than one year represented by ineligible bankers' acceptances or obligations issued by a member bank's affiliate to the extent that the proceeds are supplied

to the member bank as provided in § 204.1(f) of Regulation D.

Credit balances of $100,000 or more with original maturities of 30 days or more but less than one year will also be treated as managed liabilities subject to the marginal reserve requirement. Time deposits subject to the marginal reserve requirement do not include savings deposits and Christmas club-type deposits. U.S. branches and agencies of foreign banks generally will be required to maintain marginal reserves based on similar types of obligations, but will *not* be required to maintain the basic reserve requirements imposed on time deposits under § 204.5(a)(1)(ii) and (2)(ii).

Federal Funds and Repurchase Agreements

On April 13, 1979, the Board solicited public comment (44 FR 23867) on a proposal to apply reserve requirements to certain member bank Federal funds borrowings and to certain repurchase agreements entered into by member banks. Under the Board's April proposal, member bank borrowings from U.S. offices of other banks whose liabilities are not subject to Federal reserve requirements and from the U.S. government and its agencies would have been treated as a new category of time deposit subject to a 3 per cent reserve requirement.

The Board's April proposal also would have treated as deposits member bank borrowings in the form of repurchase agreements based on U.S. government and agency securities. Such obligations would have been subject to a 3 per cent reserve requirement. However, repurchase agreements entered into by a member bank with U.S. banking offices of other member banks or other organizations subject to Federal reserve requirements and with the Federal Reserve Banks would have continued to be exempt from reserve requirements.

After consideration of the more than 350 comments received from the public on this proposal, the Board has adopted the proposal in a modified form. The Board has determined to treat certain Federal funds borrowings and repurchase agreements of member banks, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks as managed liabilities subject to the marginal reserve requirement. Under this approach, the amount of borrowings with original maturities of less than one year from U.S. offices of other banks whose liabilities are not subject to Federal reserve requirements and from agencies of the United States (together with other managed liabilities) that exceeds the institution's base, will be subject to an 8 per cent marginal reserve requirement. The Board believes that exempting Federal funds borrowings from institutions maintaining Federal reserves from the marginal reserve requirement is appropriate to facilitate the reserve adjustment process and to avoid the possibility of imposing double Federal reserve requirements on liabilities that already may be subject to Federal reserve requirements at another institution.

Borrowings from the United States government (principally in the form of Treasury tax and loan account note balances), however, will not be regarded as managed liabilities subject to the marginal reserve requirement. Borrowings with original maturities of less than one year from Federal agencies and instrumentalities such as the Federal Home Loan Bank Board and the Federal Home Loan Banks will be subject to the marginal reserve requirement.

In the past, the term "bank" has been defined by the Board to include commercial banks, savings banks, savings and loan associations, cooperative banks, the Export-Import Bank, and Minbanc Capital Corporation (see 12 CFR 217.137). For purposes of reserve requirements (and interest rate provisions) the term "bank" is being modified to include credit unions. Consequently, while borrowings from such nonmember institutions by member banks will be regarded as managed liabilities subject to the marginal reserve requirement, such borrowings would be exempt from the basic reserve requirements of Regulation D.

Borrowings from domestic offices of organizations that are required by the Board to maintain reserves and from Federal Reserve Banks will not be regarded as managed liabilities subject to the marginal reserve requirement. The institutions that currently are required to maintain reserves include member banks, Edge Corporations engaged in the banking business (12 U.S.C. 615), Agreement Corporations (12 U.S.C. 601–604a), operations subsidiaries of member banks (12 CFR 204.117), and, under this action, U.S. branches and agencies of foreign banks with worldwide banking assets in excess of $1 billion (12 U.S.C. 3105).

Under the Board's action, borrowings in the form of repurchase agreements with original maturities of less than one year involving U.S. government and agency securities also would be regarded as managed liabilities subject to the marginal reserve requirement. Repurchase agreements entered into with U.S offices of other member banks or organizations that are required by the Board to maintain reserves with the Federal Reserve System would not be regarded as managed liabilities subject to the marginal reserve requirement. Repurchase agreements entered into by member banks, banking Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks with nonexempt entities, such as nonmember banks and nonbank dealers, will not be subject to the marginal reserve requirement if such transactions are intended to provide collateral to nonexempt entities in order to engage in repurchase transactions with the Federal Reserve System Open Market Account.

In order to continue to facilitate the activities of bank dealers in the U.S. government and agency securities markets, and to provide competitive equality between bank and nonbank dealers, the amendment permits member banks, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks to deduct the amount of U.S. government and agency securities held by the institution in its trading account from the total amount of its repurchase agreements entered into with nonexempt entities in determining the amount of its repurchase agreements subject to the marginal reserve requirement. A trading account represents the U.S. government and agency securities that are held for dealer transactions—*i.e.*, securities purchased with the intention that they will be resold rather than held as an investment. The Board expects that institutions will not reclassify U.S. government and agency securities held in their investment or other accounts to their trading accounts for the purpose of avoiding marginal reserve requirements.

Managed liabilities subject to the 8 percent marginal reserve requirement also will include any obligation that arises from a borrowing for one business day from a dealer in securities whose liabilities are not subject to the reserve requirements of the Federal Reserve Act of proceeds of a transfer of deposit credit in the Federal Reserve Bank (or other immediately available funds), received by such dealer on the date of the loan in connection with clearance of securities transactions.

Eurodollars

The Board also has included the Eurodollar borrowings of member banks, Edge and Agreement Corporations and U.S. branches and agencies of foreign banks as managed liabilities subject to the marginal reserve requirement. Consequently, the amount

of Eurodollars (together with other managed liabilities) of a member bank, Edge or Agreement Corporation, or U.S. branch or agency that exceeds the institution's base will be subject to the 8 percent marginal reserve requirement. With regard to member banks and Edge and Agreement Corporations, such Eurodollars include the institution's daily average balance of (1) borrowings with original maturities of less than one year from foreign offices of other banks and institutions that are exempt from interest rate limitations pursuant to § 217.3(g) of Regulation Q; (2) net balances due from an institution's domestic offices to the institution's foreign offices; (3) assets (including participations) held by the institution's foreign offices that were acquired from the institution's domestic offices; and (4) the credit outstanding from the institution's foreign offices to U.S. residents.

With regard to U.S. branches and agencies of a family of a foreign bank with worldwide banking assets in excess of $1 billion, such Eurodollars include the daily average balance of (1) borrowings with original maturities of less than one year from non-U.S. offices of other banks and institutions that are exempt from interest rate limitations pursuant to § 217.3(g) of Regulation Q; (2) assets (including participations) sold to and held by the foreign parent (including branches and agencies and subsidiaries located outside the U.S.) and the parent holding company that were acquired from the U.S. branches or agencies (except assets that for Federal supervisory purposes are required to be sold); and (3) net balances due to the foreign parent (including branches and agencies and banking subsidiaries located outside the U.S.) and the parent holding company after deducting an amount equal to 8 percent of the total assets of the U.S. branches and agencies, less certain cash assets (cash, cash items in the process of collection or other balances due from the foreign parent bank or related institutions or unrelated U.S. and foreign banks). Since U.S. branches and agencies do not possess a separate capital account like domestic banks, the 8 percent allowance is provided in order to contribute to competitive equity and to the safety and soundness of foreign banking offices in the U.S. (It should be noted that proceeds of commercial paper issued in the United States by the foreign bank parent will be subject to marginal reserve requirements only if such funds are provided as Eurodollar advances to its U.S. branches and agencies.)

U.S. Branches and Agencies of Foreign Banks

On July 23, 1979, the Board requested public comment on a proposal to apply Federal reserve requirements and interest rate limitations to U.S. branches and agencies of foreign banks (44 FR 44876). The period for comment on the Board's proposal expires on November 23, 1979. The Board's action with regard to marginal reserve requirements on managed liabilities of U.S. branches and agencies does not reflect a Board determination of the issues raised by the July 23 proposal.

Under the Board's action, all reports on total managed liabilities of U.S. branches and agencies of the same family must be reported on a consolidated basis by one U.S. office of the family to the Federal Reserve Bank of the district in which the reporting office is located. Intra-family transactions between U.S. branches and agencies of the same family should not be included in computing the family's managed liabilities. A foreign bank family consists of the U.S. branches and agencies of the same foreign parent bank and of its majority owned (greater than 50 per cent) foreign banking subsidiaries. The office designated by the family to file reports also will be required to maintain the marginal reserves of the family in a reserve account at the Federal Reserve Bank to which it submits the family's reports. In view of the outstanding proposal concerning issues relating to the application of all Federal Reserve requirements to U.S. branches and agencies, Federal Reserve services and access to the Federal Reserve discount window will not be made available at this time to U.S. branches and agencies. Funds will be permitted to be transferred by a U.S. branch or agency only by drafts drawn on the family's reserve account. A family's reserve account will not be available for general clearing purposes.

Computation and Maintenance of Marginal Reserve Requirements

The amount of marginal reserves that a member bank, Edge or Agreement Corporation, or a U.S. branch or agency family of a foreign bank that is a net borrower of managed liabilities will be required to maintain will be determined by the amount by which the total of the institution's managed liabilities during a given seven-day reserve computation period exceeds the total of its managed liabilities during the base period or $100 million, whichever is greater. For an institution that is a net lender of managed liabilities (that is, the sum of its managed liabilities is negative because its net Eurodollar loans to its foreign offices are greater than the total of its large time, Federal funds, repurchase agreements, and borrowed Eurodollars), its base will be the algebraic sum of its managed liabilities and $100 million. For example, if an institution has negative $150 million of managed liabilities during the base period, its base will be negative $50 million, and marginal reserve requirements will apply to the amount of its total managed liabilities above that amount. Consequently, if such an institution maintained a daily average of total managed liabilities during a computation period of negative $30 million, it would be required to maintain the 8 per cent marginal reserve requirement against $20 million of managed liabilities during the reserve maintenance period.

The base period amount will be determined from the daily average total of the institution's managed liabilities during the fourteen-day period ending September 26, 1979. During the seven-day maintenance period beginning October 25, 1979, a member bank (and an Edge or Agreement Corporation) will be required to maintain a daily average reserve balance of 8 per cent of its daily average marginal managed liabilities outstanding during the seven-day computation period beginning October 11, 1979. Thereafter, a member bank (and an Edge or Agreement Corporation) will be required to maintain its marginal reserve balance on a daily average basis for the seven-day maintenance period beginning eight days after the end of the corresponding computation period.

During the seven-day maintenance period beginning November 8, 1979, a reporting office of a U.S. branch or agency family will be required to maintain a daily average reserve balance of 8 per cent of the total of the family's daily average marginal managed liabilities outstanding during the three seven-day computation periods beginning October 11, 18 and 25, 1979. The initial reserve maintenance period for U.S. branches and agencies is being deferred to the seven-day period beginning November 8, 1979, since such institutions will be reporting liabilities and maintaining reserves with the Federal Reserve for the first time. Thereafter, the reporting office of a U.S. branch or agency family will be required to maintain the family's marginal reserve balance in the same manner as a member bank *i.e.*, during the seven-day maintenance period beginning eight days after the end of the corresponding computation period. As is the case with

member banks, the U.S. currency and coin held by U.S. branches or agencies during the seven-day computation period may be used to satisfy the family's required reserves.

These actions are being taken to help curb speculative excesses in financial, foreign exchange and commodity markets and to moderate expansion of bank credit, thereby dampening inflationary pressures. In order to achieve the above stated objectives as soon as possible, the Board for good cause finds that further notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are impracticable and contrary to the public interest.

These actions are taken pursuant to the Board's authority under sections 19, 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 461, 601 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105).

Effective October 6, 1979, § 204.5 of Regulation D (12 CFR 204.5) is amended by revising the introductory text of paragraph (a), by revising paragraph (b) and by adding a new paragraph (f) to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act, section 7 of the International Banking Act of 1978 and § 204.2(a) and subject to paragraphs (b) through (f) of this section, * * *

(b) *Currency and coin.* The United States currency and coin of a member bank or a United States branch or agency of a foreign bank shall be counted as reserves in determining compliance with the reserve requirements of this section.

* * * * *

(f) *Marginal Reserve Requirements*—(1) *Member banks.* During the seven-day reserve maintenance period beginning October 25, 1979, and during each seven-day reserve maintenance period thereafter, a member bank shall maintain a daily average reserve balance against its time deposits equal to 8 percent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day reserve maintenance period exceeds the member bank's managed liabilities base. For a member bank that, on a daily average basis, is a net borrower of total managed liabilities during the fourteen-day base period ending September 26, 1979, its managed liabilities base shall be the daily average of its total managed liabilities during the base period or $100 million, whichever is greater. For a member bank that, on a daily average basis, is a net lender of total managed liabilities during the fourteen-day base period ending September 26, 1979, its managed liabilities base shall be the sum of its negative total managed liabilities and $100 million. A member bank's managed liabilities are the total of the following:

(i)(A) Time deposits of $100,000 or more with original maturities of less than one year;

(B) Time deposits of $100,000 or more with original maturities of less than one year representing borrowings in the form of promissory notes, acknowledgements of advance, due bills, or similar obligations as provided in § 204.1(f); and

(C) Time deposits with remaining maturities of less than one year represented by ineligible bankers' acceptances or obligations issued by a member bank's affiliate, as provided in § 204.1(f). However, managed liabilities do not include savings deposits, or time deposits, open account that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months;

(ii) Any obligation with an original maturity of less than one year that is issued or undertaken as a means of obtaining funds to be used in its banking business in the form of a promissory note, acknowledgment of advance, due bill, ineligible bankers' acceptance, repurchase agreement (except on a U.S. or agency security), or similar obligation (written or oral) issued to and held for the account of a domestic banking office or agency [15] of another commercial bank or trust company that is not required to maintain reserves pursuant to this part, a savings bank (mutual or stock), a building or savings and loan association, a cooperative bank, a credit union, or an agency of the United States, the Export-Import Bank of the United States, Minbanc Capital Corporation and the Government Development Bank for Puerto Rico;

(iii) Any obligation with an original maturity of less than one year that is issued or undertaken as a means of obtaining funds to be used in its banking business in the form of a repurchase agreement arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the institution is obligated to repurchase (except repurchase agreements issued to a domestic banking office or agency of a member bank, or other organization that is required to maintain reserves under this part pursuant to the Federal Reserve Act,[16] or to a Federal Reserve Bank [17]) to the extent that the amount of such repurchase agreements exceeds the total amount of United States and agency securities held by the member bank in its trading account;

(iv) Any obligation that arises from a borrowing by a member bank from a dealer in securities that is not a member bank or other organization that is required to maintain reserves pursuant to this part,[16] for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), received by such dealer on the date of the loan in connection with clearance of securities transactions;

(v) Borrowings with an original maturity of less than one year from foreign offices of other banks and from institutions that are exempt from interest rate limitations pursuant to § 217.3(g) of Regulation Q;

(vi) Net balances due from the member bank's domestic offices to its foreign branches;

(vii) Assets (including participations) held by the member bank's foreign branches that were acquired from the member bank's domestic offices; and

(viii) Credit outstanding from its foreign branches to U.S. residents [18] (other than assets acquired and net balances due from its domestic offices). *Provided,* That this paragraph does not apply to credit extended (A) in the

[15] Any banking office or agency in any State of the United States or the District of Columbia of a bank organized under domestic or foreign law.

[16] Edge Corporations engaged in banking, Agreement Corporations, operations subsidiaries of member banks, and U.S. branches and agencies of foreign banks with worldwide banking assets in excess of $1 billion.

[17] Repurchase agreements entered into with nonexempt entities, such as nonmember banks and nonbank dealers, are not subject to marginal reserve requirements if such agreements are intended to provide collateral to such nonexempt entities in order to engage in repurchase transactions with the Federal Reserve System Open Market Account.

[18] (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corporation"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

aggregate amount of $100,000 or less to any United States resident, (B) by a foreign branch which at no time during the computation period had credit outstanding to United States residents exceeding $1 million, (C) under binding commitments entered into before May 17, 1973, or (D) to an institution that will be maintaining reserves on such credit under paragraphs (c) or (f) of this section or under Regulation K.

Provided, however, That in no event shall the reserves required on a member bank's aggregate time and savings deposits be more than 10 percent.

(2) *United States branches and agencies of foreign banks.* During the seven-day reserve maintenance period beginning November 8, 1979, a United States branch or agency of a foreign bank with worldwide banking assets in excess of $1 billion shall maintain a daily average reserve balance against its liabilities equal to 8 per cent of the amount by which the daily average of its total managed liabilities during the three seven-day computation periods beginning October 11, 18 and 25, 1979, exceeds the total of the institution's managed liabilities base. During the seven-day reserve maintenance period beginning November 15, 1979, and during each seven-day reserve maintenance period thereafter, a United States branch or agency of a foreign bank with worldwide banking assets in excess of $1 billion shall maintain a daily average reserve balance against its liabilities equal to 8 percent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day reserve maintenance period exceeds the institution's managed liabilities base. In determining managed liabilities of United States branches and agencies, the managed liabilities of all United States branches and agencies of the same foreign parent bank and of its majority-owned (greater than 50 percent) foreign banking subsidiaries (the "family") shall be consolidated. Asset and liability amounts that represent intra-family transactions between United States branches and agencies of the same family shall not be included in computing the managed liabilities of the family. United States branches and agencies of the same family shall designate one U.S. office to be the reporting office for purposes of filing consolidated family reports required for determination of the family's marginal reserve requirements. The reporting office shall file reports and maintain marginal reserves required under this section for the family at the Federal Reserve Bank of the district in which the reporting office is located. For a family of United States branches and agencies that, on a daily average basis, is a net borrower of total managed liabilities during the fourteen-day base period ending September 26, 1979, the managed liabilities base for the family shall be the daily average of the family's total managed liabilities during the base period or $100 million, whichever is greater. For a family of United States branches and agencies that, on a daily average basis, is a net lender of total managed liabilities during the fourteen-day base period ending September 26, 1979, the managed liabilities base for the family shall be the sum of the family's negative total managed liabilities and $100 million. The total managed liabilities of a family are the total of each branch's and agency's:

(i)(A) Time deposits of $100,000 or more with original maturities of less than one year;

(B) Time deposits of $100,000 or more with original maturities of less than one year representing borrowings in the form of promissory notes, acknowledgements of advance, due bills, or similar obligations as provided in § 204.1(f);

(C) Obligations with remaining maturities of less than one year represented by ineligible bankers' acceptances;

(D) Credit balances of $100,000 or more with an original maturity of 30 days or more but less than one year. However, managed liabilities do not include savings deposits, or time deposits, open account that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months;

(ii) Any obligation with an original maturity of less than one year that is issued or undertaken as a means of obtaining funds to be used in its banking business in the form of a promissory note, acknowledgement of advance, due bill, ineligible bankers' acceptance, repurchase agreement (except on a U.S. or agency security), or similar obligation (written or oral) issued to and held for the account of a domestic banking office or agency [15] of another commercial bank or trust company that is not required to maintain reserves pursuant to this part, a savings bank (mutual or stock), a building or savings and loan association, a cooperative bank, a credit union, or an agency of the United States, the Export-Import Bank of the United States, Minbanc Capital Corporation and the Government Development Bank for Puerto Rico;

(iii) Any obligation with an original maturity of less than one year that is issued or undertaken as a means of obtaining funds to be used in its banking business in the form of a repurchase agreement arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the institution is obligated to repurchase (except repurchase agreements issued to a domestic banking office or agency of a member bank, or other organization that is required to maintain reserves under this part pursuant to the Federal Reserve Act, [16] or to a Federal Reserve Bank [17]) to the extent that the amount of such repurchase agreements exceeds the total amount of United States and agency securities held by the institution in its trading account;

(iv) Any obligation that arises from a borrowing from a dealer in securities that is not a member bank or other organization that is required to maintain reserves pursuant to this Part, [16] for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), received by such dealer on the date of the loan in connection with clearance of securities transactions;

(v) Borrowings with an original maturity of less than one year from foreign offices of other banks and from institutions that are exempt from interest rate limitations pursuant to § 217.3(g) of Regulation Q;

(vi) Assets (including participations) held by the foreign parent bank (including branches and agencies located outside the States of the United States and the District of Columbia) and by the foreign parent's majority-owned (greater than 50 per cent) foreign subsidiaries (including branches and agencies located outside the States of the United States and the District of Columbia) or parent holding company that were acquired from the U.S. branch or agency (other than assets required to be sold by the Federal supervisory authority of the branch or agency); and

(vii) Net balances due to the family's foreign parent bank (including branches and agencies located outside the States of the United States and the District of Columbia) and to the foreign parent's majority-owned (greater than 50 per cent) foreign banking subsidiaries (including branches and agencies located outside the States of the United States and the District of Columbia) or parent holding company, after deducting

an amount equal to 8 per cent of the U.S. branch and agency family's total assets (not including cash, cash items in the process of collection, or balances due from the foreign parent bank (including branches and agencies located outside the States of the United States and the District of Columbia), the parent's majority-owned (greater than 50 per cent) subsidiaries (including branches and agencies located outside the States of the United States and the District of Columbia) or parent holding company, and balances due from unrelated banks).

Any excess or deficiency in the marginal reserve balances required under this paragraph shall be subject to § 204.3.

By order of the Board of Governors of the Federal Reserve System, October 6, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-32155 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 217

[Reg. Q; Docket No. R-0218]

Member Bank Participation in "Federal Funds" Market; Final Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: The Board of Governors has modified an existing interpretation of Regulation Q concerning the Federal funds market to include credit unions within the category of institutions from whom member banks may borrow Federal funds.

EFFECTIVE DATE: October 6, 1979.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3623), or Paul S. Pilecki, Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On April 13, 1979, the Board solicited public comment (44 FR 23867) on a proposal to apply reserve requirements to certain member bank Federal funds borrowings and to certain repurchase agreements entered into by member banks. The Board also proposed that the term "bank" be expanded to include credit unions. The Board has determined that credit unions should be included within the category of institutions from whom member banks may borrow Federal funds. It should be noted that member bank borrowings from credit unions in the form of Federal funds are managed liabilities that may be subject to marginal reserve requirements (12 CFR 204.5(f) as amended effective October 6, 1979). Effective October 6, 1979, 12 CFR 217.137 is amended by deleting the first paragraph and adding a new first paragraph as follows:

§ 217.137 Member bank participation in "Federal funds" market.

Since the adoption of § 217.1(f) in 1966, an exemption from Regulation Q has existed for member bank obligations in nondeposit form to another bank. As used in such exemption, "bank" includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building or savings and loan association or cooperative bank, the Export-Import Bank of the United States, Minbanc Capital Corp., a foreign bank, or a credit union. It also includes bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks. These institutions are considered to be "banks" also for the purposes of Regulation D (12 CFR Part 204). * * *

* * * * *

This action is taken pursuant to the Board's authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461) to determine what types of obligations issued by a member bank shall be deemed a deposit.

By order of the Board of Governors, October 6, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-32143 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 600, 601, 602, 611

Miscellaneous Amendments

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration publishes amendments to its general regulations relating to the organization of the Farm Credit Administration and the Farm Credit System. These amendments (1) describe the responsibilities of the Deputy Governors and the General Counsel, (2) explain the functions of the other administrative units of the Farm Credit Administration and (3) reflect name changes of banks in the Farm Credit districts.

EFFECTIVE DATE: October 5, 1979.

FOR FURTHER INFORMATION CONTACT: Sandford A. Belden, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION: These technical amendments to the regulations will reflect reorganization changes in the Farm Credit Administration and the Farm Credit System. Since these amendments reflect only technical changes in the regulations and are not intended to make any substantive changes therein, it is found that notice of proposed rulemaking is not necessary to the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended as follows:

PART 600—ORGANIZATION AND FUNCTIONS

1. Sections 600.4, 600.5 and 600.10 are revised to read as follows:

§ 600.4 Senior Deputy Governor, Deputy Governors and General Counsel.

The Governor of the Farm Credit Administration is assisted in executing his responsibilities by a Senior Deputy Governor, Deputy Governors, a General Counsel and other members of his staff. The Senior Deputy Governor serves as the chief operating officer of the Farm Credit Administration and is responsible, under policy guidance from the Governor, for the management of agency offices in their day-to-day operations. The Executive Staff is composed of the Senior Deputy Governor, the Deputy Governors and such other members as the Governor may designate. It provides advice and counsel to the Office of Governor on matters of policy and maintains lines of communication among agency offices.

(a) The Office of Supervision, headed by a Deputy Governor, regulates and supervises the extension and administration of credit by, and the operating policies and practices of, the banks and associations of the Farm Credit System.

(b) The Office of Finance, headed by a Deputy Governor, regulates and supervises the financing activities of the Farm Credit banks and their Fiscal Agency.

(c) The Office of Administration, headed by a Deputy Governor, provides resources and services to enable other units of the Farm Credit Administration to carry out their responsibilities in supervision, finance and examination, supervises information and personnel programs of the banks and associations of the Farm Credit System, and conducts

current and long-range research in the areas of agricultural credit and finance.

(d) The Office of Examination, headed by a Deputy Governor and Chief Examiner, examines and audits the banks and associations of the Farm Credit System, and, in limited instances, investigates alleged violations of Federal criminal statutes and conflicts of interest regulations which relate to System institutions.

(e) The Office of General Counsel, headed by the General Counsel, provides legal services for the Federal Farm Credit Board, the Governor, and Staff, and provides leadership to legal counsel for the Farm Credit banks in interpreting the Farm Credit Act of 1971 and regulations and bylaws issued to implement the Act.

§ 600.5 Other administrative units.

(a) In the Office of Supervision, there are the following divisions, each of which is headed by a Director:

(1) Eastern Division which supervises the banks and associations in the Springfield, Baltimore, New Orleans and Columbia Farm Credit districts.

(2) Central Division which supervises the banks and associations in the Louisville, St. Louis, Wichita and Texas Farm Credit districts.

(3) Western Division which supervises the banks and associations in the St. Paul, Omaha, Sacramento and Spokane Farm Credit districts.

(4) Credit Risk Evaluation Division which evaluates risks associated primarily with large bank for cooperative loans.

(5) Technical Services Division which provides technical support to the Office.

(b) In the Office of Finance are the following divisions, each of which is headed by a Director:

(1) Marketing and Funding Division which is responsible for (i) supervising the issuance, marketing, and redemption of securities of the Farm Credit banks and (ii) monitoring financial markets.

(2) Bank Financial Supervision Division which is responsible for supervising the banks and associations in the area of funding, investments, cash management, and commercial bank borrowing.

(c) In the Office of Administration are the following divisions, each of which is headed by a Director:

(1) Personnel Division which plans, develops and administers agency personnel programs; provides guidance on administration of System personnel programs; reviews and approves district retirement programs; and reviews and approves salary ranges for bank employees.

(2) Administrative Division which plans, directs, and participates in FCA budget development, supervises all administrative services including FCA accounting, voucher, auditing, payroll, procurement, supplies, general files, mail, messenger, space utilization, and supervises district director elections.

(3) Public Affairs Division which plans and implements FCA public information programs, produces information materials including news releases, annual reports, broadcast tapes, visual materials, publications, exhibits, and others, and assists and helps coordinate information programs of the Farm Credit System.

(4) Economic Analysis Division which plans, coordinates and conducts current and long range studies in financing the Farm Credit System and in areas of agricultural credit to farmers, cooperatives, and rural homeowners.

(5) Congressional Affairs Division which prepares reports to congressional committees and monitors pending legislation which may have an impact upon the operations of the Farm Credit System.

(d) In the Office of Examination are the following divisions, each of whch is headed by a Director to carry out a program of examinations and audits in four of the twelve Farm Credit Districts:

(1) Eastern Division, located in Columbia, South Carolina, performs examinations and audits in the Springfield, Baltimore, Columbia and New Orleans Farm Credit Districts.

(2) Central Division, located in St. Louis, Missouri, performs examinations and audits in the Louisville, St. Louis, Wichita, and Texas Farm Credit Districts.

(3) Western Division, located in Bloomington, Minnesota, performs examinations and audits in the St. Paul, Omaha, Sacramento, and Spokane Farm Credit Districts. It also maintains a suboffice in Spokane, Washington.

§ 600.10 Farm Credit districts and institutions.

(a) The United States is divided into 12 Farm Credit districts which are as follows:

District No.	District name	Territory
1	Springfield	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey.
2	Baltimore	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, Puerto Rico.
3	Columbia	North Carolina, South Carolina, Georgia, Florida.
4	Louisville	Ohio, Indiana, Kentucky, Tennessee.
5	New Orleans	Alabama, Mississippi, Louisiana.
6	St. Louis	Illinois, Missouri, Arkansas.
7	St. Paul	Michigan, Wisconsin, Minnesota, North Dakota.
8	Omaha	Iowa, Nebraska, South Dakota, Wyoming.
9	Wichita	Oklahoma, Kansas, Colorado, New Mexico.
10	Texas	Texas.
11	Sacramento	California, Nevada, Utah, Arizona, Hawaii.
12	Spokane	Washington, Oregon, Montana, Idaho, Alaska.

(b) In each district, there is a Federal land bank, a Federal intermediate credit bank, and a bank for cooperatives which maintain their principal offices together at the same location. The names of the district served by these banks are reflected in the banks' names. Each district is also served by a number of Federal land bank associations and production credit associations. In addition there is a Central Bank for Cooperatives which serves the entire United States. The location of the principal offices of the Central and district banks are as follows:

Central Bank—5290 DTC Center Parkway, Englewood, Colorado 80111.

District Banks

Springfield—67 Hunt Street, Agawam, Massachusetts 01001.
Baltimore—St. Paul and 24th Streets, Baltimore, Maryland 21218.
Columbia—1401 Hampton Street, Columbia, South Carolina 29201.
Louisville—Riverview Square, Louisville, Kentucky 40202.
New Orleans—860 St. Charles Avenue, New Orleans, Louisiana 70130.
St. Louis—1415 Olive Street, St. Louis, Missouri 63103.
St. Paul—375 Jackson Street, St. Paul, Minnesota 55101.
Omaha—206 South 19th Street, Omaha, Nebraska 68102.
Wichita—151 North Main, Wichita, Kansas 67202.
Texas—430 Lamar Avenue, Houston, Texas 77002.
Sacramento—3636 American River Drive, Sacramento, California 95825.
Spokane—W. 705 First Avenue, Spokane, Washington 99220.

(c) Each district has a part-time, policymaking Farm Credit board of seven members who are ex officio, directors of each of the three banks in that district. The Central Bank for Cooperatives has a separate board of 13 directors. Each bank has its own officials.

(d) In each district, the Federal land bank associations, the production credit associations, and the cooperatives which borrow from the banks for cooperatives, as separate groups are each entitled to elect two members of the district Farm Credit board. The seventh member of the district board is appointed by the Governor of the Farm

Credit Administration with the advice and consent of the Federal Farm Credit Board. Activities of the three banks in each district are coordinated through the district Farm Credit board and a committee composed of the bank presidents.

(e) From each district, the board of directors of the bank for cooperatives elects a director of the Central Bank. The 13th director of the Central Bank is appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

PART 601—EMPLOYEE RESPONSIBILITIES AND CONDUCT

2. Sections 601.101, 601.140, the introductory paragraph of 601.150 and 601.165(b) are revised to read as follows:

§ 601.101 Responsibilities.

(a) In the administration of the policy set forth in § 602.200 of this chapter, and the rules and regulations thereunder, the Director, Personnel Division, Office of Administration, is responsible for (1) general coordination, (2) dissemination of information, (3) handling of complaints, (4) assignment of investigations, (5) administrative interpretation, and (6) periodic review and evaluation of compliance.

(b) The Director, Personnel Division, Office of Administration, shall serve as counselor on ethical conduct and shall be responsible for assuring that counseling and interpretations on questions dealing with employee conduct and conflicts of interest are available to any officer or employee who desires advice and guidance on such questions.

§ 601.140 Political activity.

Various provisions of Federal statutes and regulations prohibit or limit political activity on the part of officers and employees of Federal agencies. Any officer or employee who desires to have more detailed information should make inquiry of the Personnel Division.

§ 601.150 Distribution of printed material by employees.

The distribution of circulars, flyers, posters, etc. by individual Farm Credit Administration employee groups should be confined to material that will not result in embarrassment to the Farm Credit Administration. Distribution of any such material should be cleared with the Personnel Division. Specifically, no circulars, flyers, posters, etc. may be so distributed which:

* * * * *

§ 601.165 Foreign decorations.

* * * * *

(b) Any Farm Credit Administration employee who has had such a present conferred on him or her, must notify the Personnel Division that it is being held by the State Department so that appropriate steps may be taken at time of the employee's retirement, for reporting to Congress.

PART 602—RELEASING INFORMATION

3. Sections 602.200, 602.235(a), 602.260, 602.261(a) and the introductory text of paragraph (d) are revised to read as follows:

§ 602.200 General rule.

Except as necessary in performing official duties or as authorized by §§ 602.205–602.235, no one employed by Farm Credit Administration shall disclose information of a type not ordinarily contained in published reports or press releases regarding Farm Credit Administration or any banks or associations of the Farm Credit System or their borrowers or members. Information prepared for newspaper, publishing and broadcasting companies, and all new or revised publications shall be cleared with the Public Affairs Division.

§ 602.235 Information regarding personnel.

List of employees shall not be released by an office of the Farm Credit Administration without the approval of the Governor or a Deputy Governor. This section is subject to the following exceptions:

(a) Taxing authorities shall be supplied, on request, with the names, addresses, and compensation of officers and employees of the Farm Credit Administration. Field officers receiving any such requests shall forward them to the Administrative Division.

* * * * *

§ 602.260 Request for records.

Requests for records, other than records identified in § 602.265(a) which are available in a public reference facility in the offices of the Farm Credit Administration, shall be in writing, in an envelope clearly marked "FOIA Request", and addressed to the Freedom of Information Officer, Public Affairs Division, Office of Administration, Farm Credit Administration, Washington, D.C. 20578. A request improperly addressed will be deemed not to have been received for purposes of the ten-day time period set forth in § 602.261(a) until it is received, or would have been received with the exercise of due diligence by Agency personnel, in the Public Affairs Division. Records requested in conformance with this Subpart B and which are not exempt records may be received in person or by mail as specified in the request. Records to be received in person will be available for inspection or copying during business hours on a regular business day in the public reference facility in the offices of the Farm Credit Administration which are located in Suite 4000, 490 L'Enfant Plaza East S.W., Washington, D.C. 20578.

§ 602.261 Response to requests for records.

(a) Within ten days (excluding Saturdays, Sundays, and legal public holidays), or any extension thereof as provided in paragraph (d) of this section, of the receipt of a request in the Public Affairs Division, the Freedom of Information Officer shall determine whether to comply with or to deny such request and place a notice thereof in writing in the mails addressed to the requester.

* * * * *

(d) In unusual circumstances as specified in this paragraph the ten-day time limit prescribed in paragraph (a) of this section or the twenty-day time limit prescribed in paragraph (c), or both, may be extended by the Freedom of Information Officer or the Deputy Governor, Office of Administration, as the case may be, provided that the total of all extensions shall not exceed ten days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be made by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be mailed. As used in this paragraph, "unusual circumstances" means, but only to the extent necessary to the proper processing of the request:

* * * * *

PART 611—ORGANIZATION

4. Subpart E, "Farm Credit Districts," is revised to read as follows:

Subpart E—Farm Credit Districts

The United States is divided into 12 Farm Credit districts. The designation and territory comprising each district are as follows:

District No.	District name	Territory
1	Springfield	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey
2	Baltimore	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, Puerto Rico
3	Columbia	North Carolina, South Carolina, Georgia, Florida

District No.	District name	Territory
4	Louisville	Ohio, Indiana, Kentucky, Tennessee.
5	New Orleans	Alabama, Mississippi, Louisiana.
6	St. Louis	Illinois, Missouri, Arkansas.
7	St. Paul	Michigan, Wisconsin, Minnesota, North Dakota.
8	Omaha	Iowa, Nebraska, South Dakota, Wyoming.
9	Wichita	Oklahoma, Kansas, Colorado, New Mexico.
10	Texas	Texas.
11	Sacramento	California, Nevada, Utah, Arizona, Hawaii.
12	Spokane	Washington, Oregon, Montana, Idaho, Alaska.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621).

Donald E. Wilkinson,

Governor.

[FR Doc. 79-32213 Filed 10-17-79; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-SO-49; Amdt. No. 39-3586]

Airworthiness Directives: Gulfstream American Corp.; Models AA-5 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Gulfstream American Corporation (GAC) Models AA-5, AA-5A, and AA-5B aircraft. This amendment is needed to allow additional time for the modification to be accomplished.

DATES: Effective October 17, 1979. Compliance as prescribed in body of AD.

ADDRESSES: The applicable GAC Service Bulletin and Service Kit may be obtained from Gulfstream American Corporation, P.O. Box 2206, Savannah, Georgia 31402.

A copy of the Service Bulletin and Service Kit are also contained in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Whipple Street, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3524 (31 FR 45918), AD 79-16-05, which required compliance within 50 hours time in service from the effective date of August 10, 1979. After issuing Amendment 39-3524, the FAA received several requests from operators for an extension of the compliance time. The FAA reviewed the requirements of the AD and determined that the compliance time should be extended to 150 hours time in service. Therefore, on August 31, 1979, an air mail letter extending the compliance time was issued.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3524 (31 FR 45918), AD 79-16-05, as follows:

The compliance statement is revised to read ". . . compliance is required within 150 hours time in service after the effective date of this AD (August 10, 1979) . . ." instead of 50 hours time in service.

This amendment is effective October 17, 1979, and was effective upon receipt for all recipients of the air mail letter dated August 31, 1979.

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

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

Issued in East Point, Georgia, on October 2, 1979.

George R. La Caille,

Acting Director, Southern Region.

[FR Doc. 79-31993 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Docket No. 79-RM-17]

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

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the 700' transition area at Fort Collins, Colorado to provide controlled airspace for aircraft executing the new VOR/DME-B standard instrument approach procedure for the Downtown Fort Collins Airpark, Fort Collins, Colorado.

EFFECTIVE DATE: 0901 GMT, January 24, 1980.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On August 20, 1979, the FAA published for comment a Notice of Proposed Rulemaking (NPRM) to alter the 700' transition area at Fort Collins, Colorado (44 FR 48707). No objections were received in response to this notice.

Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations alters the 700' transition area at Fort Collins, Colorado, This action is necessary to provide controlled airspace for aircraft executing the new VOR/DME-B standard instrument approach procedure to the Downtown Fort Collins, Airpark, Fort Collins, Colorado.

Drafting Information

The principal authors of this document are David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 GMT, January 24, 1980, as follows:

By amending Subpart G, Section 71.181 (44 FR 442) by altering the following transition area:

Fort Collins, Colorado

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 9.5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland NDB (latitude 40°26'59" N., longitude 105°00'19" W.) extending from 18 miles north to 18.5 miles south of the NDB.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and

Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colorado on October 4, 1979.

M. M. Martin,

Director, Rocky Mountain Region.

[FR Doc. 79-31992 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8988]

California Milk Producers Advisory Board, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order dismisses a complaint issued against a Modesto, Calif. milk producer association and its New York City advertising agency, on grounds that it was unreasonable to condemn advertising claiming that "Every body needs milk" because of the small fraction of allergic people.

DATES: Complaint issued Aug. 1, 1974. Final order issued Sept. 21, 1979.*

FOR FURTHER INFORMATION CONTACT: Gerald E. Wright, Attorney, San Francisco Regional Office, Federal Trade Commission, 9R, 450 Golden Gate Ave., San Francisco, Calif. 94102. (415) 556-1270.

SUPPLEMENTARY INFORMATION: In the Matter of California Milk Producers Advisory Board, an unincorporated association, and Cunningham & Walsh, Inc., a corporation.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.)

The Final Order is as follows:

Final Order

The Administrative Law Judge filed an initial decision dismissing the complaint in this matter on July 31, 1979. No appeal from the initial decision having been filed and the Commission having determined that the case should not be placed on its own docket for review and that the initial decision should become effective as provided in Rule 3.51(a) of the Commission's Rules of Practice (16 CFR § 3.51(a)).

It is ordered that the initial decision shall become effective on September 24, 1979.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-32078 Filed 10-17-79; 8:45 am]

BILLING CODE 6750-01-M

*Copies of the Complaint, Initial Decision and Final Order filed with the original order.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM80-1]

General Policy and Interpretations; Fuel Oil Displacement by Process and Feedstock Users

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim regulations.

SUMMARY: Federal Energy Regulatory Commission's (FERC) direct sale program for process and feedstock users of natural gas is expanded. Certificates of public convenience and necessity issued under this interim rule will permit participating process and feedstock users to use natural gas to the same extent as non-participating users. As a result, participating users will be able to displace the consumption of fuel oil with natural gas. Transporting pipelines may apply to amend existing certificates to reflect the provisions of the interim rule.

DATES: Written Comments by October 31, 1979.

EFFECTIVE DATE: October 5, 1979.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (Reference Docket No. RM80-1).

FOR FURTHER INFORMATION CONTACT:

Robert C. Platt, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, 202-357-8454.

Robert D. Long, Office of Pipeline and Producer Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, 202-275-4382.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

Interim Rule

Issued October 5, 1979.

In the matter of Fuel Oil Displacement by Process and Feedstock Users, Docket No. RM80-1; Order No. 52.

I. Background

The Commission hereby issues an interim rule to amend the regulations establishing a direct sale program for process and feedstock users of natural gas (FPC Order No. 533 and FERC Order No. 2). Under these rules, prescribed in § 2.79 of the Commission's Regulations, high priority industrial users facing curtailment are permitted to obtain natural gas which otherwise would not be available to them. The proposed amendment herein would remove some of the end-use limitations presently incorporated in the FPC Order No. 533 and FERC Order No. 2 program.

The Commission's rule presently prevents process and feedstock customers who receive natural gas under Order No. 533 (Order No. 533 customers) from also receiving interstate system supplies for lower priority uses. This prohibition is of consequence for any Order No. 533 customer with both high priority and low priority loads (such as boiler fuel). The prohibition on low priority use of natural gas from system supplies applies regardless of the supplier's general level of curtailment. As a result, the low priority requirements of Order No. 533 customers are not served even when a supplier has sufficient natural gas to serve these requirements and is serving similarly low priority requirements of customers not receiving natural gas under Order No. 533. This constraint places the Order No. 533 customers at a disadvantage. The recent drop in curtailment levels [1] and the national need to displace fuel oil [2] makes these limitations inconsistent with the public interest. Accordingly, the proposed rule would eliminate these limitations and would permit customers to receive natural gas for low priority uses without jeopardizing their right to receive direct sale gas under Order No. 533.

A. Interstate System Supplies

Section 2.79(e) and (f) as amended by Order No. 2 presently limit the use of both system supplies and direct sale gas to two specified high priority uses. Only process uses (such as heat treatment) and feedstock uses (such as the production of ammonia from methane)

[1] Protection of High Priority Natural Gas Consumers: The Emergency Authorities of the Natural Gas Policy Act of 1978. A Report to Congress by the FERC, issued June 1979, at 53, and Appendix C.

[2] Presidential Proclamation of a National Energy Supply Shortage of July 10, 1979.

are permitted.[3] At the time the Order No. 533 program was established in 1975, the system supplies of many interstate pipelines were so limited that many process and feedstock uses were facing imminent curtailment despite their high priority. Order No. 533 then represented a means of obtaining natural gas at unregulated prices, which was otherwise unavailable to the interstate market, for use in the interstate market. But Order No. 533 included end-use restrictions to prevent an Order No. 533 customer from meeting his low priority requirements at the expense of the high priority needs of other customers who rely upon interstate system supplies. The limitations of § 2.79(e) and (f) were intended to prevent disruption of supplies available to interstate pipelines and to allow unregulated natural gas to displace interstate pipeline supplies to the benefit of the other customers of the pipeline.

Two recent events permit the Commission to consider a relaxation of the paragraph (e) and (f) limitations. First, enactment of the Natural Gas Policy Act of 1978 (NGPA) has removed most of the distinctions between the intrastate and interstate markets. Second, the recent improvement in natural gas supplies on many interstate pipelines coupled with the current threat of a fuel oil shortage has prompted the Department of Energy (DOE) to encourage the use of natural gas instead of fuel oil where possible.

In response to a DOE proposal, on May 17, 1979, the Commission issued Order No. 30 which established procedures for the transportation of natural gas purchased by an end-user to displace fuel oil consumption during a fuel shortage emergency period.[4] As noted in Order No. 30, interstate system supplies are viewed by DOE as the first priority for fuel oil displacement:

> The Department will undertake two approaches to reduce imports in the near-term through movement of surplus gas to oil users. The first approach is to encourage sales from producers or intrastate pipelines to interstate pipelines and distribution companies. Such sales will increase general system supply, thereby reducing overall gas curtailments and displacing fuel oil. The second approach is to encourage and facilitate the transportation of natural gas purchased directly from producers or intrastate pipelines by users capable of substituting gas for oil. In general, the Department's first priority is to encourage additions to interstate pipeline system supplies. However, when surplus gas in not fully utilized by interstate pipelines, the transportation of direct purchases will be facilitated.[5]

Because such uses of natural gas have already been authorized by outstanding contracts and certificates of public convenience and necessity, as well as by the normal operation of curtailment plans, this method of fuel oil displacement by those customers who do not receive Order No. 533 gas has occurred without additional Commission action. The proposed rule allows Order No. 533 customers to accept system supplies to displace fuel oil in the same manner as customers who do not receive gas under Order No. 533. As a result, the interim rule permits Order No. 533 customers to displace fuel in these circumstances without prior certification from the Economic Regulatory Administration.

B. FERC Order No. 30 Direct Sales for Fuel Oil Displacement

A similar problem arises in the case of Order No. 533 customers who wish to obtain additional natural gas to displace fuel oil through the direct sale program established by Order No. 30. These fuel oil users are prohibited from using natural gas for other than process and feedstock uses by limitations imposed in § 2.79(e) and (f) and by conditions attached to the certificate of public convenience and necessity which authorizes the transportation of direct sale gas to the Order No. 533 customer. The interim rule would modify these limitations and also would permit Order No. 533 customers to purchase natural gas under Order No. 30 for those low priority uses which have been certified by the Economic Regulatory Administration as displacing fuel oil.

C. Related Issues

The interim rule does not attempt to resolve all of the issues raised by direct sales to process and feedstock users. The Commission intends to address many of these issues in the pending adjudication in Docket No. CP77-71 and in a direct sale program for "essential industrial process or feedstock uses" accorded a high curtailment priority under section 402 of the NGPA.

II. Summary of Rule

The interim rule adds four new paragraphs to § 2.79 of the Commission's Regulations.

A. Transitional Rules

The interim rule would not alter the conditions contained in outstanding Order No. 533 certificates. Instead, the Commission intends that the policy outlined in this rule would be automatically incorporated into certificates issued after the effective date of the interim rule. Under paragraph (k) any pipeline seeking to amend its outstanding certificates issued pursuant to Order No. 533 and Order No. 2 may make a one-time blanket filing with the Commission. The Commission will consider the application on an expedited basis, and has delegated approval of such amendments to the Director of the Office of Pipeline and Producer Regulations in § 3.5(f)(iv) of this chapter.

Paragraph (l)(1) states the Commission's intention to incorporate paragraph (m) as a condition in certificates issued after the effective date of the interim rule. The Commission's policy of limiting volumes transported under an Order No. 533 certificate to a customer's process and feedstock requirements is continued in paragraph (l)(2).

Paragraph (m) defines the volume of natural gas that an Order No. 533 customer may purchase from either his supplier or through direct sale. Paragraph (m) is intended to lift many of the restrictions previously imposed by paragraphs (e) and (f). The restrictions are now framed in terms of aggregate volumes to give the customer flexibility in meeting its requirements. Unlike the terms of paragraph (f), the Order No. 533 customer may now vary the proportion of total natural gas supplies that are purchased from its supplier or in direct producer sales.

Paragraph (m) classifies the customer's aggregate supplies into two volumes. The "normal entitlement" represents the volume of natural gas which the customer would have received under the supplier's curtailment plan if the customer was not an Order No. 533 customer. Any aggregate supplies in excess of the normal entitlement are permitted only in three specific cases.

B. Use of System Supplies

Paragraph (m)(1)(i) provides that the customer is not disqualified from purchasing its normal entitlement from the supplier by reason of any condition in a certificate issued pursuant to this section.[6] The only restriction is that the customer's aggregate supply volume (including direct purchases) may not exceed the limit specified in paragraph (m)(2).

[3] These uses are defined in § 2.78(c)(7) and (8).

[4] 44 F.R. 30323 (May 25, 1979).

[5] Statement of James R. Schlesinger dated March 13, 1979 at 2.

[6] In contrast, under paragraph (f), an Order No. 533 customer was previously required to reduce the volume purchased from its supplier so that the customer's aggregate supplies did not exceed the customer's process and feedstock requirements.

C. Use of Direct Sale Gas

Due to the recent improvement in natural gas supplies, an Order No. 533 customer frequently receives less aggregate supplies than would be otherwise available to the customer in the absence of participation in the Order No. 533 program. Paragraph (m) removes three previous restrictions from the Order No. 533 customer and thereby puts him on a par with customers that do not receive natural gas under Order No. 533. First, paragraph (m)(1)(ii) does not impose an end-use restriction upon the customer's Order No. 533 gas. Given the volumetric limitations upon a customer's aggregate supplies in paragraph (m)(2), end-use restrictions are no longer required.

Second, paragraph (m)(2)(ii)(A) permits the Order No. 533 customer to receive the maximum daily volume authorized in the certificate if the customer's aggregate supplies do not exceed the normal entitlement. In other words, the mix of direct purchase and system supply volumes is left to the customer; the Commission will be concerned only with the total volumes consumed from all sources.

Second, during periods of deep curtailment, a customer's normal entitlement may drop below the customer's high priority requirements. The Order No. 533 program was designed to protect process or feedstock uses in these circumstances. Paragraph (m)(2)(i) continues to provide a means of protecting against curtailment of the customer's high priority requirements. Prior to the interim rule, only the requirements described in paragraph (a) were so protected. The interim rule expands the category of requirements eligible for this protection to reflect the new curtailment priorities created by Title IV of the NGPA. These requirements are defined as "high priority requirements" in paragraph (n)(3).

In addition, paragraph (m)(2)(ii)(B) increases the normal entitlement ceiling by adding the volume of fuel oil displacement gas certified by the Economic Regulatory Administration under the Order No. 30 program (Subpart F of Part 284). This paragraph should also remove any doubt that Order No. 533 customers are eligible to participate in fuel oil displacement transactions under Order No. 30. Because the paragraph (m)(2) test is made on an aggregate volume basis, the customer may meet eligible fuel oil displacement requirements with natural gas purchased from a producer under Order No. 533. Upon the expiration of the Order No. 30 program, the ceiling on aggregate supplies would revert to the normal entitlement volume.

Paragraph (m)(2)(ii)(C) clarifies the relationship between this direct sale program and the direct sale program created for essential agricultural uses by Order No. 27 (Subpart E of Part 157). Participation in the Order No. 533 program does not disqualify a customer from participating in Order No. 27 transactions. Volumes received under Order No. 27 are simply included in the customer's aggregate supplies and remain subject to the terms and conditions specified in Order No. 27.

III. Effective Date

These regulations are being issued effective immediately on an interim basis, because the Commission finds that the need to promote immediate displacement of fuel oil constitutes good cause to find prior notice and public procedure to be impracticable and to waive the thirty day publication requirement. The Commission requests data, views or arguments with respect to these regulations. After evaluating the information received, the Commission will make any appropriate revisions to these regulations.

IV. Written Comment Procedures

Interested persons are invited to submit written comments, data, views or arguments with respect to this proposal. An original and 14 copies should be filed with the Secretary of the Commission. All comments received prior to October 31, 1979, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, N.E., Washington, D.C., during regular business hours. Comments should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM80-1.

(Natural Gas Act, 15 U.S.C. § 717, *et seq.*; Public Utilities Regulatory Policy Act of 1978, Pub. L. 95-617; Department of Energy Organization Act, 42 U.S.C. § 7101, *et seq.*, E.O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission amends Part 2, Subchapter A, of Chapter I of Title 18, Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 2.79 is amended by redesignating the existing paragraph (k) as (o) and adding new paragraphs (k) through (n) as follows:

§ 2.79 Policy with respect to certification of pipeline transportation agreements.

* * * * *

(k) *Outstanding certificates.*—Any holder of a certificate issued pursuant to this section may file a blanket application to amend the certificates by replacing any end-use restrictions with limitations as provided in paragraph (m) of this section.

(l) *New certificates.*—(1) In any certificate issued pursuant to this section after October 5, 1979, the Commission intends to incorporate the limitations contained in paragraph (m) instead of a condition incorporating paragraphs (e) and (f).

(2) Each certificate shall specify a maximum daily volume authorized to be transported under the certificate issued pursuant to this section which does not exceed the customer's requirements for uses specified in paragraph (a) of this section.

(m) *Volumetric and End-Use Restrictions.*—(1) *Inapplicability of certain use and volumetric restrictions.* Except as provided in paragraph (m)(2), a certificate issued under this section to which this paragraph applies:

(i) does not limit the customer from purchasing any volumes of natural gas from its suppliers which does not exceed its normal entitlement, and

(ii) does not impose any end-use restriction upon the natural gas transported under the certificate.

(2) *Volumetric limitations.* The customer's aggregate supply volumes may not exceed the greater of:

(i) the customers high priority requirements, or

(ii) the sum of:

(A) the customer's normal entitlement, plus

(B) the fuel oil displacement volume authorized to be delivered under Subpart F of Part 284, plus

(C) the direct sale volumes authorized to be delivered under certificates issued pursuant to Subpart E of Part 157.

(n) *Definitions.*—For the purpose of this section:

(1) "Aggregate supply" means the total volume of natural gas actually received by a customer from all sources including system supplies, direct sales, and the supplemental supplies of the local distribution company.

(2) "Normal entitlement" means the volume of natural gas that the consumer

would have been entitled to receive from its supplier if the consumer had not received natural gas under any certificate issued pursuant to this section.

(3) "High priority requirements" means the aggregate volume of natural gas requirements for any use:

(i) Specified in paragraph (a) of this section; or

(ii) Certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" pursuant to section 401(c) of the Natural Gas Policy Act of 1978; or

(iii) By a person who uses natural gas in a hospital or school or similar institution as defined in § 281.103(a) (11) and (12) of this chapter; or

(iv) Certified by the Secretary of Energy as an "essential industrial process or feedstock use" pursuant to section 402(c) of the Natural Gas Policy Act of 1978.

(4) "Supplier" means:

(i) An interstate pipeline in the case of a direct industrial customer, or

(ii) A local distribution company in case of an indirect customer of an interstate pipeline.

* * * * *

[FR Doc. 79-32172 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

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18 CFR Part 154

[Docket No. RM79-22]

Natural Gas; Order Amending Regulations Relating to Evidentiary Submissions and Extending Deadlines for Filing of Third-Party Protests

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Amendment to final regulations.

SUMMARY: The regulations are amended to delete the requirement that third-party protests be served on each affected producer who may be a party to the contract in issue. The third-party protest must, however, in all cases be served on the affected interstate pipeline. The pipeline shall mail a copy of such protest to the producer who is the other party to the contract. The regulations are further amended to extend the deadline for the filing of third-party protests to 60 days after the date that the evidentiary submission regarding the contract was filed with the Commission.

EFFECTIVE DATE: October 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mark Magnuson, Office of the General Counsel, Federal Energy Regulatory Commission, Room 4016-G, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION: Amendment and clarification of the Commission's interim regulations Implementing the Natural Gas Policy Act of 1978 and regulations under the Natural Gas Act, Docket No. RM79-22. October 11, 1979.

Sections 154.94(h)(8), and 154.94(i)(3)(i)(B) of our regulations set forth the service requirements that must be met for interested parties to protest an assertion that a natural gas purchase contract contains the requisite contractual authority under the Natural Gas Act (NGA) for the producer to charge and collect the applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA). Among other things, these regulations require that any third-party protest, i.e., and protest by a party who was not a party to the contract, must be submitted to the Commission, the pipeline/purchaser, and the producer/seller.

On September 21, 1979, a Petition of Third-Party Protesters for Waiver of Service Requirements was filed by a group of potential third-party protesters (petitioners).[1] Petitioners request that the Federal Energy Regulatory Commission (Commission) waive the requirement that each protest be served on the affected producer.

Petitioners object to this requirement for two reasons. First, it is alleged that petitioners do not have reasonable access to the addresses of all the producers who may be a party to the contracts which may be protested. Second, even if the addresses were made available, petitioners allege that the expense of providing service of the protests to the producers is prohibitive. As an alternative to requiring third-party protesters to submit the protests to the producers, petitioners suggest that adequate notice could be given to producers either through publication in the **Federal Register** or by service by the pipeline.

Indicated Producers filed an answer to this petition on October 2, 1979. Indicated Producers urge in their answer that the service requirement not be changed. However, it is suggested that the pipelines should be required to provide, to any interested party, the address of each producer mentioned in the pipeline's evidentiary submission. Further, Indicated Producers state that they have no objection to a short extension of the deadline for the filing of third-party protests, in order to afford adequate time for the third-party protester to receive the addresses and serve the producer.

The Commission believes that both of the objections raised by petitioners are well founded, and that unless they are eliminated, the protest procedure established in Order No. 23-B could not be meaningfully utilized by interested parties. Further, we disagree with Indicated Producers that adequate notice to producers can only be afforded through mailed service by the third-party protester. We believe that adequate notice will be given to the producers by publication in the **Federal Register.** Accordingly, we shall amend our regulations to delete the requirement that third-party protests be served on producers. However, such protests must in all cases be served on the affected interstate pipeline. In order to provide additional assurance that the producers are given notice of the filing of a third-party protest, we shall further require that upon receipt by a pipeline of any third-party protest, such pipeline shall mail, within 30 days to the other party to the contract, the producer/seller, a copy of such protest.

We also note that if the third-party protest meets the burden of coming forward and a hearing is ordered, the producer and the pipeline will be provided with mailed notice of that hearing.

Further, the Commission has determined that the deadlines for the filing of third-party protests should be changed. The present rule sets the deadline at 120 days from the date of the blanket affidavit or interim or retroactive collection filing, or at a specified date, whichever is later. Evidentiary submissions are required to be submitted 60 days after such filings, but many pipelines have received extensions of this deadline.

To afford adequate time for third-party protesters to examine the evidentiary submissions of the pipeline, the deadline for filing third-party protests will be extended to 60 days after the date that the evidentiary submission regarding the protested contract was filed with the Commission. This deadline will supercede the

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[1] Associated Gas Distributors, Pacific Gas and Electric Company, Public Service Commission of the State of New York, Kansas Corporation Commission, Arizona Corporation Commission, Gas Consumers Group, Winfeld, Kansas, Mangum, Oklahoma, State of Michigan, Michigan Public Service Commission, Congressman Andrew Maguire South Dakota Public Utilities Commission, Southern California Gas Company, Memphis Light, Gas and Water Division, Wisconsin Public Service Commission, Minnesota Public Service Commission, and Public Utilities Commission of the State of California.

deadlines which have previously been indicated.[2]

The amendments contained herein were developed in consideration of petitioners' comments, as well as the answer of Indicated Producers and all of the comments generated by the orders and notices issued in Docket No. RM79–22. Accordingly, the Commission finds that further notice and public procedures on these amendments are unnecessary and impracticable, and that good cause exists to dispense with additional notice and opportunity to comment. Further, we find good cause for the amendments in the regulations contained in this order to be effective immediately, in light of the fact that deadline for filing many third-party protests is October 15, 1979.

(Natural Gas Act as amended, U.S.C. 717, *et seq.*; Department of Energy Organization Act, 42 U.S.C. 710, *et seq.*, E.O. 12009; 42 FR 46467; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*)

In consideration of the foregoing, Part 154 of Subchapter E, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 154.94 is amended in paragraphs (h), and (i) by deleting paragraphs (h)(8), (i)(3)(i), and substituting the following in lieu thereof:

§ 154.94 Changes in rate schedules.

* * * * *

(h) *Blanket filings.*—(8) *Protests.* Any protest to a blanket affidavit shall be submitted to the Commission.

(i) In the case of a protest by the purchaser in the first sale, within 60 days from the filing of the blanket affidavit or August 15, 1979, whichever is later; or

(ii) In any other case, within 60 days of the filing of the evidentiary submission referencing the contract which governs the sales covered by the blanket affidavit, or October 15, 1979, whichever is later. A protest under this clause shall also be served upon the purchaser in the first sale.

* * * * *

(i) *Interim and retroactive collections.* * * *

(3) *Protests.* (i) any protest shall be submitted to the Commission.

(A) In the case of a protest by the purchaser in the first sale, within 60 days from the date of such filing or August 15, 1979, whichever is later; or

(B) In any other case, within 60 days of the filing of the evidentiary submission referencing the contract which governs the sales covered by the interim or retroactive collection filing, or October 15, 1979, whichever is later. A protest filed under this subclause shall also be served upon the purchaser in the first sale.

* * * * *

2. Section 154.94 is amended in paragraph (j) (4) by inserting a new subdivision (iii) to read as follows:

* * * * *

(j) * * *

(4) * * *

(iii) Upon receipt by a pipeline of any third-party protest referred to in subdivision (i) of this subparagraph, the pipeline shall mail within thirty days to the seller under the contract a copy of such third-party protest. For purposes of this clause, a third-party protest is a protest by a party who is not a party to the contract which is protested.

* * * * *

[FR Doc. 79–32076 Filed 10–17–79; 8:45 am]

BILLING CODE 6450–01–M

[2] The petitions for extension of time that have been filed which have not requested extensions beyond 60 days after the filing of the evidentiary submission are thus rendered moot by this order.

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18 CFR Part 282

[Docket Nos. RM 79–14 and RM 79–21]

Incremental Pricing; Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978; Regulations Implementing Alternative Fuel Price Ceilings on Incremental Pricing under the Natural Gas Policy Act of 1978; Change of Telephone Number

October 16, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Change of Telephone Number.

SUMMARY: Notice is hereby given that the telephone number for Ms. Alice Fernanadez which is listed in the "Affidavit for Exemptions from Incremental Pricing for Certain Categories of Industrial Boiler Fuel Use of Natural Gas" (relating to Docket No. RM79–14) and in the "Alternative Fuel Capability Affidavit" (relating to Docket No. RM79–21) has been changed, effective immediately. The new telephone number is (202) 357–8965.

DATE: Effective immediately.

FOR FURTHER INFORMATION CONTACT: Ms. Alice Fernandez, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8965.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–32393 Filed 10–17–79; 8:45 am]

BILLING CODE 6450–01–M

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18 CFR Part 282

[Docket Nos. RM79–14; RM79–21]

Incremental Pricing; Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978; Regulations Implementing Alternative Fuel Price Ceilings on Incremental Pricing under the Natural Gas Policy Act of 1978; Question and Answer Session on Implementation of the Incremental Pricing Program

October 16, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Question and Answer Session on Implementation of the Incremental Pricing Program.

SUMMARY: On September 28, 1979, the Federal Energy Regulatory Commission (Commission) issued final regulations in Docket Nos. RM79–14 and RM79–21 (44 FR 57726, October 5, 1979), which implement the first phase of the incremental pricing program under the Natural Gas Policy Act of 1978.

An informal question and answer session will be held with respect to these final regulations in Chicago, Illinois on October 31, 1979, beginning at 9 a.m. CST. The session will be held in Room 1818 of the State of Illinois Building, located at 160 North La Salle Street, Chicago, Illinois 60601.

The session is being held in order to provide those firms which are impacted by the Phase I regulations an opportunity to discuss with Commission Staff (Staff) questions regarding the implementation of these regulations. Staff will respond only to questions which are directed to the interpretation or application of the Phase I regulations. Staff will not discuss questions which are directed to the general policies which underlie these regulations.

All interested persons, including representatives of pipeline companies, local distribution companies, and industrial end-users affected by the Phase I regulations, are invited to attend the question and answer session.

It would be helpful for Staff if prior to October 31st, those who plan to attend the question and answer session would submit, to the address indicated below, a list of the questions which they intend to raise at the session.

DATE: Question and answer session: October 31, 1979.

ADDRESSES: Question and answer session: State of Illinois Building, Room 1818, 160 North La Salle Street, Chicago, Illinois 60601.

Submit written questions to: Barbara K. Christin, Office of the General Counsel, Room 8113, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (Reference Dockets Nos. RM79-14 and RM79-21).

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Ofice of the General Counsel, Room 8113, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8079.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32394 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 891

[Docket No. R-79-726]

Neighborhood Strategy Area (NSA) Funding

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule sets forth policies and procedures under which contract authority will be assigned to Neighborhood Strategy Areas (NSA) approved in September 1978 from the Field Office's allocation.

DATES: Effective date November 9, 1979.

FOR FURTHER INFORMATION CONTACT: Ross Kumagai, Director, Funding Control Division, Office of Housing Operations and Field Monitoring, Department of Housing and Urban Development, Rm. 6278, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-5934. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In allocating contract authority for units in NSAs which were approved in September 1978 pursuant to 24 CFR 881.304, Field Offices may use the following procedures for years two through five of the NSA schedule.

Where these procedures are applicable, contract authority will be identified for use in NSAs from the Field Office allocation before any other suballocations are made. Contract authority so identified may not exceed 20 percent of total Section 8 contract authority allocated to the Field Office. Contract authority remaining after funds for approved NSAs have been set aside will be allocated according to housing and household type proportionality as established in local Housing Assistance Plans.

Additional contract authority will be made available from Headquarters' reserve funds where the total contract authority required for the NSA program exceeds 20 percent of the Field Office's allocation for Section 8.

Because of the importance of making funds available early in Fiscal Year 1980, it has been determined that it is in the public interest to make these regulations effective as soon as possible after publication.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

§ 891.404 [Amended]

Accordingly, 24 CFR, Chapter VIII, Section 891.404(a)(2) is revised by adding the following two sentences at the end: "The Field Office may identify contract authority from its metropolitan or non-metropolitan allocation, as appropriate, for use in Neighborhood Strategy Areas (NSA) approved under 24 CFR Part 881 prior to performing the actions set forth in this paragraph (a)(2). In such cases, additional contract authority will be made available from the contract authority retained by the Assistant Secretary for Housing under Section 891.403(b) where the total contract authority required for NSAs exceeds 20 percent of the Field Office allocation for Section 8 derived pursuant to Section 891.402."

In addition, the fourth sentence of Section 891.404(c)(1) is revised by adding after "housing type" the following: "(except in the case of contract authority for NSAs described in the last two sentences of paragraph (a)(2))".

Authority: Section 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C. October 11, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 79-32109 Filed 10-17-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7649]

Income Tax; Taxable Years Beginning After December 31, 1953; Indirect Foreign Tax Credit for Dividends From Less Developed Country Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the foreign tax credit for domestic corporate shareholders of certain foreign corporations. Changes to the applicable law were made by the Tax Reform Act of 1976. These regulations provide the public with guidance needed to comply with the law, and affect all domestic corporations receiving actual or deemed distributions from corporations which were less developed country corporations.

DATE: These regulations are effective generally for taxable years beginning after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Diane L. Renfroe 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, 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1978, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 78, 902, and 960 of the Internal Revenue Code of 1954 (43 FR 60960). These amendments were proposed to conform the regulations to changes made by section 1033 of the Tax Reform Act of 1976 (90 Stat. 1626). One written comment suggesting a technical change in the proposed amendments was received. This comment was rejected as technically incorrect. No public hearing was requested. After consideration of all comments regarding the proposed amendments, those amendments are

adopted as revised by this Treasury decision.

Indirect Foreign Tax Credit Provisions

Sections 902 and 960 provide that domestic shareholders receiving actual dividends and deemed distributions under section 951 from certain foreign corporations shall be deemed to have paid a portion of the foreign income taxes paid or deemed paid by such corporations on or with respect to their accumulated profits. Section 78 provides that amounts of foreign taxes deemed paid under sections 902 and 960 shall be included in the gross income of the domestic shareholder. Prior to amendment by section 1033 of the Tax Reform Act of 1976, sections 902 and 960 contained a separate set of rules for computing the tax credit on distributions from less developed country corporations. In addition section 78 did not apply to foreign taxes deemed paid on distributions from less developed country corporations. Section 1033 eliminated this separate set of rules. These amendments change the regulations under each of those sections accordingly.

Minor Changes to the Notice

These regulations are being published as they appeared in the notice of proposed rulemaking with minor changes. Several parenthetical clauses have been added to examples (1) and (2) of § 1.902–2 to make it clear that certain references contained therein are to section 902 of the Code prior to amendment by the Tax Reform Act of 1976. In addition, references to the corporate tax rate assumed in the examples contained in §§ 1.960–4 and 1.960–6 have been added.

Drafting Information

The principal author of this regulation is Diane L. Renfroe 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 regulation, both on matters of substance and style.

Adoption of Amendments To The Regulations

Accordingly, the proposed amendment to 26 CFR Part 1 as published in the **Federal Register** (43 FR 60960) on December 29, 1978, is adopted with the following changes.

Paragraph 1. Examples (1) and (2) of § 1.902–2(d) as set forth in paragraph 5 of the notice of proposed rulemaking appearing in the **Federal Register** on December 29, 1978, at page 60962 are amended by:

1. Inserting the words "(under sec. 902(c)(1)(B) as in effect prior to amendment by the Tax Reform Act of 1976)" after the words "Accumulated profits" each place they appear in the computations for 1975.

2. Inserting the words "(under sec. 902(a)(2) as in effect prior to amendment by the Tax Reform Act of 1976)" after the words "Foreign income taxes of A Corp. deemed paid by M Corp." and before the parenthetical calculations in the computations for 1975.

3. Inserting the words "(under sec. 902(b)(1)(B) as in effect prior to amendment by the Tax Reform Act of 1976)" after the words "Foreign taxes of B Corp. for 1975 deemed paid by A Corp." and before the parenthetical "($240×$300/$600)" in example (2)(b).

Par. 2. Paragraph 9 of the notice of proposed rulemaking appearing in the **Federal Register** on December 29, 1978, at page 60963 is amended by inserting the words "by deleting the words 'the surtax exemption under section 11(d) being disregarded for the purposes of simplification:' in examples (1) and (3) and inserting in place thereof 'assuming a corporate tax rate of 48 percent:';" after the second semicolon.

Par. 3. Paragraph 11 of the notice of proposed rulemaking appearing in the **Federal Register** on December 29, 1978, at page 60963 is amended by inserting the words "; and by inserting the words ', assuming a corporate tax rate of 22 percent, a surtax of 26 percent and a surtax exemption of $25,000' after the words 'determined as follows for such years' and before the colon in the example" after the word "respectively" at the end of the sentence.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: September 25, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

§ 1.78–1 [Amended]

Paragraph 1. Section 1.78–1 is amended by deleting the words "section 902(a)(1) and § 1.902–1(b)(2)" and "section 902(a)(1)" each place they appear and inserting "section 902(a) in accordance with §§ 1.902–1 and 1.902–2" in lieu thereof; and by deleting the words "section 960(a)(1)(C) and the regulations thereunder" and "section 960(a)(1)(C)" each place they appear and inserting in lieu thereof "section 960(a)(1) in accordance with § 1.960–7".

§ 1.535–2 [Amended]

Par. 2. Section 1.535–2(a)(2)(ii) is amended by striking the words "section 902(a)(1) or section 960(a)(1)(C)." and inserting in lieu thereof "section 902(a) in accordance with §§ 1.902–1 and 1.902–2 or section 960(a)(1) in accordance with § 1.960–7."

§ 1.545–2 [Amended]

Par. 3. Section 1.545–2(a)(3)(ii) is amended by striking out the words "section 902(a)(1) or section 960(a)(1)(C)." and inserting in lieu thereof "section 902(a) in accordance with §§ 1.902–1 and 1.902–2 or section 960(a)(1) in accordance with § 1.960–7."

§ 1.902–1 [Amended]

Par. 4. Section 1.902–1 is amended as follows:

1. Paragraph (a) is amended by deleting subparagraph (6) and by redesignating subparagraphs (7) and (8) as subparagraphs (6) and (7) respectively.

2. Paragraph (b) is amended by deleting the words "or (3)" following the words "(b)(2)" in subparagraphs (1)(i) and (1)(iv); by deleting the words "section 902(a)(1)" in subparagraph (1)(iii) and inserting in place thereof "section 902(a)"; by revising subparagraph (2) to read as set forth below; and by deleting subparagraph (3).

3. Paragraph (c) is amended by deleting the words "and (3)" following the words "paragraph (b)(2)" and the words "or (3)" following the words "paragraph (c)(2)" in subparagraph (1); by revising subparagraph (2) to read as set forth below; and by deleting subparagraph (3).

4. Paragraph (d) is amended by deleting the words "and (3)" following the words "(c)(2)" and the words "or (3)" following the words "(d)(2)" in subparagraph (1); by revising subparagraph (2) to read as set forth below; and by deleting subparagraph (3).

5. Paragraph (e) is revised to read as set forth below.

6. Paragraph (f) is revised to read as set forth below.

7. Paragraph (j) is amended by deleting the words "or (3)" which follow the words "paragraph (b)(2)".

8. Paragraph (k) is amended as follows:

a. By deleting the words ", not a less developed country corporation" which follow the words "foreign corporation A" in examples (1), (3), and (5);

b. By deleting the words "sec. 902(a)(1)" in examples (1), (3), and (5), and inserting in place thereof "sec. 902(a)";

c. By revising example (2) to read as set forth below;

d. By deleting the words "sec. 902(b)(1)(A)" in example (3) and inserting in place thereof the words "sec. 902(b)(1)";

e. By deleting example (4);

f. By redesignating "Example (5)" as "Example (4)";

g. By deleting the words ", a less developed country corporation," which follow the words "foreign corporation B" and which follow the words "foreign corporation C" in example (4) as redesignated;

h. By deleting example (6);

i. By deleting each reference to the date "1975" as it appears in examples (1), (3), and (4) (as redesignated) and inserting in place thereof "1978";

j. By deleting each reference to the date "1973" or "1974" as it appears in example (4) as redesignated, and inserting in place thereof the date "1976" or "1977" respectively.

9. Paragraph (l) is amended by deleting the word "This" at the beginning of the first sentence and inserting in place thereof the words "Except as provided in § 1.902–2, this". The revised provisions read as follows:

§ 1.902–1 Credit for domestic corporate shareholder of a foreign corporation.

* * * * *

(b) *Domestic shareholder owning stock in a first-tier corporation.* * * *

(2) *Amount of foreign taxes deemed paid by a domestic shareholder.* To the extent dividends are paid by a first-tier corporation to its domestic shareholder out of accumulated profits, as defined in paragraph (e) of this section, for any taxable year, the domestic shareholder shall be deemed to have paid the same proportion of any foreign income taxes paid, accrued or deemed, in accordance with paragraph (c)(2) of this section, to be paid by such first-tier corporation on or with respect to such accumulated profits for such year which the amount of such dividends (determined without regard to the gross-up under section 78) bears to the amount by which such accumulated profits exceed the amount of such taxes (other than those deemed, under paragraph (c)(2) of this section, to be paid). For determining the amount of foreign income taxes paid or accrued by such first-tier corporation on or with respect to the accumulated profits for the taxable year of such first-tier corporation, see paragraph (f) of this section.

(c) *First-tier corporation owning stock in a second-tier corporation.* * * *

(2) *Amount of foreign taxes deemed paid by a first-tier corporation.* A first-tier corporation which receives dividends in any taxable year from its second-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (d)(2) of this section, to be paid by its second-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e) of this section, for the taxable year of the second-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the second-tier corporation exceed the taxes so paid or accrued. For determining the amount of the foreign income taxes paid or accrued by such second-tier corporation on or with respect to the accumulated profits for the taxable year of such second-tier corporation, see paragraph (f) of this section.

(d) *Second-tier corporation owning stock in a third-tier corporation.* * * *

(2) *Amount of foreign taxes deemed paid by a second-tier corporation.* For purposes of applying paragraph (c)(2) of this section to a first-tier corporation, a second-tier corporation which receives dividends in its taxable year from its third-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid or accrued by its third-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e) of this section, for the taxable year of the third-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the third-tier corporation exceed the taxes so paid or accrued. For determining the amount of the foreign income taxes paid or accrued by such third-tier corporation on or with respect to the accumulated profits for the taxable year of such third-tier corporation, see paragraph (f) of this section.

(e) *Determination of accumulated profits of a foreign corporation.* The accumulated profits for any taxable year of a first-tier corporation and the accumulated profits for any taxable year of a second-tier or third-tier corporation, which are taken into account in applying paragraph (c)(2) or (d)(2) of this section with respect to such first-tier corporation, shall be the sum of—

(1) The earnings and profits of such corporation for such year, and

(2) The foreign income taxes imposed on or with respect to the gains, profits, and income to which such earnings and profits are attributable.

(f) *Taxes paid on or with respect to accumulated profits of a foreign corporation.* For purposes of this section, the amount of foreign income taxes paid or accrued on or with respect to the accumulated profits of a foreign corporation for any taxable year shall be the entire amount of the foreign income taxes paid or accrued for such year on or with respect to such gains, profits, and income. For purposes of this paragraph (f), the gains, profits, and income of a foreign corporation for any taxable year shall be determined after reduction by any income, war profits, or excess profits taxes imposed on or with respect to such gains, profits, and income by the United States.

* * * * *

(k) *Illustrations.* * * *

Example (2). The facts are the same as in example (1), except that M Corporation also owns all the one class of stock of foreign corporation B which also uses the calendar year as the taxable year. Corporation B has accumulated profits, pays foreign income taxes, and pays dividends for 1978 as summarized below. For 1978, M Corporation is deemed under paragraph (b)(2) of this section, to have paid $20 of the foreign income taxes paid by A Corporation for 1978 and to have paid $50 of the foreign income taxes paid by B Corporation for 1978, and includes $70 in gross income as a dividend under section 78, determined as follows:

B Corporation

Gains, profits and income	$200
Foreign income taxes imposed on or with respect to gains, profits, and income	100
Accumulated profits	200
Foreign income taxes paid by B Corp. on or with respect to accumulated profits	100
Accumulated profits in excess of foreign income taxes	100
Dividends paid to M Corp	50
Foreign income taxes of B Corporation deemed paid by M Corporation under section 902(a) ($100 × $50/$100)	50

M Corporation

Foreign income taxes deemed paid under sec. 902(a):	
Taxes of A Corp. (from example (1))	$20
Taxes of B Corp. (as determined above)	50
Total	70
Foreign income taxes included in gross income under sec. 78 as a dividend:	
Taxes of A Corp. (from example (1))	20
Taxes of B Corp	50
Total	70

* * * * *

Par. 5. Section 1.902–2 is revised to read as set forth below.

§ 1.902–2 Rules for distributions attributable to accumulated profits for taxable years in which a first-tier corporation was a less developed country corporation.

(a) *In general.* If a domestic shareholder receives a distribution from a first-tier corporation before January 1, 1978, in a taxable year of the domestic shareholder beginning after December

31, 1964, which is attributable to accumulated profits of the first-tier corporation for a taxable year beginning before January 1, 1976, in which the first-tier corporation was a less developed country corporation (as defined in 26 CFR § 1.902–2 rev. as of April 1, 1978), then the amount of the credit deemed paid by the domestic shareholder with respect to such distribution shall be calculated under the rules relating to less developed country corporations contained in (26 CFR § 1.902–1 rev. as of April 1, 1978).

(b) *Combined distributions.* If a domestic shareholder receives a distribution before January 1, 1978, from a first-tier corporation, a portion of which is described in paragraph (a) of this section, and a portion of which is attributable to accumulated profits of the first-tier corporation for a year in which the first-tier corporation was not a less developed country corporation, then the amount of taxes deemed paid by the domestic shareholder shall be computed separately on each portion of the dividend. The taxes deemed paid on that portion of the dividend described in paragraph (a) shall be computed as specified in paragraph (a). The taxes deemed paid on that portion of the dividend described in this paragraph (b), shall be computed as specified in § 1.902–1.

(c) *Distributions of a first-tier corporation attributable to certain distributions from second- or third-tier corporations.* Paragraph (a) shall apply to a distribution received by a domestic shareholder before January 1, 1978, from a first-tier corporation out of accumulated profits for a taxable year beginning after December 31, 1975, if:

(1) The distribution is attributable to a distribution received by the first-tier corporation from a second- or third-tier corporation in a taxable year beginning after December 31, 1975.

(2) The distribution from the second- or third-tier corporation is made out of accumulated profits of the second- or third-tier corporation for a taxable year beginning before January 1, 1976, and

(3) The first-tier corporation would have qualified as a less developed country corporation under section 902(d) (as in effect on December 31, 1975), in the taxable year in which it received the distribution.

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). M, a domestic corporation owns all of the one class of stock of foreign corporation A. Both corporations use the calendar year as the taxable year. A Corporation pays a dividend to M Corporation on January 1, 1977, partly out of its accumulated profits for calendar year 1976 and partly out of its accumulated profits for calendar year 1975. For 1975 A Corporation qualified as a less developed country corporation under the former section 902(d) (as in effect on December 31, 1975). M Corporation is deemed under paragraphs (a) and (b) of this section to have paid $63 of foreign income taxes paid by A Corporation on or with respect to its accumulated profits for 1976 and 1975 and M Corporation includes $36 of that amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

1976

Gains, profits, and income of A Corp. for 1976	$120.00
Foreign income taxes imposed on or with respect to such gains, profits, and income	36.00
Accumulated profits	120.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	36.00
Accumulated profits in excess of foreign income taxes	84.00
Dividend to M Corp. out of 1976 accumulated profits	84.00
Foreign income taxes of A for 1976 deemed paid by M Corp. ($84/$84×$36)	36.00
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend from A Corp	36.00

1975

Gains, profits, and income of A. Corp for 1975	$257.14
Foreign income taxes imposed on or with respect to such gains, profits, and income	77.14
Accumulated profits (under sec. 902(c)(1)(B) as in effect prior to amendment by the Tax Reform Act of 1976)	180.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits ($77.14 × $180/$257.14)	54.00
Dividends paid to M Corp. out of accumulated profits of A Corp. for 1975	90.00
Foreign income taxes of A Corp. for 1975 deemed paid by M Corp. (under sec. 902(a)(2) as in effect prior to amendment by the Tax Reform Act of 1976) ($54 × $90/$180)	27.00
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend from A Corp.	0

Example (2) The facts are the same as in example (1), except that the distribution from A Corporation to M Corporation on January 1, 1977, was from accumulated profits of A Corporation for 1976. A Corporation's accumulated profits for 1976 were made up of income from its trade or business, and a dividend paid by B, a second-tier corporation in 1976. The dividend from B Corporation to A Corporation was from accumulated profits of B Corporation for 1975. A Corporation would have qualified as a less developed country corporation for 1976 under the former section 902(d) (as in effect on December 31, 1975). M Corporation is deemed under paragraphs (b) and (c) of this section to have paid $543 of the foreign taxes paid or deemed paid by A Corporation on or with respect to its accumulated profits for 1976, and M Corporation includes $360 of that amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

Total gains, profits, and income of A Corp. for 1976	$1,500
Gains and profits from business operations	1,200
Gains and profits from dividend A Corp. received in 1976 from B Corp. out of accumulated profits of B Corp. for 1975	300
Foreign taxes imposed on or with respect to such profits and income	450
Foreign taxes paid by A Corp. attributable to gains and profits from A Corp.'s business operations	360
Foreign taxes paid by A Corp. attributable to dividend from B Corp. in 1976	90
Dividends from A Corp. to M Corp. on Jan. 1, 1977	1,050
Portion of dividend attributable to gains and profits of A Corp. from business operations. ($1,200/$1,500×$1,050)	840
Portion of dividends attributable to gains on profits of A Corp. from dividend from B Corp. ($300/$1,500×$1,050)	210

(a) *Amount of foreign taxes of A Corp. deemed paid by M Corp. on A Corp.'s gains and profits for 1976 from business operations.*

Gains, profits, and income of A Corp. from business operations	$1,200
Foreign income taxes imposed on or with respect to gains, profits, and income	360
Accumulated profits	1,200
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	360
Accumulated profits in excess of foreign income taxes	840
Dividend to M Corp	840
Foreign taxes of A Corp. deemed paid by M Corp. ($360 × $840/$840)	360
Foreign taxes included in gross income of M Corp. under sec. 78 as a dividend	360

(b) *Amount of foreign taxes of A Corp. deemed paid by M Corp. on portion of the dividend attributable to B Corp.'s accumulated profits for 1975.*

B Corp. (second-tier corporation):	
Gains, profits, and income for calendar year 1975	$1,000
Foreign income taxes imposed on or with respect to gains, profits, and income	400
Accumulated profits (under sec. 902(c)(1)(B) as in effect prior to amendment by the Tax Reform Act of 1976)	600
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits ($400 × $600/$1,000)	240
Dividend to A Corp. in 1976	300
Foreign taxes of B Corp. for 1975 deemed paid by A Corp. (under sec. 902(b)(1)(B) as in effect prior to amendment by the Tax Reform Act of 1976) ($240 × $300/$600)	120
A Corp. (first-tier corporation):	
Gains, profits, and income for 1976 attributable to dividend from B Corp.'s accumulated profits for 1975	300
Foreign income taxes imposed on or with respect to such gains, profits, and income	90
Accumulated profits (under sec. 902(c)(1)(B) as in effect prior to amendment by the Tax Reform Act of 1976)	210
Foreign taxes paid by A Corp. on or with respect to such accumulated profits ($90 × $210/$300)	63
Foreign income taxes paid and deemed to be paid by A Corp. for 1976 on or with respect to such accumulated profits ($120 + $63)	183
Dividend paid to M Corp. attributable to dividend from B Corp. out of accumulated profits for 1975)	210
Foreign taxes of A Corp. deemed paid by M Corp. (under sec. 902(a)(2) as in effect prior to amendment by the Tax Reform Act of 1976) ($183 × $210/$210)	183
Amount included in gross income of M Corp. under sec. 78	0

Par. 6. Section 1.960–1 is amended as follows:

1. Paragraph (b) is amended by deleting subparagraph (4).

2. Paragraph (c) is amended as follows:

a. By revising subparagraph (2)(i) to read as set forth below;

b. By deleting subparagraph (2)(ii);

c. By deleting the words ", not a less developed country corporation" which follows the words "foreign corporation A" in examples (1), (3), (5), and (6) of subparagraph (4);

d. By deleting the words "section 960(a)(1)(C)" or "sec. 960(a)(1)(C)" each place they appear in examples (1), (3), (5), and (6) of subparagraph (4) and inserting in place thereof "section 960(a)(1)" or "sec. 960(a)(1)";

e. By deleting example (2) and example (4) of subparagraph (4);

f. By redesignating "Example (3)" as "Example (2)", "Example (5)" as "Example (3)", "Example (6)" as "Example (4)"; and

g. By deleting the words ", not a less developed country corporation" which follow the words "corporation B" in example (3) as redesignated.

h. By deleting the date "1965" each place it appears in example (1) and examples (2), (3), and (4) as redesignated and inserting in lieu thereof "1978".

3. Paragraph (e) is deleted.

4. Paragraphs (f), (g), and (h) are redesignated as paragraphs (e), (f) and (g) respectively.

5. Paragraph (i) is amended by redesignating it paragraph (h); by deleting the words "section 960(a)(1)(C)" in subparagraph (1)(ii) and inserting in place thereof "section 960(a)(1)"; by deleting the words ", and A Corporation is not a less developed country corporation for 1965" following the words "taxable year" in the example contained in subparagraph (3); by deleting the words "section 960(a)(1)(C)" each place they appear in that example and inserting in place thereof "section 960(a)(1)"; and by deleting the date "1965" each place it appears in that example and inserting in place thereof "1978".

§ 1.960-1 Foreign tax credit with respect to taxes paid on earnings and profits of controlled foreign corporations.

* * * * *

(c) *Amount of foreign income taxes deemed paid by domestic corporation in respect of earnings and profits of foreign corporation attributable to amount included in income under section 951*—(1) *In general.* * * *

(2) *Taxes paid or accrued on or with respect to earnings and profits of foreign corporation.* For purposes of subparagraph (1) of this paragraph, the foreign income taxes paid or accrued by a first-tier corporation or its second-tier corporation, as the case may be, on or with respect to its earnings and profits for its taxable year shall be the total amount of the foreign income taxes paid or accrued by such foreign corporation for such taxable year.

* * * * *

§ 1.960-2 [Amended]

Par. 7. Paragraph (e) of § 1.960-2 is amended as follows:

1. The words "examples (7) and (8)" in the first sentence are deleted and the words "examples (6) and (7)" are inserted in place thereof.

2. Example (2) is deleted.

3. Examples (3), (4), (5), (6), (7), and (8) are redesignated as examples (2), (3), (4), (5), (6), and (7), respectively.

4. The words ", not a less developed country corporation" which follow the words "foreign corporation A" in example (1), and examples (2), (3), (4), (5), (6), and (7) as redesignated are deleted.

5. The words "section 960(a)(1)(C)", or "sec. 960(a)(1)(C)", or "section 902(a)(1)" or "sec. 902(a)(1)" are deleted each place they appear in example (1) and examples (2), (3), (4), (5), (6), and (7) as redesignated and the words "section 960(a)(1)" or "sec. 960(a)(1)" or "section 902(a)" or "sec. 902(a)" are inserted in place thereof respectively.

6. The date "1965" is deleted each place it appears in example (1) and examples (2), (3), (4), (5), (6), and (7) as redesignated and the date "1978" is inserted in place thereof.

§ 1.960-3 [Amended]

Par. 8. Section 1.960-3 is amended by deleting the words "section 960(a)(1)(C)" and "section 902(a)(1)" each place they appear and inserting in place thereof "section 960(a)(1)" or "section 902(a)" respectively; by deleting the words ", not a less developed country corporation" following the words "corporation A" in examples (1) and (2) of paragraph (c); and by deleting the date "1965" each place it appears in examples (1) and (2) of paragraph (c) and inserting in lieu thereof "1978".

§ 1.960-4 [Amended]

Par. 9. Paragraph (f) of § 1.960-4 is amended by deleting example (4); by deleting the words ", not a less developed country corporation" which follow the words "corporation A" in examples (1) and (3); by deleting the words "the surtax exemption under section 11(d) being disregarded for the purposes of simplification:" in examples (1) and (3) and inserting in place thereof "assuming a corporate tax rate of 48 percent:"; by deleting the words "section 960(a)(1)(C)" or "sec. 960(a)(1)(C)" each place they appear in examples (1), (2), and (3), and inserting in place thereof "section 960(a)(1)" or "section 960(a)(1)" respectively; by deleting "section 904(d)" each place it appears in example (2) and inserting in place thereof "section 904(c)"; and by deleting the dates "1962", "1963", "1964", "1965", "1966", and "1967" each place they appear in examples (1), (2), and (3), and inserting in place thereof "1975", "1976", "1977", "1978", "1979", and "1980" respectively.

§ 1.960-5 [Amended]

Par. 10. Paragraph (b) of § 1.960-5 is amended by deleting the words ", not a less developed country corporation" following the words "corporation A"; by deleting the words "section 960(a)(1)(C)" and inserting the words "section 960(a)(1)" in place thereof; and by deleting the dates "1965" and "1966" each place they appear and inserting in place thereof "1978" and "1979" respectively.

§ 1.960-6 [Amended]

Par. 11. Paragraph (b) of § 1.960-6 is amended by deleting the words ", not a less developed country corporation" following the words "corporation A"; by deleting the words "section 960(a)(1)(C)" or "sec. 960(a)(1)(C)" each place they appear and inserting in place thereof the words "section 960(a)(1)" or "sec. 960(a)(1)" respectively; by deleting the dates "1965" and "1966" each place they appear and inserting in lieu thereof "1978" and "1979" respectively; and by inserting the words ", assuming a corporate tax rate of 22 percent, a surtax of 26 percent and a surtax exemption of $25,000" after the words "determined as follows for such years" and before the colon in the example.

Par. 12. Section 1.960-7 is added immediately after § 1.960-6 to read as follows:

§ 1.960-7 Effective dates.

(a) *General rule.* Except as provided in paragraph (b), the rules contained in §§ 1.960-1—1.960-6 shall apply to taxable years of foreign corporations beginning after December 31, 1962, and taxable years of U.S. corporate shareholders within which or with which the taxable year of such foreign corporation ends.

(b) *Exception for less developed country corporations.* If for any taxable year beginning after December 31, 1962, and before January 1, 1976, a first-tier foreign corporation qualified as a less developed country corporation as defined in 26 CFR 1.902-2 revised as of April 1, 1978, the rules pertaining to less developed country corporations contained in 26 CFR 1.960-1—1.960-6 revised as of April 1, 1978, shall apply to

any amounts required to be included in gross income under section 951 for such taxable year.

[FR Doc. 79-32196 Filed 10-17-79; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 853

Security Qualifications for Membership in the United States Air Force

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by adding a new Part 853 to Subchapter E of 32 CFR, consisting of §§ 853.1 through 853.4. The new part provides policy for processing members and prospective members of the Air Force when there is a question concerning qualifications for membership in the United States Air Force. It applies to all military personnel in the Air Force, including Reserve components, and candidates or applicants for appointment or induction, whether voluntary or involuntary. This part implements DOD Directive 5210.7, September 2, 1966, and Changes 1 through 6; DOD Directive 5210.9, January 19, 1956, and Changes 1 through 7; DOD Instruction 5210.31, January 16, 1957, and Changes 1 and 2; and supersedes Air Force Regulation 35–62, August 11, 1965.

EFFECTIVE DATE: March 30, 1979.

FOR FURTHER INFORMATION CONTACT: Captain F. J. Kane, AFMPC/MPCRPP, Randolph AFB, Texas, telephone (512) 652–3363.

SUPPLEMENTARY INFORMATION: Chapter VII, Title 32 of the Code of Federal Regulations is revised by adding Part 853 to Subchapter E—Security. This part deletes all guidance on initiating investigations and processing cases (see AFR 205–32, USAF Personnel Security Program); updates policy guidance; deletes information and guidance contained in other directives; and changes the title to reduce confusion with other directives.

Title 32 of the Code of Federal Regulations is amended by adding a new Part 853 to read as follows:

PART 853—SECURITY QUALIFICATIONS FOR MEMBERSHIP IN THE UNITED STATES AIR FORCE

Sec.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 35–62, March 30, 1979.

Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 853.1 Purpose.

This part provides policy for processing members and prospective members of the Air Force when there is a question concerning qualifications for membership in the United States Air Force. This part applies to all military personnel in the Air Force, including Reserve components, and candidates or applicants for appointment or induction, whether voluntary or involuntary. It is the authority for the final disposition of such cases. AFR 205–32, USAF Personnel Security Program, contains procedures for the commander to initiate and process cases to HQ USAF for final determination. This part implements DOD Directive 5210.7, September 2, 1966, and Changes 1 through 6; DOD Directive 5210.9, January 19, 1956, and Changes 1 through 7; and DOD Instruction 5210.31, January 16, 1957, and Changes 1 and 2.

Note.—Proposed supplements that affect any military personnel function performed at MAJCOM level or below are processed as prescribed in AFR 5–13, Publications or Communications Affecting Personnel Functions Performed at MAJCOM Level or Below.

§ 853.2 Program responsibilities.

(a) The Administrative Assistant to the Secretary of the Air Force (SAF/AA) has overall responsibility for this program.

(b) The Deputy Chief of Staff, Personnel, through the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel (MPC), is responsible for establishing policy for the removal or nonacceptance of individuals under this program.

(c) The Personnel Security Division, HQ USAF/DAI(S), is responsible for the procedures for processing security cases and making recommendations for action to SAF/AA for individuals who are processed under this program.

(d) The Air Force Office of Special Investigations and the Defense Investigative Service provide investigative support for this program.

(e) Each commander is responsible for initiating cases that fall under this program, and for providing any additional information required to adjudicate cases according to AFR 205–32.

§ 853.3 Policy.

(a) No person will be retained or accepted in military status in the Air Force, or its Reserve components, if there is a reasonable doubt of the individual's loyalty to the Government of the United States.

(b) The Air Force assumes that there is no reasonable doubt of the individual's loyalty unless a determination to the contrary is made.

(c) An individual will not be appointed, enlisted, or inducted into the Air Force if that individual has previously been discharged or separated under any regulation or program implementing DOD Directive 5210.9, Military Personnel Security Program, or was separated under other directives while undergoing investigation or processing under such security program directives.

(d) No individual will be processed under this part without first being presented the reasons for such action and the opportunity to present evidence in his or her behalf. Before discharge processing (AFR 36–2, Administrative Discharge Procedures (Unfitness, Unacceptable Conduct, or in the Interest of National Security), AFM 39–12, Separation of Unsuitability, Unfitness or Misconduct; Resignation or Request for Discharge for the Good of the Service, and Procedures for the Rehabilitation Program, etc.), HQ USAF/DAI(S) will advise each individual of his or her right to appeal any decision to process discharge for security reasons to the Administrative Assistant to the Secretary of the Air Force.

(e) Action should not be taken under this part if the case can be resolved by action under other Air Force regulations. Removal of an individual, or rejection of an applicant under this part may only be taken for cases which fall under the security criteria of AFR 205–32, chapter 10.

§ 853.4 Processing procedures.

(a) Investigative case files will be processed according to AFR 205–32, chapter 10.

(b) HQ USAF/DAI(S) will review case files and, when removal or nonacceptance appears appropriate, will gather necessary documentation and advise the individual.

(c) HQ USAF/DAI(S) will then notify the parent MAJCOM. An information copy of the letter will be furnished HQ AFMPC/MPCAK when it has been determined the member should not be retained.

(d) If removal action is not warranted, HQ USAF/DAI(S) will further evaluate

the individual's security clearance eligibility.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-32142 Filed 10-17-79; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 79-045]

Disestablishment of Special Anchorage Area, Lake Mead, Nev.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule disestablishes Special Anchorage Area (e)(2), Lake Mead, Nevada. Portions of the anchorage extend into a narrow section of the lake which is highly transited. Disestablishment of this anchorage, in which unlighted vessels may anchor, will enhance navigational safety in the area.

EFFECTIVE DATE: November 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. D. W. Ziegfeld, Office of Marine Environment and Systems (G-WLE/TP11), Room 1104, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20590, (202) 426-1934.

SUPPLEMENTARY INFORMATION: On June 7, 1979, the Coast Guard published a proposed rule (44 FR 32713) concerning this amendment. Interested persons were given until July 23, 1979 to submit comments. No comments were received.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Mr. D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems and Lieutenant J. W. Salter, Project Attorney, Office of the Chief Counsel.

§ 110.127 [Amended]

In consideration of the foregoing Part 110 of Title 33 of the Code of Federal Regulations is amended by deleting paragraph (e)(2) of § 110.127.

(Sec. 1, 30 Stat. 98 as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2)).

Dated: October 10, 1979.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 79-31966 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21502; RM-2737; FCC 79-535]

Radio Broadcast Services; Amending Rules Regarding the Subscription Television Service

AGENCY: Federal Communications Commission.

ACTION: First Report and Order.

SUMMARY: Three issues raised in a Notice of Inquiry and Rulemaking, FCC 78-848, are resolved by this action. First, the rule allowing only one television station in a given community to provide a subscription television ("STV") service is deleted. Second, the regulation allowing the existence of non-compatible STV systems is affirmed. Third, a cut-off procedure for STV applications is not adopted. The intended effect of these decisions is to provide for the growth of STV and, by so doing, provide greater program choice for television consumers. This proceeding was initiated by a petition filed on behalf of Midwest St. Louis, Inc., Liberty STV, Inc., *et al.*

EFFECTIVE DATE: November 23, 1979.

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

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

First Report and Order, 43 FR 23618, June 1, 1978.

Adopted: September 25, 1979.
Released: October 12, 1979.

By the Commission: Commissioner Quello absent.

In the matter of amendment of Part 73 of the Commission's rules and regulations in regard to § 73.642(a)(3) and other aspects of the Subscription Television Service, Docket No. 21502, RM-2737.

1. This proceeding involves various aspects of the subscription television ("STV") service.[1] Now before the Commission for consideration are the filings generated in response to a combined *Notice of Inquiry and Rule Making*,[2] FCC 77-848, 67 FCC 2d 202 (1977).

2. This document will address three of the six issues raised in the *Notice*, these three being: (1) Whether the Commission should permit more than one television station in a given community to provide an STV service; (2) whether the Commission should require compatibility of STV systems; and (3) whether the Commission should adopt a cut-off procedure for STV applications. The first and third issues were the subject of proposed rule making, while the second issue, as well as the remaining three matters, were only raised for inquiry. The issues for later resolution are: (a) Whether the Commission should allow the purchase of decoders by subscribers or the present system of permitting only the leasing of such equipment should be continued; (b) whether the Commission should consolidate proceedings where an applicant is involved in two mutually exclusive hearings, one in which he seeks a construction permit for a new television station and the other in which he seeks STV authorization;[3] and (c) whether the Commission should establish criteria for comparing two competing STV applications, as well as for comparing two competing applications for a new television station when one is for conventional use and the other contemplates STV operation. These last three issues, as well as additional STV matters not previously raised, will be the subject of a Further Notice of Proposed Rule Making soon to be released.

An Historical Development of STV Regulation

3. In order to place the first issue, which concerns relaxing the "one-to-a-community" rule, in proper perspective, we will first provide a brief history of the subscription television service. In 1957, the first of five Reports and Orders was adopted in a lengthy proceeding in Docket No. 11279. It was in this *First Report and Order* ("*First Report*"), 23 FCC 532, that the Commission concluded that it had statutory authority to authorize STV operations.

4. In that *First Report*, the Commission also began an ongoing assessment of whether authorizing STV operations would lead to increasing services and program choices available to the public without seriously affecting the quantity and quality of advertiser-financed programming that is provided free of direct charge to the public. The Commission concluded that without a

[1] Briefly described, subscription television broadcasting involves the broadcasting of a scrambled television signal which, on payment of a fee, subscribers are authorized to unscramble through use of a decoder. See *In the Matter of Subscription Television Program Rules*, 52 FCC 2d 1, at 2 (1974).

[2] A list of the parties filing formal comments and/or reply comments is contained in Appendix B.

[3] STV authorization may be issued only to an entity that already is either the licensee of a commercial television broadcast station or the holder of a construction permit for a new commercial television broadcast station.

demonstration of the service in operation, this question could not be resolved.

5. To gather the data and information necessary to answer this, as well as other issues, the Commission thought it best to authorize only trial operations. Also, in an effort to protect conventional television during this trial period, the Commission established certain limitations and conditions under which STV applications would be accepted. For instance, each STV system was permitted a trial in no more than three markets and authorizations were limited to stations in cities with at least four commercial television services including the applicant's station.

6. In a *Second Report and Order*, 16 R.R. 1529 (1958), the Commission gave notice that action on trial STV applications would be deferred in order to provide the 85th Congress an opportunity to consider pending legislation on the subject of subscription television. No national laws affecting STV, however, were then or have since been adopted. Believing that its action would be consonant with the then current Congressional concern with the development of STV, the Commission in 1959, issued a *Third Report and Order* ("*Third Report*"), 26 FCC 265, which basically readopted and affirmed the *First Report*.

7. The *Third Report* stated that the Commission was ready to consider applications for trial STV operations and take action appropriate with the public interest. STV trial operations might be conducted only in communities lying within the Grade A contours of at least four commercial television stations, including the station of the STV applicant, to assure the continued availability of substantial amounts of conventional television programming to the public. The Commission also decided that authorizations would be limited to one market per subscription system as well as one subscription system per market. Three applications for trial authorizations were filed; one was denied, one was granted but operation never commenced, and the third was granted to UHF Station WHCT, Hartford, Connecticut,[4] which began STV operations in the summer of 1962.[5]

8. Based on experience with the trial operation in Hartford, Connecticut, and a five year experimental cable operation at Etobicoke, a suburb of Toronto, Canada, the Commission adopted a *Fourth Report and Order* ("*Fourth Report*"), 15 FCC 2d 466 (1968), which established the basis for nationwide over-the-air STV service. The experience had enabled the Commission to conclude that STV could provide a beneficial supplement to conventional television programming and that, as an alternative medium, it might well provide a wholesome stimulus to free television which could lead to an improvement in overall programming available to the public. Although, as the Commission noted, a considerable amount of the information provided by the parties was speculative, the Commission did believe that the Hartford experience provided an adequate foundation for reasonable estimates about the future.

9. Nonetheless, the Commission felt it best to proceed with caution until more was known about how STV would develop on a nationwide scale. For this reason, in the *Fourth Report*, the Commission adopted regulations designed to strike what it considered a reasonable balance between the two services so as not to hamstring the development of STV and yet provide safeguards against the possibility that events would develop in a manner contrary to the public interest. The Commission was interested in maintaining the availability of conventional programming, and it restricted STV operation to communities within the Grade A contour of at least five commercial television stations including that of the STV operator. Before an STV grant could be made, at least four of the stations would have to be in operation and providing conventional television service.

10. In order to further restrict the pre-emption of time, the Commission provided that in the five station communities where STV would be permitted, only one of these stations might engage in STV operations (the "one-to-a-community" rule) and required that STV stations broadcast at least 28 hours of conventional programming per week.[6] In addition, certain program restrictions were placed on STV operations to prevent the siphoning of programs from conventional to subscription television.[7] The regulations limiting the program fare of STV were adopted because of Commission concern that the revenue derived from subscription operations would permit subscription operators to bid away the best films and sports programs perhaps reducing conventional television's capacity to meet consumer preferences. These program restrictions were also designed to enhance the diversity of program offerings broadcast on television as a whole.

11. In the last and *Fifth Report and Order*, 19 FCC 2d 559 (1969), in Docket No. 11279, the Commission adopted rules governing equipment and system performance capability. It also announced the manner in which applications for STV authorization should be filed, and it prescribed their content and form.

12. In *National Association of Theatre Owners* v. *FCC* ("*NATO*"), 420 F. 2d 194 (D.C. Cir. 1969), *cert. denied*, 397 U.S. 922 (1970), the Court of Appeals affirmed the Commission's power to authorize nationwide STV on a permanent basis. The Court found that the Communications Act did not preclude the Commission from approving a system of direct charges to the public as a means of financing broadcasting services. Rather, the Court stated that the Act seems designed to foster diversity in the financial organization and *modus operandi* of broadcasting stations as well as in the content of programs. Further, the Commission's conclusion that the establishment of a subscription television service was consistent with these goals was upheld by the *NATO* court.

13. Also before the Court in the *NATO* case was the question of whether Commission authorization of nationwide STV operations would result in unconstitutional discrimination against people in low income groups unable to afford to subscribe. The Court rejected the assertion of discrimination and concluded that there was nothing distinguishing broadcasting from other regulated industries which would justify imposing on it alone a requirement that any service be made available to all citizens regardless of their ability to pay. The Court also upheld the Commission's effort, by promulgating restrictions governing the development of STV, to strike a balance between the possible danger to free broadcasting of allowing unfettered STV operations and the risk of stifling the growth of a new service. The Court also rejected suggestions that the STV industry should have its rates regulated as a monopoly, supporting the Commission determination that a substantial amount of economic competition would exist between STV and the other forms of entertainment

[4] The Hartford grant was affirmed by the U.S. Court of Appeals in *Connecticut Committee Against Pay TV* v. *FCC*, 301 F. 2d 835 (D.C. Cir. 1962); *cert. denied*, 371 U.S. 816 (1962).

[5] A six-and-a-half year trial STV authorization granted Station WHCT in Hartford, Connecticut, ended in 1969.

[6] See § 73.643(a). After an STV station is in operation 36 months, it is to provide conventional programming no less than 2 hours per day and not less than 28 hours per week.

[7] For a description of these STV program restrictions and a further discussion of their history, see paras. 14 and 15, *infra*.

and information available in the community. Courts should be very reluctant, said the Court in *NATO*, to declare that free market forces must be supplanted by rate regulation when neither Congress nor the agency administering the area has found that such regulation is essential.

14. Eight years after the *NATO* decision, the Court of Appeals in *Home Box Office v. F.C.C.*, 567 F. 2d 9 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 829 (1977), reviewed those Commission regulations limiting the program fare cable television systems and subscription television stations might offer to the public for a fee set on a per-program of per-channel basis. These rules, which were originally developed for STV and then applied to pay cable, (1) restricted the presentation of certain feature movies on pay cable and STV; (2) restricted those sports events which might be offered on pay cable and STV; (3) prohibited commercial advertising on pay cable and STV; and (4) limited the combined amount of sports and movies to 90% of a pay cable or STV station's programming.[8]

15. After concluding that the Commission had exceeded its authority over cable television in promulgating the pay cable rules [9] and that there was no evidence to support the need for regulation of pay cable television, the Court in *Home Box Office* vacated the pay cable rules. The Court found that the Commission had failed to state clearly the harm which its regulations sought to remedy and its reasons for supposing that this harm existed. In regard to the subscription television sphere, the Court noted that rules substantially similar to the program restrictions under review [10] had been affirmed in the *NATO* decision. At that time, the Court stated, the Commission acted on an elaborate rule making record concerning the Hartford STV experience. Since it appeared that few, if any, STV stations had begun operation in the interim, the Court believed the best information available with respect to STV was that reviewed in *NATO*, which had been called into question in the present rule making. For this reason, the Court of Appeals concluded that *NATO* required affirmance of the promulgation of the STV program restrictions under review in *Home Box Office*.[11] The Court noted, however, that petitioners' charge that these restrictions had the effect of killing the subscription television medium in its infancy by denying it access to necessary programming seemed to be supported by the then absence of viable commercial applications for STV. Even though *Home Box Office* did not vacate the STV program limitations, they were deleted by the Commission in November 1977, and April 1978,[12] in view of the Court's decision concerning pay cable. This action was taken on the basis that STV and pay cable are two communications activities in direct competition and as a result should be given equal treatment insofar as program availability is concerned.

The STV Marketplace of Today

16. Since 1969, when the *Fifth Report and Order* was adopted, ninety applications for STV authorization have been submitted to the Commission. Of this number, fifteen have been granted and fifty-nine STV applications have been accepted for filing. Of the applications granted, only six STV stations are presently operating: Station WWHT (Channels 60 and 68),[13] Newark, New Jersey; Station KBSC (Channel 52), Corona, California; Station KWHY (Channel 22), Los Angeles, California; Station WQTV (Channel 68), Boston, Massachusetts; Station WXON (Channel 20), Detroit, Michigan; and Station KNXV (Channel 15), Phoenix, Arizona. The remaining nine authorizations which have been approved, but are not yet in operation, are the following: Station KTSF (Channel 26), San Francisco, California; Station WCGV (Channel 24), Milwaukee, Wisconsin; Buford Television of Ohio for its new commercial station on Ch. 64, Cincinnati, Ohio; Cleveland Associates Company for a station on Channel 61, Cleveland, Ohio; Station WNJU (Channel 47), Linden, New Jersey; Station WSNL (Channel 67), Smithtown, New York; Station WXID (Channel 51), Fort Lauderdale, Florida; Station KMUV-TV (Channel 31), Sacramento, California; and Radio Broadcasting Co. for its new commercial station on Channel 57, Philadelphia, Pennsylvania.

17. Of those STV facilities presently operating, Station WWHT, Newark, New Jersey, licensed to Wometco Industries, was the first non-experimental STV station in the country, having commenced operation on March 1, 1977.[14] STV programming is aired on WWHT from 9 to 10:30 a.m. and after 8 p.m. on weekdays and after 7 p.m. on weekends. Before that hour, the station broadcasts conventionally. There are presently 65,000 subscribers. WWHT's STV programming consists of movies, sports, children's programs, cultural presentations, as well as educational programming. The installation fee for WWHT's STV system is $49.95. The monthly charge to subscribers is $15. A one-time returnable deposit of $200 is required on the decoder, although consumers with a line of credit can waive that for $25 cash, which also is refundable.

18. The largest STV station in the country is KBSC at Corona, California, licensed to Oak Industries. The station has a current customer list of 210,000 subscribers. KBSC operates conventionally about forty-five hours a week with STV programming commencing at 8 p.m. and continuing through midnight. The station offers its STV subscribers current movies, live coverage of local professional sports teams, as well as other major sporting events and movie specials. Ten new movies are broadcast each month and, once a week, on a program entitled "Dimension," the station presents on an STV basis a diversified format of foreign films, ballet, opera and plays. Children's movies are also offered as STV programs. Subscription charges are $19.49 per month. There is a one-time installation charge of $39.95, which includes a new, pre-cut UHF antenna for the subscriber, designed to maximize reception of KBSC's signal. The subscriber then owns this equipment, but a one-time refundable security deposit of $25 is required on the decoder.

[8] These rules, as they relate to feature films and sports, were amended soon after their adoption. The general effect of the amendment was a relaxation of the requirements. A rule prohibiting subscription exhibition of series programming, originally one of the program restrictions, was deleted in its entirety by amendment.

[9] The Court did not hold that the Commission had to find express statutory authority for its cable television regulations. It did require, however, that at a minimum, the Commission, in developing its cable television regulations, needed to demonstrate that the objectives to be achieved by regulating cable television are also objectives for which the Commission could legitimately regulate the broadcast media.

[10] See para. 14 and n. 8, *supra*.

[11] The affirmance of these rules was subject, however, to further review upon completion of additional hearings regarding *ex parte* contacts.

[12] See the *Reports and Orders* in Docket 21311, 42 FR 62372, published December 12, 1977, and in Docket 21489, 43 FR 15322, published April 12, 1978.

[13] WWHT's signal goes out over Channel 68, but, because some communities in the greater New York area have difficulty receiving that frequency, the station operates a translator on top of the World Trade Center which rebroadcasts the signal over Channel 60.

[14] The original call letters of Station WWHT were WBTV, at the time the facility was licensed to Blonder-Tongue. In 1977, Wometco Enterprises bought an eighty percent interest in the station, and the license was transferred to it in July of 1977, which the call sign being changed to WTVG. That call sign has been recently changed again to WWHT, although there has been no change in ownership of the station.

19. On July 23, 1978, Station KWHY, Los Angeles, California, licensed to Coast TV Broadcasting Corporation, began broadcasting STV programs. At present, the station has 35,000 subscribers. STV programming is aired from 2:30 to 4:30 p.m. and after 8 p.m on weeknights; from 2 to 4 p.m. and after 7 p.m. on Saturdays; and after 7 p.m. on Sundays. The basic STV service includes movies and interviews and costs $72 per year. Per program charge offerings include movies, sports events, variety programs and children's movies. Subscribers must pay a $25 decoder deposit, unless a Mastercharge or VISA credit card is used.

20. One of the relatively new stations to offer STV is WQTV, Boston, Massachusetts, licensed to Boston Heritage Broadcasting. It began operation in January of this year. On weekdays, WQTV broadcasts STV programs from 7 p.m. to sign off and on weekends from 1 p.m. to sign off. WQTV currently airs twelve or more feature films a month and specials starring top entertainers. Children's movies are also being aired. The station has 12,000 subscribers. Present customers pay $90 in installation charges and $15.95 in monthly billings. No deposit on the decoder is required if subscribers have acceptable credit.

21. Just having begun STV operation on July 1, 1979, Station WXON, Detroit, Michigan, licensed to WXON–TV, Inc. has 11,000 subscribers. It broadcasts STV programs from 8 p.m. to sign off on weekdays and for 8½ hours on Saturdays and 6½ hours on Sundays. Pay programming includes sports and movies, as well as stage performances, variety programs, filmed documentaries and classic foreign films. Present customers pay $49.95 in installation charges and $22.50 a month. A $50 returnable deposit is required on the decoder equipment.

22. The newest station to provide STV programming is KNXV, Phoenix, Arizona, licensed to New Television Corporation. It commenced operation on September 22, 1979. On weekdays, KNXV broadcasts STV programs beginning at 7 p.m. and on weekends, the station begins its STV programming at 5 p.m. Pay programming includes first run movies, sports, primarily of local origin, and taped specials. Present customers pay $39.95 in installation charges and $20.45 a month. There are probably 2,000 subscribers as of this date.

The "One-To-A-Community" Rule

23. Under the current language of § 73.642(a)(3) of the Commission's rules, only one station in a community may engage in STV operations (the "one-to-a-community" rule). Because of the significant interest being shown by broadcasters and the public in the operation of STV stations, and the recent development of the industry, we proposed in the *Notice* to consider a change in this requirement. Specifically, we asked interested parties to comment on whether the Commission should permit more than one television station in a given community to provide an STV service.

24. A significant number of commenters suggest that STV allocations be made on a market rather than a community basis. They argue that the present rule is inequitable in that it limits some markets to one STV operation but permits others comprised of a number of clustered communities, such as those in the Los Angeles market, to have more than one. As to the specific question asked, whether the "one-to-a-community" rule should be relaxed, proponents assert that doing so would bring increased competition to the field which would help develop STV to the highest attainable quality. Proponents further contend that allowing more than one STV station to a community would be a strong incentive for the production of creative programming and, as such, would provide a spur to conventional television as well. They also submit that a relaxation of the present rule, by allowing construction and operation of new STV stations, would provide additional conventional service since STV stations must broadcast a minimum number of hours of free programming. Additionally, supporters of relaxing the rule assert that a rivalry between STV and conventional television should stimulate each station to its best efforts.

25. Parties favoring a relaxation of the "one-to-a-community" rule have submitted a variety of possible formulas to use. For instance, Buford Television, Inc., recommends that the very largest markets, those with eight or more television stations, be allowed a second STV station. American Broadcasting Companies, Inc., recommends that a market be allowed a second STV station if it has available the following non-subscription services: Three network affiliated stations plus three, or two or one independent station(s) depending upon whether the market is one of the top-50, second 50, or below the top 100 in ranking. Also proposed is a rule allowing an unlimited number of STV stations in a community or market with the proviso that if circumstances presented by an STV application raised a serious possibility of adverse impact on a conventional television station, one which threatened its viability and ability to serve the public interest, the Commission would examine such circumstances in its consideration of the application. This last approach is akin to both a case-by-case approach and a waiver procedure suggested by a number of commenters.

26. Those parties opposing a relaxation of the "one-to-a-community" rule argue that the abandonment of this provision may serve as a deterrent to the development of STV. They assert that the present rule minimizes the risk of a new industry. A number of opponents also contend that until such time as one STV station per market provides a full day of truly diverse programming, no need exists to consider allowing another STV facility. They argue that the only benefit derived from additional STV service is an increase in the capacity to provide the service expeditiously to all customers. Opponents state that additional competition does not at the moment seem to carry with it benefits to the public. On the other hand, Oak Broadcasting and National Subscription Television submit that relaxing the rule would have no adverse effect on conventional television. They believe that the number of subscribers would not increase, but rather it would remain the same to be divided between the STV stations in a particular community.

27. In resolving the issue of whether to relax the "one-to-a-community" rule, we have carefully reviewed the record, observed the marketplace and considered the legal guidelines pronounced by the Court of Appeals in the *Home Box Office* decision. A key question to be considered in making this determination is one the Commission has repeatedly addressed during STV's regulatory history, that being, what is the likely impact of pay television on conventional television. Using data from the Hartford experiment and some speculation, the Commission in the *Fourth Report* determined that conventional television might suffer in quality or quantity as a consequence of the siphoning of programs and the pre-empting of time. To prevent this situation from occurring, the Commission adopted, among other regulations, the "one-to-a-community" rule. Although the Commission believed it best at the outset of the STV service to adhere to this rule, even in the *Fourth Report*, the Commission recognized that once more experience was gained, consideration could be given to relaxing the regulation.

28. Now, more than a decade since the initiation of STV on a nationwide basis,

the time for reevaluation has come. Based on the evidence presented to date, permitting unrestricted entry of STV stations, after a conventional station threshold has been reached, would provide greater program choice for consumers without unduly affecting the supply of conventional programs.[15] Rather than precluding additional conventional programming, we feel the growth of STV will both stimulate the use of UHF channels not presently utilized and provide a sound economic underpinning for existing UHF facilities. Our present experience offers support for such developments. All five of the STV stations presently operating broadcast on UHF channels and all of those STV authorizations approved by the Commission are for use by presently operating or new UHF facilities. Also, the existing STV stations provide conventional programs during most broadcast hours, with approximately four or five hours of their broadcast day, usually during prime time, consisting of pay programming. This practice appears likely to continue to be the norm. Thus, a station's ability to spread the fixed cost of operation across conventional and pay programming will provide additional conventional programming rather than less and improve the welfare of both subscribers and non-subscribers.

29. We also believe that STV could provide a stimulus to free television which coud actually improve rather than impair the quality of conventional programming. If STV is allowed to develop, with the probable result being greater competition between it and conventional television, programming is likely to be further diversified. We also believe that STV can respond to competitive forces that woud not operate in the same way for conventional television. It is well recognized that conventional American television today is not a classical competitive market in which the program viewer is able to directly express not only a preference but the intensity of this preference as well. Conventional television has no mechanism for responding to this intensity of demand. Advertisers rather than viewers support television programming, and they are only interested in attracting the greatest number of viewers and receive little, if any, benefit from attracting a more enthusiastic viewer. STV, on the other hand, can obtain subscribers by responding to intense demands of a small viewing group. This could bring cultural, minority-oriented, or quality children's programming fare that advertisers might find less profitable to support on conventional television. Also to be noted is STV's service to minorities on its conventional programming, as well as its potential for meeting minority needs during pay programming hours. For instance, STV Station KWHY in Los Angeles, presently carries foreign language programming for its Japanese, Korean and Chinese communities during the station's conventional hours of operation.

30. If these and other benefits are to occur, if is important that we reduce administrative barriers to entry into the STV sphere. Then, the STV industry can respond to consumer preferences rather than to incentives created by the regulatory process. It is precisely in the realm of pay television, where consumers can express their preferences most effectively, that we should eliminate unnecessary government regulation. Certainly in markets where channels are available we should not create an artificial scarcity to serve the interest of the initial STV entrant. Nor is the present rule needed to minimize risk in the new industry. We believe it appropriate to place reliance on the ability of rational entrepreneurs to function in their own best interest. As we have noted, out of this competitive counterplay can come public benefits. Once STV has been securely established, a financial base will exist for a greater variety of programming within the pay television sphere.

31. In terms of the present issues, this means eliminating the "one-to-a-community" rule. We believe that this step does not endanger the continued availability of a substantial amount of free television, but rather it holds the promise of more diversity in the mode and substance of its television fare. The growth of STV also promises greater opportunities in broadcasting for minorities and women and for small, independent business people. This, too, will aid in creating more specialized programming, thus better serving the country's diverse population.

32. By eliminating the "one-to-a-community" rule, we will be allowing the marketplace to determine how many STV stations it can support. It appears likely that the economic forces of the marketplace, that is, the substantial financial investment required and limited amount of available programming, will naturally limit the growth of STV to a level which will not significantly harm the quality or quantity of conventional programming. Further, the fact of multiple applications for STV authorizations having been filed in numerous cities, such as Atlanta, Chicago, Detroit and Philadelphia, indicates the public's interest in and therefore need for STV. For all the reasons thus far discussed, we believe it inadvisable as well as unnecessary to limit STV to a specific number of television stations, such as two or three, in a community. Since we are not adopting any limit on the number of STV stations in a community once the conventional threshold is met, we need not decide whether to formulate a community or market standard in this regard.

33. We believe that our action today is in keeping with the dictates of the *Home Box Office* case where the Court of Appeals emphasized that the Commission must not only state clearly the harm which its regulations seek to remedy, but also its reasons for supposing that this harm exists. In the *Notice* released in this proceeding, we specifically asked that commenting parties consider what impact a relaxation of the "one-to-a-community" rule would have on conventional television service. Neither the comments submitted nor the experience gained in the area of STV, however, has provided any data indicating that the harm which once concerned us, *i.e.*, impairment of conventional programming, is occurring or is likely to occur. We have been cautious about allowing subscription television to mature. Now the time is ripe, however, for permitting greater STV development. Thus, we are changing our rules to allow an unlimited number of STV stations in any community which is located within the Grade A contours of four or more conventional stations.

Compatibility of STV Systems

34. In the *Fourth Report* the Commission decided that it was in the public interest to permit multiple STV systems. This conclusion was based on the belief that little or no problem of inconvenience or expense to the public would be caused by having to have more than one decoder for receiving multiple STV operations. Under the "one-to-a-community" limitation on STV operations there would rarely be a situation in which a home could have two decoders. Since the "one-to-a-community" rule is now being eliminated, however, this is a real possibility. Thus, the time is ripe for resolving the issue of whether the Commission should continue to allow technically differing STV systems or whether it should require their compatibility so that a subscriber

[15] We presently plan to address the issue of the continuing need for a minimum number of conventional services in a Further Notice of Proposed Rule Making to be released in this proceeding in the near future.

receiving multiple STV services will not have to attach a number of different decoders to his television set.

35. Almost all those commenting parties who addressed this question opposed requiring compatibility. They argued that STV technology is in its infancy and requiring compatibility would freeze further technological development that could offer the public better service and lower costs. They asserted that only actual operation could conclusively establish comparative technical merits, efficiency of collection methods, ease of operation in subscribers' homes, as well as other features of an STV technical system. Also, they contended that the matter of hardware clutter in a subscriber's home is not nearly as significant as the issue of business viability and security of the service. A number of commenting parties, however, have suggested that if more than one STV station to a community or market is allowed, an applicant for the second authorization should be required to propose the same or compatible technical system or make a compelling showing as to why the introduction of a second, non-compatible system into the market would serve the public interest.

36. We believe that the arguments made by the bulk of the commenting parties have merit and, therefore, will continue to allow the existence of non-compatible STV systems. STV technology has not yet reached the stage at which the Commission can decide which STV system or whether any single STV system should be approved. In fact, the present operating STV facilities do not even meet present TV technical standards. Thus, even if one system should eventually be approved, this is not the appropriate time to make that decision. We believe that the public interest will be served by allowing STV operators the option of deciding whether or not to standardize their systems or to offer decoders compatible with whatever other STV systems serve the market. Public demand rather than administrative regulation will thus be able to govern this subject. If the population of a particular locale desires compatible STV systems, it can be expected that the good businessman will be responsive to the public's judgment. If not, his pay television station will fail for lack of subscribers. Not only can there be diversity in programing, but there can also be diversity of technical systems in order to meet a particular market's needs.

Cut-Off Procedure for STV Applications

37. In the *Notice*, we raised the question of whether a cut-off procedure for STV applications should be adopted. For a clear understanding of this issue, it is important to keep in mind that, at this point, the Commission follows a two-step procedure in which an STV authorization may be issued only to an entity that already is either the licensee of a commercial television broadcast station or the holder of a construction permit for a new commercial television broadcast station. Although the Commission has established cut-off procedures to provide an orderly method for the consideration of mutually exclusive television applications, as well as AM and FM applications, such a mechanism had not been adopted for STV applications. Because of the volume of applications for subscription television authorization, however, we proposed that such a rule be promulgated in regard to STV. Although fewer than half of those parties submitting comments to the *Notice* addressed themselves to this issue, those doing so were in support of a cut-off procedure. Those commenting generally state that such a provision would serve the Commission's interest in the orderly processing of applications and the public's, as well as the applicant's, interest in avoiding unnecessary delay and uncertainty.

38. Since we have resolved to eliminate the "one-to-a-community" rule, we no longer believe that a cut-off procedure for applications for STV authorization is necessary or beneficial. As multiple STV stations will now be allowed, we expect situations involving mutually exclusive STV applications to be significantly fewer. Thus, at the present time, there does not appear to be a need for any cut-off procedure either to serve the public interest or to aid Commission staff in the efficient processing of STV applications. If the need for a cut-off procedure becomes apparent, however, the subject will be revisited.

39. Accordingly, it is ordered, that pursuant to the authority contained in Sections 4(i), 303(g), (j) and (r) of the Communications Act of 1934, as amended, § 73.642(a)(3) of the Commission's rules is amended, effective November 23, 1979, as set forth in the attached Appendix A below.

40. For further information concerning this proceeding, contact Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792.

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

William J. Tricarico,
Secretary.

Appendix A

Section 73.642(a) of the Commission's rules is amended to read as follows:

§ 73.642 Licensing policies.

(a) * * *

(3) An applicant for a construction permit for a new commercial television broadcast station: *Provided, however,* That such authorization will not be issued prior to issuance of the construction permit for the new station. Moreover, such an authorization will be issued only for a station the principal community of which is located entirely within the Grade A contours of five or more commercial television broadcast stations (including the station of the applicant), whether the principal community each station is authorized to serve is the same as that of the applicant, or is a nearby community. No such authorization will be granted unless, not counting the station of the applicant, at least four of the stations which include the community of the applicant within their Grade A contours are operating nonsubscription stations.

* * * * *

Appendix B—Parties Filing Comments

American Broadcasting Companies, Inc.
American Civil Liberties Union
American Television and Communications Corp.
Blonder-Tongue Laboratories, Inc.
Buford Television, Inc.
Cleveland Associates Co.
Jesus Lives, Inc.
KCAU-TV, et al.
Ledbetter, Theodore S., Jr.
Motion Picture Association of America, Inc.
National Association of Broadcasters
*National Business Network, Inc.
National Subscription Network, Inc.
New Life Evangelistic Center, Inc.
Oak Broadcasting System, Inc.
Pay TV Corporation
Peter and John Radio Fellowship, Inc.
*Radio Broadcasting Company
Subscription Television of America
*Tarshis, Mark, B.
Teleglobe Pay-TV System, Inc.
The American Subscription Television Companies
The National Cable Television Association, Inc.
Universal Subscription Television, Inc.
Video 44
Wometco Blonder-Tongue Broadcasting Corporation
Wometco Enterprises, Inc.
Wometco Home Theatre, Inc.

* The comments marked with an asterisk were late-filed but since their consideration is not prejudicial to any party and their lateness did not exceed a few days, we shall consider them in this proceeding.

Parties Filing Reply Comments

American Subscription Television Companies, Inc.
Blonder-Tongue Laboratories, Inc.
National Business Network, Inc.
*Pay TV Corporation
Radio Broadcasting Company
*Subscription Television of America Inc.
Wometco Blonder-Tongue Broadcasting Corp.
Wometco Enterprises, Inc.
Wometco Home Theatre, Inc.

[FR Doc. 79-32082 Filed 10-17-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-132; RM-3340]

Radio Broadcast Services; FM Broadcast Station in Oakhurst, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Oakhurst, California, as its first FM assignment, in response to a petition filed by Randolph L. Johnston and James T. Dee. The assigned channel can be used to provide a first local broadcast service to Oakhurst.

EFFECTIVE DATE: November 23, 1979.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Oakhurst, California) *Report and Order* (Proceeding Terminated).

Adopted: October 9, 1979.

Released: October 15, 1979.

By the Chief, Broadcast Bureau.

1. On May 24, 1979, at the request of Randolph L. Johnston and James T. Dee ("petitioners"), the Commission adopted a *Notice of Proposed Rule Making*, 44 FR 33124, proposing the assignment of FM Channel 296A to Oakhurst, California, as its first FM assignment. Supporting comments were filed by petitioners in which they reaffirmed their intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Oakhurst [1] is an unincorporated community in Madera County (pop. 41,519),[2] located on California State Highway 41, approximately 80 kilometers (50 miles) northeast of Fresno, California. It has no local aural broadcast service.

3. According to petitioners, the Madera Chamber of Commerce estimated the 1974 population of Oakhurst to have been 5,500. They state that Oakhurst has grown rapidly since 1974 and attribute this growth to an influx of people from other areas due to its mountain environment and recreational attractions. They note that Oakhurst has a post office, library, churches, schools, fire department, shops, civic organizations and theatres. Petitioners state that the nearest incorporated city to Oakhurst is Mariposa (in Mariposa County) 40 kilometers (25 miles) to the northwest, with Madera being the nearest incorporated city within Madera County, approximately 80 kilometers (50 miles) to the southwest.

4. Petitioners claim that because Oakhurst is located in a valley surrounded by mountains, radio reception is intermittent and FM reception is hampered by multipath distortion. They note that there are no radio stations in eastern Madera County and that the nearest service comes from an FM station in adjacent Mariposa County 40 kilometers (25 miles) to the northwest. Petitioners point out that the only radio service in Madera County is 80 kilometers (50 miles) to the southwest.

5. In view of the information submitted in response to the *Notice*, we are persuaded that the Oakhurst area has shown a steady growth during the past several years. This area is in need of radio service and Oakhurst has been shown to be an appropriate location to use to bring such service. Petitioners have established that Oakhurst is a community with its own post office, library, schools, and civic and social organizations. The Commission thus believes it would be in the public interest to assign FM Channel 296A to Oakhurst, California. A demand has been shown for its use and it would provide the community with a first aural broadcast service. It can be made without affecting any existing assignments and would be consistent with the applicable distance separation requirements.

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

7. In view of the foregoing, IT IS ORDERED, that effective November 23, 1979, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, IS AMENDED with respect to the community listed below, as follows:

City, Channel No.

Oakhurst, California, 296A.

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

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

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

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-32084 Filed 10-17-79; 8:45 am]

BILLING CODE 6712-01-M

[1] Oakhurst is not listed in the 1970 U.S. Census.

[2] 1970 U.S. Census.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173, 174, 177, 178

[Docket No. HM-139B; Amdt. Nos. 172-55, 173-133, 174-35, 177-46, 178-58]

Conversion of Individual Exemptions to Regulations of General Applicability

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

ACTION: Final Rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on the data and analyses supplied in selected exemption applications or from existing exemptions. The need for this action has been created by the public demand to make available new packaging and shipping alternatives that have proven themselves safe under the Department's exemption program. The intended effect of these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

EFFECTIVE DATE: October 18, 1979, except that the effective date of § 173.3(c)(3) is February 15, 1980.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulations, 400 7th Street, S.W., Washington, D.C. 20590. [202-426-2075].

SUPPLEMENTARY INFORMATION: On June 25, 1979, the Materials Transportation

Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM-139B; Notice No. 79-10 [44 FR 37017] which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of July 25, 1979.

Primary drafters of this document are Darrell L. Raines, Office of Hazardous Materials Regulation, Exemption and Regulations Termination Branch, and Evan C. Braude, of the Office of the Chief Counsel, Research and Special Programs Administration.

The Bureau received seven comments on Notice 79-10, all of which were favorable to the proposed changes except for minor modifications.

Although seven comments were received, only three subjects were involved and they were in reference to (1) recovery drums [now identified as salvage drums], (2) bottom outlets on DOT Specification MC 310 and MC 311 cargo tanks, and (3) calcium carbide, [DOT-E 8052].

The major concern with the salvage drum had to do with (a) shipping paper requirements, (b) re-use, and (c) marking. Two commenters pointed out the inconsistency for shipping papers between the rail and truck mode. The Bureau agrees that the need for shipping papers is important regardless of the mode of transportation. Therefore, § 174.48(b) has been revised by deleting that portion in the notice which read "except that shipping papers are not required."

Based on the comments received, there appears to be some misunderstanding concerning the authorized reuse of salvage drums. The purpose of the rule is to provide an appropriate means to mitigate problems resulting from the discovery of damaged or leaking packages during transportation. It was not intended that they be used to ship damaged or leaking packages discovered before transportation begins. However, one commenter stated: * * * "another restricted situation we envision is the use of the 'Recovery Drum' for transportation of contaminated soil (earth) from the scene of a hazardous material incident to an authorized disposal site." The MTB agrees that provisions should be made for such circumstances occurring during transportation and has revised paragraph (c) of Section 173.3 accordingly.

An exception to the reconditioning requirements of § 173.28(h) has been added to § 173.3(c)(6). Any authorized removable head drum used as a salvage drum may be reused provided it has been adequately cleaned and inspected.

One commenter requested that a time period of at least 60 days be allowed from the effective date of these amendments to permit implementation of the new marking requirements for the salvage drum. In view of the change to "Salvage Drum" a time period of 120 days has been granted.

The term "Recovery Drum" has been replaced with the term "Salvage Drum" as the result of a letter from Counsel for Natico, Inc., in which they stated:

"* * * It is noted that the term 'Recovery Drum' has been used in your recent proposal for amendment of Hazardous Materials Regulations. It is with approval that we note that in your usage of the term 'Recovery Drum', use has been made of capital letters to set it apart as a trademark. Natico, Inc. has no objection to such usage of its trademark RECOVERY DRUM if it is accompanied with identification of Natico, Inc. as the owner of the trademark. In the absence of such identification as a trademark owned by Natico, Inc., you are respectfully requested to discontinue usage of the mark, since such usage would ultimately bring about dilution of the trademark and valuable rights therein that have been acquired by Natico, Inc."

It was not the MTB's intent to impose or promote a marking that is a trademark nor to bring about its dilution; therefore, the marking adopted is "SALVAGE DRUM."

Two commenters objected to the use of bottom outlets on DOT Specification MC 310 and MC 311 cargo tanks for the shipment of hydrofluoric acid, (hydrogen fluoride) and hydrofluosilicic acid. Based on the information received and upon further consideration the Bureau agrees that bottom outlets should be prohibited from use on MC 310 and MC 311 cargo tanks for the above commodities.

Upon further consideration and the comments received from the Union Carbide Corporation, the proposed change to § 173.178(a)(5) has been changed by deleting the requirement for a DOT Specification 12B fiberboard box. Also, specific requirements for construction of the water-tight metal cans have been deleted and the maximum 2-quart capacity has been changed to 10 pounds. None of these changes should have any affect on safety during handling and transportation.

In consideration of the foregoing, 49 CFR Parts 172, 173, 174, 177 and 178 are amended as follows:

BILLING CODE 4910-60-M

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.101 [Amended]

1. In § 172.101 the Hazardous Materials Table is amended as follows:

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Labels(s) required (if not excepted)	(a) Exception	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirement
	(Add)									
	Battery, lithium. See § 173.206(f).									
*	*	*			*		*			*
	Dimethyl chlorothiophosphate or Dimethyl phosphorochloridothioate.	Corrosive material	Corrosive	§ 173.244	§ 173.245	1 quart	1 quart	1,2	1,2	
*	*	*			*		*			*
	Dimethyl phosphorochloridothioate. See Dimethyl chlorothiophosphate.									
*	*	*			*		*			*
	Lithium battery. See § 173.206(f).									

BILLING CODE 4910-60-C

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.3 paragraph (c) is revised as follows:

§ 173.3 Packaging and exceptions.

* * * * *

(c) Packages of hazardous materials that are damaged or found leaking during transportation, and hazardous materials that have spilled or leaked during transportation, may be placed in a metal removable head salvage drum and shipped for repackaging or disposal under the following conditions:

(1) The drum utilized may be either a DOT specification or a non-DOT specification drum as long as the drum has equal or greater structural integrity than a drum that is authorized for the respective material in this subchapter. Maximum capacity shall not exceed 110 gallons.

(2) Each drum must be provided with adequate closure and, when necessary, provided with sufficient cushioning and absorption material to prevent excessive movement of the damaged package and to absorb all free liquid. All cushioning and absorbent material used in the drum must be compatible with the hazardous material.

(3) Each drum must be marked with the proper shipping name of the material inside the defective packaging and the name and address of the consignee. In addition, the drum must be marked "SALVAGE DRUM".

(4) Each drum must be labeled as prescribed for the respective material.

(5) The shipper shall prepare shipping papers in accordance with Subpart C of Part 172 of this subchapter.

(6) The overpack requirements of § 173.25, and the reuse provisions of § 173.28(h) and § 173.28(m) do not apply to drums used in accordance with this paragraph.

3. In § 173.93 paragraph (b)(2) is added as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

* * * * *

(b) * * *

(2) Specification 17H (§ 178.118 of this subchapter). Steel drums (single-trip) not over 30-gallon capacity each.

* * * * *

4. In § 173.119 paragraph (m)(14) is revised as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(14) Specification 105A100W, 112A200W, or 114A340W (§§ 179.100 and 179.101 of this subchapter). Tank cars. Authorized only for propylene oxide except 112A200W also authorized for acrylonitrile.

* * * * *

5. In § 173.154 paragraph (a)(9) is revised, paragraph (a)(21) is added as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) * * *

(9) Specification 21C (§ 178.224 of this subchapter). Fiber drums. Maximum net weight may not exceed 225 pounds except that a 21C400 fiber drum may have a net weight not exceeding 350 pounds.

* * * * *

(21) Specification 105A200ALW (§§ 179.100, 179.101 of this subchapter). Tank cars. Authorized only for a mixture of 24 to 26 percent ammonia, 68 to 70 percent ammonium nitrate and 5 to 7 percent water. Transportation by water is not authorized.

6. In § 173.157 paragraphs (a)(5), (b)(2), and (b)(3) are revised as follows:

§ 173.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) * * *

(5) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by asbestos or an equivalent fire-resistant cushioning material. Authorized only for benzoyl peroxide.

(b) * * *

(2) Specification 21C (§ 178.224 of this subchapter). Fiber drum with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each outside drum may not exceed 55 pounds.

(3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by asbestos or an equivalent fire-resistant cushioning material. Net weight (dry weight) in each outside box may not exceed 50 pounds.

7. In § 173.178 paragraph (a)(5) is added as follows:

§ 173.178 Calcium carbide.

(a) * * *

(5) In water-tight metal containers not exceeding 10 pounds net weight.

8. In § 173.202 paragraph (a)(4) the second sentence is amended as follows:

§ 173.202 Sodium metal liquid alloy, potassium metal liquid alloy, and sodium potassium liquid alloy.

(a) * * *

(4) * * * Tanks shall have a minimum design pressure of 150 pounds per square inch. * * *

9. In § 173.206 paragraph (f) is added as follows:

§ 173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydride; lithium aluminum hydride; lithium acetylide-ethylene diamine complex; aluminum hydride; cesium metal; rubidium metal; zirconium hydride, powdered.

* * * * *

(f) Lithium batteries (or cells) which are hermetically sealed, containing not more than 0.5 gram each of lithium or lithium alloy, separated from each other so as to prevent short circuits, and overpacked in a strong outside container are not subject to the requirements of this subchapter. This exception also applies to batteries shipped as a part of devices such as calculators, photographic equipment and watches.

10. In § 173.245 paragraph (a)(32) is revised as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(32) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 105A100W, 105A200ALW, 111A100W2, 111A60ALW2, 111A60W2, 111A60W5 or AAR–201A80W (§§ 178.100, 179.101, 179.200, and 179.201 of this subchapter). Tank cars. Specification 105A200ALW tank cars authorized only for acetic anhydride. Specification 105A100W tank cars authorized only for aluminum hydroxide and dimethyl chlorothiophosphate. AAR201A80W tank cars authorized only for ammonium hydroxide.

11. In § 173.247 paragraph (a)(9) is revised; paragraph (a)(12) is amended by adding the following sentence:

§ 173.247 Acetyl bromide; acetyl chloride; acetyl iodide; antimony pentachloride; benzoyl chloride; boron trifluoride acetic acid complex; chromyl chloride; dichloroacetyl chloride; diphenylmethyl bromide solutions; pyrosulfuryl chloride; silicon chloride; sulfur chloride (mono and di); sulfuryl chloride; thionyl chloride; tin tetrachloride (anhydrous); titanium tetrachloride; trimethyl acetyl chloride.

(a) * * *

(9) Specification 5C (§ 178.83 of this subchapter). Barrels or drums of Type 304 stainless steel not over 30-gallon capacity each. Authorized for chromyl chloride and thionyl chloride only.

* * * * *

(12) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

12. In § 173.247a paragraph (a)(3) is amended by adding the following sentence:

§ 173.247a Vanadium tetrachloride and vanadium oxytrichloride.

(a) * * *

(3) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

13. In § 173.248 paragraph (a)(6) is amended by adding the following sentence:

§ 173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *

(6) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

14. In § 173.249 paragraph (a)(6) is amended by adding the following sentence:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution; boiler compound, liquid, solution.

(a) * * *

(6) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

15. In § 173.250a paragraph (a)(2) is amended by adding the following sentence:

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) * * *

(2) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

16. In § 173.252 paragraph (a)(4) the last sentence is amended and an additional sentence is added as follows:

§ 173.252 Bromine.

(a) * * *

(4) * * * The total quantity loaded must not be less than 92 percent of the quantity the tank is authorized to carry. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

17. In § 173.253 paragraph (a)(6) is amended by adding the following sentence:

§ 173.253 Chloracetyl chloride.

(a) * * *

(6) * * * Bottom outlets are authorized if the meet the requirements of § 178.343–5 of this subchapter.

* * * * *

18. In § 173.254 paragraph (a)(5) is amended by adding the following sentence:

§ 173.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) * * *

(5) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

19. In § 173.255 paragraph (a)(5) is amended by adding the following sentence:

§ 173.255 Dimethyl sulfate.

(a) * * *

(5) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

20. In § 173.256 paragraph (a)(7) is revised as follows:

§ 173.256 Compounds, cleaning, liquid.

(a) * * *

(7) Specification 37M (§ 178.134 of this subchapter). Cylindrical steel overpack with inside specification 2U (§ 178.24 of this subchapter) polyethylene container. For compounds containing not more than 7 percent hydrofluoric acid by weight, the steel overpack must be a minimum of 22-gauge. For compounds containing more than 7 percent hydrofluoric acid by weight but not over 14 percent hydro-fluoric acid by weight, the steel overpack must be a minimum of 20-gauge body and 18-gauge heads. When a full removable head is used, the bolted type ring closure must be a minimum of 16-gauge.

21. In § 173.257 paragraph (a)(4) is amended by adding the following sentence:

§ 173.257 Electrolyte (acid) and alkaline corrosive battery fluid.

(a) * * *

(4) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

22. In § 173.262 paragraph (a)(11) and paragraph (b)(4) are amended by adding the following sentence:

§ 173.262 Hydrobromic acid.

(a) * * *

(11) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

(b) * * *

(4) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

23. In § 173.263 paragraph (a)(10) is amended by adding the following sentence:

§ 173.263 Hydrochloric (muriatic) acid; hydrochloric (muriatic) acid mixtures; hydrochloric (muriatic) acid solution, inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite); and cleaning compounds, liquids, containing hydrochloric (muriatic) acid.

(a) * * *

(10) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

24. In § 173.267 paragraph (a)(7) is amended by adding the following sentence:

§ 173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(7) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

25. In § 173.268 paragraph (b)(3) is amended by adding the following sentence:

§ 173.268 Nitric acid.

* * * * *

(b) * * *

(3) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

26. In § 173.272 paragraphs (i)(21), (i)(25), and (i)(28) are amended by adding the following sentence:

§ 173.272 Sulfuric acid.

* * * * *

(i) * * *

(21) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

(25) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

(28) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

27. In § 173.273 paragraph (a)(5) is amended by adding the following sentence:

§ 173.273 Sulfur trioxide.

(a) * * *

(5) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

28. In § 173.276 paragraph (a)(6) is amended by adding the following sentence:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(6) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

29. In § 173.280 paragraph (a)(8) is amended by adding the following sentence:

§ 173.280 Trichlorosilanes.

(a) * * *

(8) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

30. In § 173.289 paragraph (a)(4) is amended by adding the following sentence:

§ 173.289 Formic acid and formic acid solutions.

(a) * * *

(4) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

31. In § 173.292 paragraph (a)(2) is amended by adding the following sentence:

§ 173.292 Hexamethylene diamine solution.

(a) * * *

(2) * * * Bottom outlets are authorized on MC 310, MC 311, or MC 312 cargo tanks if they meet the requirements of § 178.343–5 of this subchapter.

32. In § 173.294 paragraph (a)(3) is amended by adding the following sentence:

§ 173.294 Monochloroacetic acid, liquid or solution.

(a) * * *

(3) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

33. In § 173.295 paragraphs (a)(9) and (a)(10) are amended by adding the following sentence:

§ 173.295 Benzyl chloride.

(a) * * *

(9) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

(10) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

34. In § 173.296 paragraph (a)(2) is amended by adding the following sentence:

§ 173.296 Diisooctyl acid phosphate.

(a) * * *

(2) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

35. In § 173.297 paragraph (a)(1) is amended by adding the following sentence:

§ 173.297 Titanium sulfate solution containing not more than 45 percent sulfuric acid.

(a) * * *

(1) * * * Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

36. In § 173.346 paragraph (a)(20) is revised as follows:

§ 173.346 Poison B liquids not specifically provided for.

(a) * * *

(20) Specification 6D or 37M (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside specifications 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene containers. Authorized for materials that will not react with polyethylene and result in container failure.

* * * * *

PART 174—CARRIAGE BY RAIL

37. In § 174.48 paragraph (b) is revised as follows:

§ 174.48 Leaking packages other than tank cars.

* * * * *

(b) Packages of hazardous materials that are damaged or found leaking during transportation, and hazardous materials that have spilled or leaked during transportation, may be forwarded to destination or returned to the shipper in a salvage drum in accordance with the requirements of § 173.3(c) of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

38. In § 177.854 paragraph (c)(2) is revised as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

* * * * *

(c) * * *

(2) Packages of hazardous materials that are damaged or found leaking during transportation, and hazardous materials that have spilled or leaked during transportation, may be forwarded to destination or returned to the shipper in a salvage drum in accordance with the requirements of § 173.3(c) of this subchapter.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

39. In § 178.16, § 178.16–13 the second sentence of paragraph (a)(3) is amended and an additional sentence is added as follows:

§ 178.16 Specification 35; non-reusable molded polyethylene drum for use without overpack; removable head required.

§ 178.16–13 Design qualification tests.

(a) * * *

(3) * * * the two drums of identical capacity, stacked two high, must withstand a static compression test applied evenly for 48 hours to the top rim of the top drum without buckling of the side walls or leakage. The compression weight load to be applied must be the greater of 300 pounds or the volume in gallons of one drum times 85 pounds. * * *

* * * * *

40. In § 178.252, § 178.252–1 paragraph (b) is revised as follows:

§ 178.252 Specification 56; metal portable tank.

§ 178.252–1 General requirements.

* * * * *

(b) Each tank may not exceed a rated gross weight of 7,700 pounds.

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

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

Issued in Washington, D.C., on October 11, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79–32171 Filed 10–17–79; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That Sclerocactus Glaucus is a Threatened Species

Correction

In FR Doc. 79–31316, appearing at page 58868 in the issue of Thursday, October 11, 1979, the 25th through last lines of text (beginning "July 1, 1975 * * * ") in column three on page 58868 should be inserted between the third and fourth lines of text which immediately follow the table in column two on page 58868.

BILLING CODE 1505-01-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That the Purple-Spined Hedgehog Cactus and Wright Fishhook Cactus Are Endangered Species

Correction

In FR Doc. 79–31315, appearing at page 58866 in the issue of Thursday, October 11, 1979. The second line of the "Effective Date" paragraph on page 58866 should read "becomes effective on November 13, 1979".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries; Increase of Fishing Time for Surf Clams

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

ACTION: Notice of Increase of Fishing Time for Surf Clams.

SUMMARY: This notice increases the allowable fishing time for surf clams for vessels harvesting surf clams in the fishery conservation zone (FCZ) to 36 hours per week. The increase in fishing time is intended to allow the surf clam industry the opportunity to harvest the full quarterly allocation of surf clams for the fourth quarter of 1979.

EFFECTIVE DATE: October 15, 1979, through December 31, 1979.

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

SUPPLEMENTARY INFORMATION: Pursuant to Section 302 of the Fishery Conservation and Management Act of 1976, (Act), a fishery management plan (FMP) for the surf clam and ocean quahog fisheries was prepared by the Mid-Atlantic Fishery Management Council. The FMP was approved in accordance with Section 304 of the Act and published on November 25, 1977. Regulations implementing the FMP were published on February 17, 1978. On October 1, 1979, regulations were published implementing an amendment to the FMP which, in addition to other measures, establishes a mechanism whereby the Regional Director can adjust surf clam fishing time in response to changes in harvest rates or for other reasons. § 652.7 (a)(4) allows the Regional Director to increase the number of hours per week during which fishing for surf clams is permitted to facilitate the harvest of the full quarterly allocation if he determines that the quarterly allocation will not be harvested at the then-current level of fishing effort, and that the catch rate has not diminished as a result of a decline in abundance of stocks of surf clams.

It is currently estimated that harvest of surf clams during the third quarter of 1979 fell short of the quarterly allocation by nearly 140,000 bushels. This shortfall will be added to the quarterly quota for the fourth quarter of 1979. With the addition, the allocation for the fourth quarter will approach 490,000 bushels.

A number of factors have conspired to reduce the rate of harvest of surf clams. These include the closure or slowdown of some processing plants due to market conditions, diversion of considerable processing effort away from surf clams to ocean quahogs, and periods of high winds which prevented some vessels from realizing their full fishing potential. Although the weather has been a generally favorable factor during the last few months, the general deterioration of weather toward winter in combination with previous mentioned factors are expected to contribute to continued low rates of harvest unless fishing time is increased.

In evaluating an increase in allowable fishing time, the Regional Director has consulted with members of the surf clam committee and the surf clam advisory sub-panel of the Mid-Atlantic Council. They have advised him to increase allowable fishing time as required to ensure the harvest of the full quarterly allocation. The Regional Director has determined that the quarterly allocation of surf clams will not be harvested with the current 24 hour fishing week. Further, there is no evidence that the catch rate may have diminished as a result of a decline in abundance of stocks of surf clams. Therefore, effective October 15, 1979, the allowable fishing time for surf clams will increase to 36 hours per week for the remainder of the fourth quarter.

The National Oceanic and Atmospheric Administration has determined that this action does not constitute a major federal action significantly affecting the quality of the human environment requiring the preparation of either an environmental impact statement or a regulatory impact analysis under Executive Order 12044.

The Assistant Administrator finds that there is good cause to make this regulation effective sooner than 30 days after its publication because of the conservation needs of the resource.

Authority: 16 U.S.C. 1801 *et seq.*

Signed at Washington, D.C. this the 15th day of October 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

§ 652.7 Effort restrictions.

(a) *Surf Clams.* (1) Fishing for surf clams shall be permitted during 4 days per week, from 12:01 a.m. (0001 hours) Monday to 12 midnight (2400 hours) Thursday. However, no fishing vessels shall engage in fishing for surf clams for more than 36 hours in any week. For the period from October 15, 1979, through December 31, 1979, inclusive, the authorized fishing periods for surf clams for each vessel shall be periods designated on the letter of authorization from the Regional Director. The letter shall be kept aboard the vessel at all times and shall state those periods in which the vessel is authorized to fish for surf clams. Such periods shall be 12, 18, 24 or 36 hours in duration and cumulatively cannot exceed 36 hours total in one week. Once the letter has been issued, no changes in authorized fishing periods will be permitted during the fourth quarter of 1979. All requests for changes for subsequent quarters must be received by the Regional Director 15 days prior to the beginning of the next quarter. Fishing for any part of an authorized period will be counted as one period of fishing. In this paragraph "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to or from the fishing grounds. (i) Designated fishing periods

shall end at 5:00 p.m. (1700 hours) during that part of the year in which Eastern Standard Time is in effect. Designated fishing periods shall end at 6:00 p.m. (1800 hours) during that part of the year in which Daylight Saving Time is in effect.

[FR Doc. 79-32114 Filed 10-17-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 203
Thursday, October 18, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

Tomatoes Grown in Florida; Proposed Handling Regulation—Amdt. No. 1

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would extend through June 14, 1980, the minimum grade, size, pack, container, marking and inspection requirements effective from October 15 through November 30, 1979, for tomatoes grown in certain counties in Florida. It would promote orderly marketing of such tomatoes and keep less desirable sizes and qualities from being shipped to consumers.

DATE: Comments due: November 20, 1979.

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

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR 966) regulate the handling of tomatoes grown in designated counties of Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Tomato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Palm Beach, Florida, on September 7, 1979.

The recommendations of the committee reflect its appraisal of the composition of the 1979–80 crop of Florida tomatoes and the marketing prospects for this season. The proposed regulation is similar except for size to those issued during past seasons and to the temporary regulation in effect during October 15 through November 30, 1979. The proposed grade and size requirements are necessary to prevent tomatoes of lower quality and undesirable size from being distributed in fresh market channels. Such tomatoes are usually of negligible economic value to producers. Thiswould provide consumers with tomatoes of good quality and size throughout the season consistent with the overall quality of the crop. During the past two seasons, some problems were encountered in properly sizing varieties that have a tendency towards an oblong shape when grown under unfavorable weather conditions. Last season a $\frac{1}{32}$ inch overlap of sizes was permitted to help alleviate the problem. This season the overlap has been increased to $\frac{2}{32}$ inch in an effort to ensure more accurate sizing. The proposed requirements, including those for containers, container net weights, and size classifications, are intended to standardize shipments in the interest of orderly marketing and to improve returns to growers.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, container or inspection requirements provided that safeguards were used to prevent such tomatoes from reaching unauthorized outlets. Tomatoes for canning are exempt under the legislative authority for this part. Tomatoes for experimental purposes would be exempt since such tomatoes would not usually enter fresh market channels of trade. Since no purpose would be served by regulating tomatoes used for relief or charity purposes such shipments would also be exempt. Because export requirements differ materially, on occasion, from domestic market requirements such shipments would also be exempt.

The following types of tomatoes would be exempt from these regulations: elongated types commonly referred to as pear shaped or paste tomatoes, cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes and greenhouse tomatoes. Such types are generally of good quality, readily identifiable either by their distinctive shapes or container markings and usually comprise a very small part of the total crop. Only tomatoes shipped outside the regulated area would be regulated because of an increase in the U-pick type of harvest in Florida production areas close to urban areas and resulting difficulty in obtaining compliance with regulations. The minimum quantity exemption would permit persons to handle up to 60 pounds of tomatoes per day without regard to the requirements of this part. This would reduce the problem of enforcement on small shipments of essentially noncommercial nature. The proposals concerning special pack shipments are intended to help handlers in the production area compete on an equal basis with those outside the area by not requiring reinspection of previously inspected and certified tomatoes when repacked in consumer size packages.

Occasionally individual fruit of several new varieties, including Flora-Dade, may be elongated in shape. This characteristic may be exaggerated by adverse growing conditions. It is anticipated that handlers packing these varieties usually will be able to comply with all provisions of the regulation. However, if situations arise in which the incidence of tomatoes not of the normal globular shape makes sizing in accordance with present grade standards infeasible, the affected varieties could be exempted from the size requirements of the regulation.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because (1) shipments of the 1979–80 crop tomatoes grown in the production area are expected by, and the regulation should become effective on, the effective date herein to maximize benefits to producers; (2) information regarding the provisions of the recommendation by the committee has been disseminated among growers and handlers of tomatoes in the production area; (3) a temporary regulation with identical requirements is effective for the period October 15 through November 30, 1979; and (4) compliance with this section should not require any special preparation on the

part of handlers subject thereto which cannot be completed by such effective date. A determination has been made that this action should not be classified "significant." A Draft Impact Analysis is available from Peter G. Chapogas (202) 447–5432.

It is proposed that 7 CFR 966.318 be amended to read as follows:

§ 966.318 Handling regulation.

During the period December 1, 1979, through June 14, 1980, no person shall handle any lot of tomatoes for shipment outside the regulated area unles they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.* (1) *Grade.* Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. Combination, U.S. No. 2 or U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes. When not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be at least 2$^{23}/_{32}$ inches in diameter and be sized in one or more of the following ranges of diameters. Measurement of diameters shall be in accordance with the methods prescribed in Paragraph 2851.1859 of the U.S. Standards for Grades of Fresh Tomatoes.

Size classification	Inches	
	Minimum diameter	Maximum diameter
7×7	2$^{23}/_{32}$	2$^{29}/_{32}$
6×7	2$^{29}/_{32}$	2$^{17}/_{32}$
6×6	2$^{15}/_{32}$	2$^{29}/_{32}$
5×6 and larger	2$^{26}/_{32}$	

(ii) Tomatoes of designated sizes may not be commingled unless they are over 2$^{15}/_{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only numerical terms may be used to indicate the above listed size designations on containers of tomatoes, except when tomatoes are commingled the containers can be marked 6×6 & Lgr. or 5×6 & Lgr.

(iv) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 2851.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight and must show the name and address of the shipper in letters at least one-fourth (¼) inch high.

(iii) If the container in which the tomatoes are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the lid of such container shall be marked in a principal display area at least 2½ inches high and 4½ inches long with the words "USED BOX" in letters not less than 1¼ inches high and the name of the shipper and point of origin in letters not less than ⅜ inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, experimental purposes, relief, chairty or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, experimental purposes, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

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

(4) Forward one copy of such report to the committee office and two copies to the reciever for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment may be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.* (1) *For types.* The following types of tomatoes are exempt from this regulation: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhous tomatoes.

(2) *For minimum quantity.* For purposes of this regulation each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of this regulation but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes which met the inspection requirements of paragraph (a)(4) which are resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from (i) the tomato grade classifications of paragraph (a)(1), (ii) the size classifications of paragraph (a)(2) except that the tomatoes shall be at least 2$^{23}/_{32}$ inches in diameter and (iii) the container weight requirements of paragraph (a)(3).

(4) *For varieties.* Upon recommendation of the committee, varieties of tomatoes that are elongated or otherwise misshapen due to adverse growing conditions may be exempted by the Secretary from the provisions of paragraph (a)(2) *Size.*

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting and repacking tomatoes into consumer size packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (7 CFR 2851.1855–2851.1877), effective December 1, 1973, as amended, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

(f) *Applicability to imports.* Under Section 8e of the act and Section 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the effective period of this section shall be at least U.S. No. 3 grade and at least 2$^{23}/_{32}$ inches

in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter.

Dated: October 15, 1979.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-32195 Filed 10-17-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

Proposed Nashville, Tenn., Terminal Control Area, Cancellation of Meeting

AGENCY: Department of Transportation.

ACTION: Informal Airspace Meeting, Proposed Nashville, Tenn., Terminal Control Area; Notice of Meeting Cancellation.

DATE: Effective: October 18, 1979.

SUMMARY: The Federal Aviation Administration (FAA) has cancelled the Informal Airspace Meeting scheduled for November 7, 1979, (44 FR 54489; September 20, 1979) in Nashville, Tennessee, to discuss a proposed Terminal Control Area (TCA) for the Nashville Metropolitan Airport. The meeting will be rescheduled and a new date announced later.

FOR FURTHER INFORMATION: Call, Mr. Clifford C. Montean, FAA Southern Region, telephone (A/C 404) 763-7866.

Issued in Atlanta, Georgia, on October 4, 1979.

Dorsey A. Odle,

Acting Chief, Air Traffic Division, Southern Region.

[FR Doc. 79-31965 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Chapter I

[Summary Notice No. PR-79-10]

Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before; November 14, 1979.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on October 5, 1979.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Docket No.	Petitioner	Description of the rule requested
	Petitions for Rulemaking	
18904	National Business Aircraft Association.	*Regulations affected:* 14 CFR Sections 25.1326 and 91.50. *Description of rulemaking sought:* To amend the rules requiring installation of a pitot heat indication system on transport category airplanes so that operations in private aircraft in a "not for hire" capacity would be excluded. Petitioner contends that existing training, use of checklists, and cross-checking of instruments provide an equivalent level of safety and that the corporate/executive airplane fleet safety record bears this out.
	Petitions for Rulemaking: Denied	
18882	Aircraft Owners	Amendment of 14 CFR 77.17(a) to require construction sponsors to submit, as part of the "Notice of Proposed Construction or Alteration," construction plans, engineering data, or similar substantial information which discloses the overall dimensions of the proposed structure. *Denied 9/11/79.*

[FR Doc. 79-31845 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-61]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area, Lafayette, Tenn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Lafayette, Tennessee, Transition Area and will lower the base of controlled airspace in the vicinity of the Lafayette Municipal Airport from 1,200 to 700 feet AGL. A public use standard instrument approach procedure has been developed to the airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before: November 28, 1979.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to

the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before November 28, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Lafayette, Tennessee, 700-foot Transition Area. This action will provide controlled airspace protection for IFR operations at the Lafayette Municipal Airport. A standard instrument approach procedure, NDB Rwy 19, to the airport, utilizing the Lafayette Non-directional Beacon is proposed in conjunction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

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

Lafayette, Tennessee

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Lafayette Municipal Airport (Latitude 36°31'05" N., Longitude 86°03'51" W.); within 3 miles either side of the 012° bearing from the Lafayette non-directional radio beacon (NDB) (Latitude 36°30'54" N., Longitude 86°03'40" W.) extending from the 5.5-mile radius to 8.5 miles north of the NDB.

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

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

Issued in East Point, Georgia, on October 1, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-31847 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM79-64]

Technical Conference Regarding Filing of Changes in Rate Schedules

October 12, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Technical Conference.

SUMMARY: The Office of Electric Power Regulation, Federal Energy Regulatory Commission (Commission), will conduct a technical conference to discuss a draft revision of 18 CFR 35.13, relating to the filing of information in support of a change in wholesale electric rates by public utilities. This will be a continuation of the conferences held on October 4 and 5, 1979 (44 FR 53538, September 14, 1979) and will deal with items not considered at that time, namely engineering, rate design and summary statements. The conference may be extended to two consecutive days. Full participation in the conference is by invitation. However, the public is invited to attend and questions will be taken from the floor as time permits. A transcript of the proceedings will be placed in the public record.

DATES: October 18, 1979 at 10:00 a.m.

ADDRESSES: Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION: Leo T. Markey, Federal Energy Regulatory Commission, Division of Rates and Corporate Regulation, Office of Electric Power Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426. (202) 275–4667.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32077 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. NI-2]

Revision to HUD 4900.1 Minimum Property Standards (MPS) for One- and Two-Family Dwellings

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of intent to file an Environmental Impact Statement.

SUMMARY: The Environmental Impact Statement will be for a change to incorporate appropriate portions of the model One- and Two-Family Dwelling Code and to remove those criteria from the MPS for One- and Two-Family Dwellings that do not bear directly on health, life, safety, legislative requirements and durability. These changes are:

1. In accordance with Task Force on Housing Costs recommendations for:
   a. reconciliation of the MPS with a nationally recognized consensus version of the One- and Two-Family Dwelling Code,
   b. arrangement of the MPS to allow design and construction of basic low-priced starter houses,
   c. removal of cost-increasing technical and design requirements from the MPS.
2. To make the criteria for HUD-associated housing more compatible to conventionally financed units.
3. To simplify and reduce the volume of the MPS and to eliminate conflicts in communities where the model code is in use.
4. To place responsibility for marketability decisions in the local field office and to reduce the architectural analysis work load in the field offices.
5. To encourage local jurisdictions to adopt the model One- and Two-Family Dwelling Code.
6. To conform with the Administration policy to reduce regulation and paperwork.

Additional changes have been made where possible to provide a basic

measurement of workmanship to be added to the standards which are concerned primarily with materials and methods of construction. These requirements are similar to those proposed by the homeowner warranty program.

The proposed changes will be coordinated with the Farmers Home Administration and the Veterans Administration. Both of these agencies use the MPS in their programs.

DATES: Comments for this must be received on or before October 29, 1979. (10 days after publication). The estimated date for completion of the draft Environmental Impact Statement within HUD is October 1, 1979.

ADDRESS: Comments and requests for further information should be addressed to: Richard A. Gray, Office of Architecture and Engineering Standards, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Richard A. Gray, (202) 755–6590.

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in Handbooks, MPS for One- and Two-Family Dwellings 4900.1, MPS for Multifamily Dwellings 4910.1, and MPS for Care-Type Housing 4920.1. The MPS are the standards for all new construction in HUD associated programs. The MPS are incorporated by reference into 24 CFR 200.929.

All substantive changes in the MPS are required by 24 CFR-200.933 to be published in the Federal Register using the same procedure as for the publication of regulations. The MPS for which these changes are proposed are available for examination in all HUD Field Offices and in Room 6170 of the Headquarters at the above address during business hours.

Alternatives considered in preparation of this proposal are:

1. No change to the MPS.
2. Elimination of all HUD Standards for One- and Two-Family Dwellings.
3. Location of all livability criteria in the Manual of Acceptable Practices to the HUD Minimum Property Standards.
4. Preparation of more suitable livability criteria for use in the MPS.
5. Development of the proposed rule which is the subject of this Notice.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., October 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-32089 Filed 10-17-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 208

[N-79-725]

Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR PART 208—PARTIAL PAYMENT OF CLAIM

This proposed rule would add a new 24 CFR Part 208 to enable the Secretary to request that the mortgagee, in lieu of assignment and full payment of the claim: (1) accept partial payment of the claim under the mortgage insurance contract; and (2) recast the remaining mortgage balance under the insured mortgage. The mortgagee would hold the reduced insured mortgage and the Secretary would hold a second mortgage for the amount of the partial payment under terms and conditions set by the Secretary. Participation by mortgagees would be voluntary.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978).

Issued at Washington, D.C. October 11, 1979.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-32088 Filed 10-17-79; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Proposed Model Unit Agreement.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Extension of Comment Period on Proposed Rules and Proposed Model Unit Agreement.

SUMMARY: The Department of the Interior hereby extends until November 5, 1979, the comment period on the proposed rules to govern the unitization of Outer Continental Shelf oil and gas leases and the proposed model unit agreement. The proposed rules and model unit agreement were published August 10, 1979 (44 FR 47109 and 47169 respectively), with the comment period scheduled to end October 9, 1979.

DATES: Comments must be received by November 5, 1979.

ADDRESSES: Responses should identify the subject matter and be directed to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Virginia 22092 (703/860–7531).

J. S. Cragwall, Jr.,

Acting Director.

[FR Doc. 79-32059 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[FRL 1341-3]

Proposed Delayed Compliance Order for FMC Corp., South Charleston, W. Va.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing a Delayed Compliance Order for FMC Corporation at South Charleston, West Virginia. This action is being taken because FMC Corporation is no longer in violation of the West Virginia State Implementation Plan

provisions covered by the proposed Order.

EFFECTIVE DATE: October 18, 1979.

FOR FURTHER INFORMATION CONTACT: Patrick M. McManus (3EN12), USEPA, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597–9893.

SUPPLEMENTARY INFORMATION: A **Federal Register** notice published at 43 FR 43336, (September 25, 1978) solicited public comments and offered the opportunity to request a public hearing on a proposed Delayed Compliance Order to be issued by EPA to FMC Coporation at South Charleston, West Virginia. FMC Corporation has subsequently achieved compliance with the West Virginia State Implementation Plan regulations covered by the Order. An inspection was conducted on August 30, 1979 and the plant was found to be in compliance with applicable provisions of the West Virginia State Implementation Plan.

In consideration of the foregoing, the proposal published in the **Federal Register** 43 FR 43336 on (September 25, 1978) entitled "Proposed Partial Approval and Partial Disapproval of an Administrative Order Issued by the West Virginia Air Pollution Control Commission to FMC, Corporation" is hereby withdrawn.

Dated: September 26, 1979.

Jack J. Schramm,

Regional Administrator, Region III.

[FR Doc. 79-32173 Filed 10-17-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 65

[FRL 1341-2]

Proposed Delayed Compliance Order for Monongahela Power Co., Harrison Power Station

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior **Federal Register** notice proposing a Delayed Compliance Order for Monongahela Power at Haywood, West Virginia. This action is being taken because Monongahela Power Company is no longer in violation of the West Virginia State Implementation Plan provisions covered by the proposed Order.

EFFECTIVE DATE: October 18, 1979.

FOR FURTHER INFORMATION CONTACT: Patrick M. McManus (3EN12), USEPA, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597–9893.

SUPPLEMENTARY INFORMATION: A **Federal Register** notice published at 43 FR 45405, (October 2, 1978) solicited public comments and offered the opportunity to request a public hearing on a proposed Delayed Compliance Order to be issued by EPA to the Monongahela Power Company at Haywood, West Virginia. Monongahela Power Co. has subsequently achieved compliance with the West Virginia State Implementation Plan regulations covered by the Order.

In consideration of the foregoing, the proposal published in the **Federal Register** 43 FR 45405 on (October 2, 1978) entitled "Notice of Proposed Approval of an Administrative Order Issued by the West Virginia Air Pollution Control Commission to Monongahela Power Co., Harrison Power Station" is hereby withdrawn.

Dated: September 26, 1979.

Jack J. Schramm,

Regional Administrator, Region III.

[FR Doc. 79-32175 Filed 10-17-79; 8:45 am]

BILLING CODE 6560-01-M

ACTION

45 CFR Part 1205

Environmental Policy Analysis; Proposed Implementation Procedures

AGENCY: ACTION.

ACTION: Proposed Procedures for Implementing the National Environmental Policy Act.

SUMMARY: This notice proposes the agency procedures to be followed to comply with section 102(2) of the National Environmental Policy Act of 1969, as amended, (NEPA) (42 U.S.C. 4321, *et seq.*); Executive Order 11514 of March 5, 1970, entitled: "Protection and Enhancement of Environmental Quality;" and the Regulations issued by the Council on Environmental Quality (40 CFR Parts 1500–1508).

DATE: Comments by November 19, 1979, to Office of General Counsel, ACTION, Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Louise E. Maillett, Assistant General Counsel, ACTION, at 202–254–8855.

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

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

(c) The following procedures apply to all actions of the ACTION agency which may affect the environmental quality in the United States. ACTION is in the process of reviewing its international activities to determine whether separate procedures for conducting environmental reviews under E.O. 12114 (January 4, 1979) are required because of potential effects on the environment of the global common areas or on the environment of foreign nations.

It is proposed to add Part 1205 to 45 CFR to read as set forth below:

PART 1205—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS

Sec.

Authority: National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*)

§ 1205.1 Purpose and scope.

(a) *Purpose.* This part implements the National Environmental Act of 1969 (NEPA) and provides for the implementation of those provisions identified in § 1507.3(b) of the regulations issued by the Council on Environmental Quality (CEQ) (40 CFR Parts 1500–1508) published pursuant to NEPA.

(b) *Scope.* This part applies to all actions of the ACTION agency which may affect environmental quality in the United States.

§ 1205.2 Early involvement in private, State, and local activities requiring Federal approval.

(a) 40 CFR 1501.2(d) requires agencies to provide for early involvement in actions which, while planned by private applicants or other non-federal entities, require some sort of Federal approval. Pursuant to the Domestic Volunteer Service Act of 1973, as amended (DVSA), (42 U.S.C. 4951 *et seq.*) ACTION, through both grants and the services of volunteers, provides the catalyst by which the communities and volunteers work together towards the betterment of their lives and their community.

(b) To implement the requirements of 40 CFR 1501.2(d) with respect to these actions, ACTION shall—

(1) Consult as required with other appropriate parties to initiate and coordinate the necessary environmental analysis.

(2) These responsibilities will be performed by the Office of Policy and Planning, in consultation with the Office of General Counsel. The Director of the Office of Planning and Policy shall determine on the basis of information submitted by private applicants and other non-federal entities or generated by ACTION whether the proposed action is one that normally does not require an environmental assessment or environmental impact statement, (EIS) as set forth in § 1205.4, or is one that requires an environmental assessment as set forth in 40 CFR 1501.4.

(c) To facilitate compliance with these requirements, private applicants and other non-Federal entities are expected to:

(1) Contact ACTION, Office of Policy and Planning, as early as possible in the planning process for guidance on the scope and level of environmental information required to be submitted in support of their application;

(2) Conduct any studies which are deemed necessary and appropriate by ACTION to determine the impact of the proposed action on the human environment;

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

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

(5) Notify ACTION as early as possible of all other Federal, Regional, State, local, and Indian tribe actions required for project completion so that ACTION may coordinate all Federal environmental reviews; and

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

§ 1205.3 Ensuring environmental documents are actually considered in Agency determinations.

(a) 40 CFR 1505.1 of the NEPA regulations contains requirements to ensure adequate consideration of environmental documents in agency decision-making. To implement these requirements, ACTION officials shall—

(1) Consider all relevant environmental documents in evaluating proposals for agency action;

(2) Ensure that all relevant environmental documents, comments, and responses accompany the proposal through the agency review processes;

(3) Consider only those alternatives discussed in the relevant environmental documents when evaluating proposals for agency action.

(4) Where an EIS has been prepared consider the specific alternative analysis in the EIS when evaluating the proposal which is the subject of the EIS.

(b) For each of ACTION's principal programs authorized by the Domestic Volunteer Service Act, the following chart identifies the point at which the NEPA process begins, the point at which it ends, and the key agency officials or offices required to consider the relevant environmental documents as a part of their decision-making:

Program	Start of NEPA process	Completion of NEPA process	Key officials or offices required to consider environmental document
Grants: VISTA, Older American, Title 1, Part C.	When proposal is received.	When deciding official reviews proposals and makes determination.	When positive determination made under § 1205.2(b), the applicant in conjunction with the Office of Policy and Planning will prepare the necessary environmental information.
Others	When proposal is ended.	When deciding official reviews proposals and makes determination.	When positive determination made under § 1205.2(b), the applicant in conjunction with the Office of Policy and Planning will prepare the necessary environmental information.

§ 1205.4 Typical classes of action.

(a) Section 1507.3(c)(2) in conjunction with § 1508.4 requires agencies to establish three typical classes of action for similar treatment under NEPA. These typical classes of action are set forth below:

Actions normally requiring EIS	Actions normally requiring assessments but not necessarily EIS's	Actions normally not requiring assessments or EIS's
None	Requests for ACTION grants or contracts for which determinations under § 1205.2(b) are found affirmative.	Request for assistance pursuant to the authority of the Domestic Volunteer Service Act, as amended (42 U.S.C. § 4951 *et seq.*).

(b) ACTION shall independently determine whether an EIS or an environmental assessment is required where—

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

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

§ 1205.5 Environmental information.

Interested persons may contact Mr. David Gurr of the Office of Policy and Planning at (202) 254–8420 for information regarding ACTION's compliance with NEPA.

Signed at Washington, D.C., this 12th day of October 1979.

Sam Brown,

Director of ACTION.

[FR Doc. 79-32129 Filed 10-17-79; 8:45 am]

BILLING CODE 6050-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 78-391]

Improvements to UHF Television Reception; Order Setting Deadline for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein sets date for reply comments in Docket 78-391, staff report *Comparability for UHF Television: A Preliminary Analysis.*

DATES: Comments must be filed on or before November 13, 1979 and Reply Comments must be filed on or before December 10, 1979.

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

FOR FURTHER INFORMATION CONTACT: Virginia Armstrong, Office of Plans and Policy (202) 653-5940.

SUPPLEMENTAL INFORMATION: In the Matter of improvements to UHF television reception; Order setting deadline for filing comments and reply comments (See also 44 FR 45227, August 1, 1979).

Adopted: October 4, 1979.

Released: October 10, 1979.

By the Office of Plans and Policy:

1. On September 11, 1979, the Commission approved delegated authority to the Office of Plans and Policy to file the staff reports of the UHF Comparability Task Force in Docket 78-391, and to set deadlines for filing comments and reply comments for those reports.

2. On that date the Commission approved submission of the document *Comparability for UHF Television: A Preliminary Analysis* into docket 78-391, and released it to the public.

3. The document is available for inspection in the FCC's Public Information Division.

4. Accordingly, IT IS ORDERED that the deadline for comments in the above mentioned report be set for November 13, 1979, and the deadline for reply comments be set for December 10, 1979.

Action is taken pursuant to Section 4(i) of the Communications Act of 1934, as amended.

Federal Communications Commission.

Nina W. Cornell,

Chief, Office of Plans and Policy.

[FR Doc. 79-32083 Filed 10-17-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 178

[Docket No. HM-166C; Notice No. 79-13]

Termination of Certain Regulations; Obsolete Packaging Specifications

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB), in its continuing effort to clarify and simplify the Hazardous Materials Regulations, believes that certain specification packagings are no longer being manufactured or in general use and is proposing their termination.

DATE: Comments by January 8, 1980.

ADDRESS: Send comments to: Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT: Irving R. Abis, Exemptions and Regulations Termination Branch, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590. (202-472-2726).

SUPPLEMENTARY INFORMATION: This notice proposes to eliminate 27 DOT specification packagings from Part 178 of the Hazardous Materials Regulations. It also would eliminate references to these specifications contained in Part 173. It is believed that these named specification packagings are no longer being manufactured or in general use. A preliminary review revealed that DOT Specification 2A metal containers are still being manufactured; however, it is believed that this specification could be deleted from Part 178 and revisions made to the eight sections in Part 173 which authorize a 2A container by requiring a tight metal container of not over 10-gallon capacity. The MTB believes that this revision would maintain the level of safety equivalent to requiring the use of a specification 2A container. This proposal would eliminate approximately 18 percent of the specifications contained in Part 178. It is believed that this termination effort will be an aid in simplifying the use of the regulations.

The MTB solicits comments from persons manufacturing or using any of the packagings which the MTB is proposing to delete. Comments should include: (1) The specification identification number of any of the listed packagings still in production; (2) the number of packagings affected by this proposal that are still in use and (3) the expected economic impact of elimination of any of the specifications. The MTB also requests information regarding other specification packagings which are obsolete.

The primary drafters of this notice are Irving R. Abis, Office of Hazardous Materials Regulation, Exemptions and Regulations Termination Branch, and Evan C. Braude, of the Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, it is proposed to amend Part 173 and Part 178 of Title 49, Code of Federal Regulations, as follows:

PART 173—SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. All references to Specifications proposed to be deleted from Part 178 would be deleted in Part 173.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

2. In part 178 the following specifications would be deleted in their entirety

Section No.	Specification
178.20	2A—inside containers, metal cans, pails and kits.
178.38	3B—seamless steel cylinders.
178.40	3C—seamless steel cylinders.
178.41	3D—seamless steel cylinders.
178.43	3A480X—seamless steel cylinders.
178.48	4—forge welded steel cylinders.
178.49	4A—forge welded steel cylinders.
178.52	4C—welded and brazed steel cylinders.
178.84	5D—steel barrels or drums, lined.
178.85	5F—steel drums.
178.87	5H—steel barrles or drums, lead lined.
178.89	5L—steel barrels or drums.
178.91	5X—steel drums, aluminum lined.
178.92	5P—lagged steel drums.
178.97	6A—steel barrels or drums.
178.99	6C—steel barrels or drums.
178.101	6K—steel barrels or drums.
178.108	42C—aluminum barrels or drums.
178.110	42F—aluminum barrels or drums.
178.111	42G—aluminum drums.
178.112	42H—aluminum drums; removable head containers not authorized.
178.119	17X—steel barrels or drums.
178.130	37K—steel drums.
178.136	42E—aluminum drums.
178.140	13—metal kegs.
178.214	23F—fiberboard boxes.
178.219	23H—fiberboard boxes.

Authority: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) App. A to Part 106.

Note.—The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory

evaluation is available for review in the docket.

Issued in Washington, D.C. on October 12, 1979.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-32159 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 70-27; Notice 19]

Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking and invitation for applications for financial assistance in the preparation of comments.

SUMMARY: Analysis of accident data shows that light trucks and vans inflict substantial injuries on the other road users they strike. Because of the increasing popularity of light trucks and vans, the number of fatal and other accidents involving those vehicles is expected to increase unless action is taken to improve their accident avoidance capability. One important way to improve that capability is to reduce the current disparity between the braking capability for passenger cars and that of many light trucks and vans. In view of these data, NHTSA is proposing to amend Standard No. 105-75, *Hydraulic Brake Systems*, which currently only applies to passenger cars and school buses, to extend the applicability of the standard on a limited basis to trucks, all types of buses, and multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of more than 10,000 pounds and on a general basis to trucks, all types of buses, and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. The proposal would also upgrade the current performance requirements set for school buses. These requirements would result in reduced motor vehicle deaths and injuries by providing drivers with improved braking capability and warnings about possible brake system failures.

DATES: Comments must be received on or before February 15, 1980. Applications for financial assistance in commenting on this notice must be received on or before December 3, 1979. The proposed effective date for the extension of Standard No. 105-75 is September 1, 1981.

ADDRESSES: Comments should refer to the docket number and must be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. All applications for financial assistance should be submitted in writing to: Ms. Ann E. Mitchell, Public Affairs and Consumer Participation, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-0670).

FOR FURTHER INFORMATION CONTACT: Mr. George L. Parker, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2720).

Background

Standard No. 105-75 currently sets performance requirements for passenger cars and school buses. This notice proposes an amendment to Standard No. 105-75, *Hydraulic Brake Systems* (49 CFR 571.105-75) which would upgrade the performance requirements for school buses and extend the applicability of the standard on a limited basis to trucks, all types of buses and multipurpose passenger vehicles (MPV's), e.g., passenger vans with a gross vehicle weight rating (GVWR) of more than 10,000 pounds.

This notice proposes to extend the standard on a general basis to trucks, buses and MPV's with a GVWR of 10,000 pounds or less. For those vehicles, performance requirements are proposed covering such areas as vehicle stopping distances from various speeds with the vehicle in the empty and loaded condition, and with the brake system in the intact and partially failed condition. Those vehicles would also have to meet performance requirements covering brake fade and water recovery, parking brake grade holding ability, maximum and minimum limits on control force for service and parking brakes, master cylinder labeling and reservoir capacity and brake system integrity.

All hydraulic brake equipped trucks, buses and MPV's, regardless of GVWR, would have to meet requirements for brake system failure warning systems, provide braking capability in the event of a partial failure of the service brake system, and master cylinder labeling and reservior capacity requirements. The agency intends to establish additional performance requirements for trucks, buses and MPV's with a GVWR of more than 10,000 pounds in future rulemaking.

This proposal is a continuation of prior NHTSA rulemaking on Standard No. 105-75. In November 1970, the agency issued a notice of proposed rulemaking that would have upgraded passenger car braking requirements and extended the applicability of the standard to trucks, buses and MPV's (35 FR 17345, Nov. 11, 1979). A final rule was adopted in September 1972 (37 FR 17970, Sept. 2, 1972) setting an effective date of September 1, 1974. Subsequently, in response to numerous petitions for reconsideration, the effective date was twice postponed and substantial revisions were made to lessen the stringency of the original performance requirements (Feb. 1, 1973, 38 FR 3047; May 18, 1973 38 FR 13017; Feb. 22, 1974, 39 FR 6708; and July 15, 1974, 39 FR 25943). In March 1975, the agency, in response to 13 petitions seeking postponement or revocation of the standard, proposed an indefinite delay in the standard as it applied to trucks, buses and MPV's. (March 6, 1975, 40 FR 10483). Finally, in April 1975, the agency indefinitely delayed application of the standard to trucks, buses and MPV's. The agency determined that while the safety benefits of the standard were considerable, the substantial costs associated with the standard, particularly for heavy trucks, warranted delaying the standard. (40 FR 18411, April 28, 1975).

In satisfaction of the mandate of the Motor Vehicle and School Bus Safety Amendements of 1974 (Pub. L. 93-492), NHTSA proposed requirements for school buses in April 1975 (40 FR 18469, April 28, 1975). As a result of the limited leadtime mandated by the Congress, the final rule adopted by the agency was based on the performance levels set in the Society of Automotive Engineers recommended practices (41 FR 2391, January 16, 1976). Compliance testing done by the agency shows that current level of performance in today's better school buses is much higher than the performance requirements originally set by the agency. This notice would upgrade the standard to require improved levels of performance in all school buses.

Since 1975, sales of light trucks, vans and on/off road vehicles have increased substantially and, despite a recent sales slump, are expected to continue growing at a rapid rate. As the number of light trucks, vans and on/off road vehicles has increased, so has the number of deaths in those vehicles. Data from the agency's Fatal Accident Reporting System show that light truck, bus and

MPV occupant fatalities rose from 4,672 in 1975 to 6,585 in 1978, a 40.9 percent increase. During the same time period, there was only a 7.4 percent increase in passenger car occupant fatalities, from 25,929 to 27,844.

Because of the increased safety need created by the rising number of light truck, bus and MPV deaths, NHTSA proposes to adopt many of the performance requirements contained in the rule delayed in 1975. Since 1975 many manufactureres have gradually improved the braking capability of some of their light trucks, buses and MPV's in anticipation of the agency reinstating the prior braking requirements. Thus, the costs of complying with the proposed standard are substantially below the cost associated with the 1975 rule. The proposed rule will preserve the improvements voluntarily made by many manufacturers and improve the braking capability of the remaining vehicles.

The agency also wants to ensure that efforts to improve the fuel economy of light trucks, buses and MPV's are coordinated with the effort to improve brake performance. Reducing the weight of the vehicle is one major way of improving fuel economy. Since the brake system is composed of many heavy parts, such as brake discs, drums and calipers, it is a possible target for weight reduction. However, too much weight reduction in the drums and discs may reduce the heat absorption capabilities of those parts so that the vehicle's stopping distance is increased and its fade resistance is reduced. Adoption of mandatory brake system performance requirements will ensure that these vehicles have adequate braking capability even if the weight of the brake system is reduced to improve fuel economy.

Adoption of the rule should reduce the present disparity between the stopping capability of many trucks, buses and MPV's and that of the small and lighter passenger cars travelling in the same stream of traffic. Improving light truck, bus and MPV accident avoidance capability by providing those vehicles with improved brakes should bring about a reduction in motor vehicle deaths and injuries. Analysis of available fatal accident data clearly shows the aggressivity of light trucks, buses and MPV's in collisions with other road users. NHTSA's analysis of data for 1975–78 from the agency's Fatal Accident Reporting System shows that in fatal accidents involving light trucks, buses and MPV's, those vehicles cause more than twice as many fatalities per accident than passenger cars to the pedestrians, cyclists and occupants of the other vehicles with which they collided.

The aggressivity of light trucks, buses and MPV's in accidents with passenger cars is of concern, since the light truck, bus and MPV population has increased dramatically in the past 10 years, and is projected to have a continuing high growth rate. From 1968 to 1977, the number of trucks, buses and MPV's in use increased 80 percent, from 15.7 million to 28.2 million. (Light trucks, buses and MPV's accounted for 89 percent of all new truck, bus and MPV sales in 1977.) During the same period, the passenger car population rose 32 percent, from 75.4 million to 99.9 million. It has been projected that the light truck, bus and MPV population will reach 58 million by 1990, more than double the 1978 population, as compared with a 26 percent increase estimated for passenger cars over the same time span. Unless action is taken to improve the accident avoidance capability of those vehicles, the numbers of accidents involving light trucks, buses and MPV's will markedly increase.

Effectiveness Requirements

The cruicial test of a brake system is its effectiveness in bringing the vehicle to a quick and controlled stop in an emergency situation. To provide for acceptable brake system effectiveness, the proposal would require trucks, buses and MPV's with a GVWR of 10,000 pounds or less to make a stable stop in specified distances from various speeds while remaining within a 12-foot wide lane during the stop. The test conditions for the stopping distance requirements represent the variety of real world situations that a vehicle driver may face in making an emergency stop. Thus, the brakes would be tested in a pre-burnish condition, representing brakes on new vehicles that have not been broken-in. In addition, the brakes would be tested in a burnished or broken-in condition and after experiencing a series of fade tests, representing the high brake temperature created by prolonged or severe use. The vehicles would also be tested in both fully loaded and lightly loaded conditions.

The stopping distances proposed in this notice are essentially the same as those contained in the standard delayed in 1975. Research done by the agency's Safety Research Laboratory in Ohio, copies of which have been placed in the docket, as well as confidential test results submitted by vehicle manufacturers show that many current vehicles can meet the proposed performance requirements with little or no modification. The current level of compliance is due to manufacturers upgrading their vehicles in anticipation of the agency reinstating the performance requirements delayed in 1975.

Although trucks, buses and MPV's can theoretically stop in as short a distance as passenger cars, there are certain differences between those vehicles which make accomplishing that goal more difficult for trucks, buses and MPV's. The primary differences are the greater loaded to empty weight ratio of trucks, MPV's and buses, the higher center of gravity found in those vehicles, which results in greater dynamic weight transfer during braking, the greater variations in loaded and empty weight distribution that occur in those vehicles and the lower traction capabilities of truck tires. All of these factors make it difficult to produce a brake system which will provide the appropriate brake capacity for each axle under all braking load conditions without requiring overly powerful brakes or highly sensitive brake pedal forces. Although anti-lock braking system could overcome these problems there is no field-tested anti-lock system for hydraulic-braked vehicles commercially available at this time. The agency's proposal takes these factors into account and sets slightly longer stopping distance requirements for light trucks, buses and MPV's than for passenger cars. For example, the current standard requires passenger cars to stop in 194 feet from 60 mph in a lightly loaded condition. This notice proposes a stopping distance of 216 feet for trucks, buses and MPV's with a GVWR of less than 8,000 pounds under the same conditions and, as explained below, a range of stopping distances of from 228 to 242 feet for lightly loaded trucks, buses and MPV's with a GVWR between 8,000 and 10,000 pounds.

The agency is about to begin vehicle testing for the purposes of further upgrading the performance requirements of the standard for light trucks, buses and MPV's in future rulemaking. The testing will also examine ways to simplify the current tests procedures of the standard. The agency is seeking suggestions from manufacturers and other interested parties about specific vehicles the agency should test in order to obtain information about problems that may be uniquely or disproportionately experienced by some vehicles and classes of vehicles in meeting upgraded requirements. The agency will consider suggestions received within 30 days of publication of this notice. The suggestions should be

sent to the docket at the address given at the beginning of this notice.

As previously mentioned, this notice proposes that one category of light trucks, buses and MPV's, those with GVWR of more than 8,000 pounds or more, have slightly longer stopping distances than other light trucks, buses and MPV's in one particular test. During the agency's prior hydraulic brake rulemaking, manufacturers said that vehicles with a GVWR of more than 8,000 pounds have unique design problems that complicate their compliance with the lightly loaded stopping distance requirements. In order to stop in as short a distance as lighter vehicles, vehicles with a GVWR of 8,000 pounds or more must have powerful rear brakes to meet the fully-load stopping distance tests. However, when the vehicle is stopped in a lightly-loaded condition, the powerful brakes can cause wheel lock-up and resulting vehicle instability. Because of the present unavailability of field-tested antilock systems for these vehicles, the agency proposes to only lengthen the stopping distance requirements set for light trucks, buses and MPV's with a GVWR of 8,000 or more pounds when tested in a lightly-loaded condition. The stopping distances for vehicles with a GVWR of 8,000 or more pounds would not be changed for any other stopping distance tests.

Based on tests conducted by the agency's Safety Research Laboratory and the confidential test data supplied by the industry, the agency believes that, for example, the stopping distance from 60 mph for lightly loaded trucks, buses and MPV's with a GVWR of 8,000 or more pounds coud be at least 228 feet, but not more than 242 feet. Comments are requested on the appropriateness of the 8,000 lbs. boundary, on the lengthening of the lightly-loaded stopping distances rather than the fully-loaded stopping distances and on what should be the exact stopping distance set within the ranges proposed for various speeds in the lightly-loaded stopping distance tests.

Fade and Water Recovery

The proposed brake fade and recovery tests would require adequate stopping power for brake systems exposed to the high brake temperatures caused by prolonged or severe use, such as is found in long, downhill driving. The proposal would require trucks, buses and MPV's with a GVWR of 10,000 pounds or less to undergo two series of 60 mph stops to ensure that the brake system does not lose its heat absorbing capacity after repeated exposure to high temperatures. The fade tests would be followed by five 30 mph recovery stops. The maximum brake pedal force could not exceed 150 pounds and the minimum brake pedal force could not be less than 5 pounds.

The water recovery requirements measure the brake systems ability to perform adequately after immersion in water. Each vehicle would be driven for 2 minutes at a speed of 5 mph through a water-filled trough and then have to make five stops from 30 mph. Again, the maximum and minimum pedal force would be limited.

Partial System Failure

If a part of the service brake system should fail, it is crucial that the vehicle brakes still be capable of bringing the vehicle to a controlled stop in a reasonable distance. To ensure brake systems have a residual braking capability, the proposal sets performance requirements for all trucks, buses and MPV's in stopping tests from 60 mph with a partial system failure. Vehicles with a GVWR of 10,000 lbs. or less would be required to stop in 517 feet while vehicles with a GVWR above 10,000 pounds would be required to stop in 613 feet.

Many manufacturers currently provide so-called split brake systems to provide braking capacity in the event of a partial failure. The split system consists of two or more brake subsystems, each of which is not affected by leakage or failure in the other subsystem. The proposed performance requirements would ensure that a split or a redundant brake system is used in all hydraulic brake equipped vehicles.

In addition to the stopping distance requirements for partially failed service brake systems, the proposal would also set requirements for brake systems with failed brake power-assist units or brake power units. (The distinction between the two types of units is that a brake power-assist unit has a push-through capability, i.e., the driver can apply additional muscular effort and obtain braking action. A brake power unit does not have this capability. If power is lost, a driver cannot increase braking force by additional muscular effort on the pedal.) The suddent loss of a brake power-assist unit, which occurs when a vehicle stalls, can substantially increase the force needed to activate the brake system control. The sudden increase in force needed to activate the brakes can impair the driver's ability to bring the vehicle to a controlled stop. The proposal would, for example, require vehicles with a GVWR of 10,000 lbs. or less to stop from 60 mph in 517 feet with an inoperative brake power-assist unit or brake power unit, and vehicles with a GVWR greater than 10,000 lbs. to stop in 613 feet from the same speed.

Equipment Integrity

To alert drivers to possible dangerous conditions in the brake system, such as a leak in the system, the proposals would require manufacturers to equip all trucks, buses and MPV's, regardless of GVWR, with brake indicator signals to warn the driver of a failure so that he or she can take appropriate precautionary action. As with passenger cars, manufacturers would have the option of equipping their vehicles with either a brake fluid level indicator (BFLI), which would indicate a slow seepage type of failure, or a gross loss of pressure indicator (GLPI), which would indicate a sudden rupture-type failure. A manufacturer using a GLPI would have the option of having the brake system indicator lamp turn on when a gross pressure failure is due to any of the following conditions: (a) Before or upon application of 50 pounds of pedal force on a fully manual operated service brake; (b) Before or upon application of 25 pounds on a service brake with a brake power assist unit; (c) When the supply pressure in a brake power unit drops to not less than one-half of the normal system pressure; (d) Before or upon application of a differential pressure of not not more than 225 lb/in^2 between the active and failed brake system measured at the master cylinder outlet or a slave cylinder outlet. Vehicles using a BFLI would have to have the brake system indicator lamp turn on when the level of brake fluid in any master cylinder reservoir compartment is less than the recommended safe level specified by the manufacturer or is equal to one-fourth of the fluid capacity of the reservoir compartment, whichever is greater.

In addition, a brake system indicator lamp must light when there is an electric failure in an antilock or brake proportioning system, if the vehicle is equipped with such a device, and when the parking brake is applied.

The ability of the brake system of trucks, buses and MPV's with a GVWR of 10,000 lbs. or less to withstand sever brake application without loss of brake systemstructural integrity would be measured by a series of "spike" stops (i.e., an extremely suddent stop in which 200 pounds of pedal force is applied to the brake control in 0.08 seconds) from 30 mph.

Parking Brakes

In normal usage, vehicles are parked, in loaded and unloaded conditions, on steep hills (i.e. up to 30 percent grades).

To provide adequate grade holding performance, the proposal would require the parking brake systems on trucks, buses and MPV's with a GVWR of 10,000 pounds or less to hold the vehicle stationary for 5 minutes in both a forward and reverse direction on a 30 percent grade. If the vehicle is equipped with a mechanism that locks the transmission to prevent vehicle movement when the transmission control is placed in park or other gear position and the ignition key is removed, a manufacturer could instead comply with the following three requirements: (a) with the parking brake and transmission parking mechanism engaged, hold the vehicle stationary on a 30 percent grade for 5 minutes in both a forward and reverse direction; (b) with only the parking brake engaged, hold the vehicle stationary for 5 minutes in the forward and reverse direction on a 20 percent grade or: (c) with only the transmission parking mechanism engaged, be impacted front and rear on a level surface by a 4,000 poundmoving barrier without having its parking mechanism disengage or fracture.

Technical Amendments

The agency is proposing two minor technical amendments to the standard's testing conditions. The first amendment provides that since some light trucks, buses and MPV's have main and auxiliary fuel tanks, all of a vehicle's fuel tanks are to be filled in establishing the vehicle's GVWR test weight. The second amendment provides that dual wheels (i.e., two wheels physically joined together on one side of an axle) are considered one wheel for the purposes of determining whether the vehicle complies with the requirement that not more than one wheel of the vehicle may lockup during certain of the performance tests. Since dual wheels are joined together, if one of the wheels experiences lockup, then the other wheel in the combination must also lockup. The no lockup provision of the standard is aimed at prohibiting lockup of wheels on both aides of an axle. It does not apply to wheels located on the same end of an axle.

Costs and Benefits

The National Traffic and Motor Vehicle Safety Act is a precautionary statute that directs the agency to issue vehicle safety standards to protect the public against unreasonable risk of vehicle accidents and of death or injury occurring as a result of such accidents.

In carrying out the congressional mandate to reduce the risk of vehicle accidents through issuing accident avoidance standards, the agency is confronted with special inherent problems that limit the degree of certainty and precision achievable in estimating the effectiveness and therefore benefits of proposed standards. The agency's engineering and accident analyses lead it to believe that certain vehicle improvements will facilitate the performance of the driver's task and thereby improve safety.

Predicting the precise level of improvement is complicated, however, since analysis of accident causation requires consideration of the contributions by multiple interrelated driver, vehicle, highway, and environmental factors. Isolating individual factors and determining their relative importance is extremely difficult and ofter impossible. Similar difficulties are encountered in trying to predict the effectiveness particular remedies will have in reducing accidents.

Given the duty to act in the area of accident avoidance notwithstanding the inherently greater measure of imprecision and uncertainty, the agency has proceeded to develop and issue accident avoidance standards while attempting within its capabilities to quantify the benefits of the standards and limit the uncertainty. Because of the inevitable residual uncertainty, the decisionmaking regarding accident avoidance standards necessarily rests in part on policy judgment.

The agency has considered the economic and other impacts of this proposal and determined that they are not significant within the meaning of Executive Order 12044 and Department of Transportation's policies and procedures for implementing that order. The agency's reasonable assessment of the benefits and the economic consequences of this proposal are contained in a regulatory evaluation which has been placed in the docket. Copies of that regulatory evaluation can be obtained by writing NHTSA's docket section, at the address given in the beginning of this notice.

The agency also has reviewed the proposed rule and concluded that it has no environmental impact. A copy of the environmental review has been placed in the docket.

It is difficult to quantify many of the benefits attributable to the improved brake performance that will result from meeting the performance requirements of this proposal. For example, while the brake fade performance requirements are designed to provide adequate stopping power for brake systems exposed to the high brake temperatures caused by prolonged or severe use, such as is found in long, downhill driving. Is impossible to tell from mass accident data how many lives saved or injuries prevented will be due to the brake fade requirements.

The brake standard relates to a sensitive vehicle operational system. Even a relatively modest improvement in braking capabilities could be helpful in averting accidents, especially nonfatal accidents. Furthermore, as the 1975 study by the University of Indiana Institute for Research in Public Safety (IRPS) reports, small percentage reductions in stopping distance consistently result in proportionately larger reductions in accidents or accident severity. A copy of the IRPS study is in the docket.

Many manufacturers have gradually improved the brake systems of their truck, buses and MPV's in anticipation of this rulemaking. As a consequence, the types of brake system modifications which are necessary to satisfy the requirements of this standard will affect less than 18% of the total vehicles under consideration based on the 1978 level of sales. Approximately 17% of those vehicles with a GVWR of 10,000 lbs. or less will require some equipment modifications to comply with this standard. The typical engineering modifications anticipated involve: the parking brake system, power brake system, brake shoes, lining, wheel cylinders, combination valve and master cylinder. NHTSA estimates that the average cost is approximately $21 for each vehicle modified, resulting in a total cost of approximately $11.8 million. When the cost is estimated on the basis of per vehicle produced rather than a per vehicle modified basis, the cost is reduced to only $3 per vehicle.

For medium to heavy trucks (i.e., those vehicles with a GVWR over 10,000 lbs.), compliance with the standard will cost approximately $54 per vehicle modified or $13 per vehicle produced for a total of $2.6 million. to meet the partial failure and warning indicator requirements set in the standard, manufacturers must make engineering modifications to or additions of: a dual master cylinder, pressure differential valve, warning lamp and power brake system. Though approximately 24% of the total vehicles of this weight group will be affected by the standard, the total population is relatively small when compared to vehicles with a GVWR of 10,000 lbs. or less: 48,800 vehicles compered to 3,825,000, respectively.

Applications for Financial Assistance

NHTSA invites all qualified individuals and organizations financially unable to participate in this proceeding to apply for financial

assistance. Interested persons should note, however, that the Department of Transportation's Appropriations Bill for fiscal year 1980 has not been passed by the Congress and therefore, funds for such financial assistance are not available at this time. NHTSA will inform individuals and organizations submitting applications for finanical assistance about the availability of funds once the Congress takes final action on the bill.

All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board, composed of NHTSA and other Department of Transportation officials, to determine whether each applicant is eligible to receive funding. Consideration of late applications is at the discretion of the evaluation board.

In general, an applicant is eligible if its participation would contribute substantially to a full and fair determination of the issues involved in the proceeding, taking into consideration the novelty, complexity, and significance of the ideas advanced and the ability of the applicant to represent the interests it espouses competently. Additionally, it must be demonstrated that the applicant does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this program.

If more than one applicant representing the same or similar interest is deemed eligible, the board will either select the applicant which can make the strongest presentation or select more than one applicant if justified. Compensation is to the extent the agency's budget for this purpose will permit. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim, but not later than 60 days after a completed claim is submitted.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address if its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by section 5.49 of the recently revised DOT regulations governing this financial assistance program (44 FR 4675; January 23, 1979). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application.

Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including the purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the address for comments given above. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter, or in the case of a corporation, a responsible corporate official authorized to speak for the corporation, must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of 5 U.S.C. 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to ensure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The principal authors of this notice are George L. Parker, Office of Vehicle Safety Standards, and Stephen L. Oesch, Office of Chief Counsel.

§ 571.105–75 [Amended]

In consideration of the foregoing, it is proposed that the following amendments be made in § 571.105–75, Chapter V of Title 49, Code of Federal Regulations:

1. Section S3 would be amended to read:

S3 *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses with hydraulic service brake systems.

2. Section S5.1 would be amended to read:

S5.1 *Service brake systems.* Each passenger car and each multipurpose passenger vehicle, truck and bus with a GVWR of 10,000 lbs. or less, and each school bus with a GVWR of greater than 10,000 lbs. shall be capable of meeting the requirements of S5.1.1 through S5.1.6 under the conditions prescribed in S6, when tested according to the procedures and in the sequence set forth in S7. Each multipurpose passenger vehicle, truck, and bus (other than a school bus) with a GVWR greater than 10,000 lbs. shall meet the requirements of S5.1.2 and S5.1.3 under the conditions specified in S6 when tested according to the procedures and in the sequence set forth in S7. Except as noted in S5.1.1.2 and S5.1.1.4, if a vehicle is incapable of attaining a speed specified in S5.1.1, S5.1.2, S5.1.3, or S5.1.6, its service brakes shall be capable of stopping the vehicle from the multiple of 5 mph that is 4 to 8 mph less than the speed attainable in 2 miles, within distances that do not exceed the corresponding distances specified in Table II. If a vehicle is incapable of attaining a speed specified in S5.1.4 in the time or distance interval set forth, it shall be tested at the highest speed attainable in the time or distance interval specified.

3. Section S5.1.1.2 would be amended to read:

S5.1.1.2 In the second effectiveness test, the vehicle shall be capable of stopping from 30 and 60 mph within the corresponding distances specified in column II of Table II. If the speed attainable in 2 miles is not less than 84 mph, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mph within the corresponding distances specified in column II of Table II.

4. The second sentence of section S5.1.1.4 would be amended by adding after the words "passenger car" the words "or other vehicle with a GVWR of 10,000 lbs. or less."

5. Section S5.1.3 would be amended to read:

S5.1.3 *Inoperative brake power assist unit or brake power unit.* A vehicle equipped with one or more brake power assist units shall meet the requirements of either S5.1.3.1, S5.1.3.2, or S5.1.3.4 (chosen at the option of the manufacturer), and a vehicle equipped with one or more brake power units shall meet the requirements of either S5.1.3.1, S5.1.3.3, or S5.1.3.5 (chosen at the option of the manufacturer).

6. Sections S5.1.3.2(b) and S5.1.3.3(b) would be amended to read:

(b) In a final stop, at an average decelerating that is not lower than 7 FPSPS for passenger cars (equivalent stopping distance 554 feet) or 6 FPSPS for vehicles other than passenger cars (equivalent stopping distance 646 feet), as applicable, when the inoperative unit is depleted of all reserve capacity.

7. Section S5.1.6 would be amended to read:

S5.1.6 *Spike stops.* Each vehicle with a GVWR of 10,000 lbs. or less shall be capable of making 10 spike stops from 30 mph, followed by 6 effectiveness (check) stops from 60 mph, at least one of which shall be within a corresponding stopping distance specified in column I of Table II.

8. Section S5.2 would be amended by amended by adding after the word "vehicle" in the first sentence the words, "with a GVWR of 10,000 lbs. or less and each school bus with a GVWR greater than 10,000 lbs.

9. Section S5.2(a) would be amended by removing the words "passenger car" and inserting in their place the words, "vehicle with a GVWR of 10,000 lbs. or less."

10. Section S5.2(b) would be amended by inserting after the words "school bus", the words "with a GVWR greater than 10,000 lbs."

11. Section S6.1.2 would be amended to read:

S6.1.2 For the applicable tests specified in S7.7, S7.8, and S7.9, vehicle weight is lightly loaded vehicle weight, with the added weight distributed in the front passenger seat area in passenger cars, multipurpose passenger vehicles, and trucks, and in the area adjacent to the driver's seat in buses.

12. Section S7 would be amended by inserting the word "applicable" before the word "requirements" in the first sentence and inserting the following sentence after the first sentence, "(For vehicles only having to meet the requirements of S5.1.2 and S5.1.3 in section S5.1, the applicable test procedures and sequence are S7.1, S7.2, S7.4, S7.9, S7.10 and S7.18.)"

13. Section S7.5 would be amended to read:

S7.5 *Service brake system—second effectiveness test.* Repeat S7.3. Then (for passenger cars and other vehicles with A GVWR of 10,000 lbs. or less) make four stops from 80 mph if the speed attainable in 2 miles is not less than 84 mph.

14. Section S7.7.1.3 (a) and (b) would be amended to read:

(a) In the case of a passenger car or other vehicle with a GVWR of 10,000 lbs. or less, not more than 125 pounds for a foot-operated system, and not more than 90 pounds for a hand-operated system; and

(b) In the case of a school bus with a GVWR greater than 10,000 lbs. not more than 150 pounds for a foot-operated system, and not more than 125 pounds for a hand-operated system.

15. Section S7.10.2 would be amended to delete the words "passenger cars only" from the title of the section.

16. Section 5.1.1.3 would be amended by adding a new second sentence to read: However, a vehicle other than a passenger car with a GVWR of between 8,000 and 10,000 pounds may stop within the corresponding distance specified in parentheses in column III(b) of Table II.

17. Table 11 would be amended by revising subcolumn (b) under column I to read:

30	[1]65
35	83
40	108
45	137
50	169
55	204
60	[1]242
80	[1]454
95	694
100	769

18. Table II would be amended by revising subcolumn (b) under column II to read:

30	57
35	74
40	96
45	121
50	150
55	181
60	[1]216
80	[1]430
95	(2)
100	

19. Table II would be amended by revising subcolumn (b) under column III to read:

30	57 (61-65)
35	74 (78-83)
40	96 (101-108)
45	121 128-137)
50	150 (158-169)
55	181 (191-204)
60	[1]216 (228-242)
80	(2)
95	(2)
100	

20. Table II would be amended by revising subcolumn (b) under column IV to read:

30	130
35	176
40	229
45	291
50	300
55	433
60	[1]517
80	(2)
95	(2)
100	

21. Table II would be amended by revising subcolumn (c) under column IV to read:

30	170
35	225
40	288
45	358
50	435
55	530
60	[1]613
80	(2)
95	(2)
100	

22. Table III would be amended to read:

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TABLE III -Inoperative brake power assist and brake power units

Stop No.	Average deceleration, FPSPS				Equivalent stopping distance, feet			
	Column 1-Brake power assist		Column 2-Brake power unit		Column 3-Brake power assist		Column 4-Brake power unit	
	(a)	(b),(c)	(a)	(b),(c)	(a)	(b),(c)	(a)	(b),(c)
1	16.0	14.0	16.0	13.0	242	277	242	298
2	12.0	12.0	13.0	11.0	323	323	298	352
3	10.0	10.0	12.0	10.0	388	388	323	388
4	9.0	8.5	11.0	9.5	431	456	352	409
5	8.0	7.5	10.0	9.0	484	517	388	431
6	7.5	6.7	9.5	8.5	517	580	409	456
7	[1]7.0	[1]6.0	9.0	8.0	554	646	431	484
8	NA	NA	8.5	7.5	NA	NA	456	517
9	NA	NA	8.0	7.0	NA	NA	484	554
10	NA	NA	7.5	6.5	NA	NA	517	596
11	NA	NA	[1]7.0	[1]6.0	NA	NA	554	646

[1] Depleted.

(a) Passenger cars
(b) Vehicles other than passenger cars with GVWR of 10,000 lbs or less.
(c) Vehicles other than passenger cars with GVWR greater than 10,000 lbs.
NA = Not applicable.

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23. The first sentence of section S6.1.1 would be amended to read:

S6.1.1 Other than tests specified at lightly loaded vehicle weight in S7.7, S7.8, and S7.9, the vehicle is loaded to its GVWR such that the weight on each axle as measured at the tire—ground interfaced is in proportion to its GAWR, except that each fuel tank is filled to any level from 100 percent of capacity (corresponding to full GVWR) to 75 percent.

24. Section S6.10 would be amended to read as follows:

S6.10 *Vehicle position.* The vehicle is aligned in the center of the roadway at the start of each brake application. Stops, other than spike stops, are made without any part of the vehicle leaving the roadway. Except as noted below, stops are made without lockup of any wheel at speeds greater than 10 mpg. There may be controlled lockup on an antilock-equipped axle, and lockup of not more than one wheel per vehicle, uncontrolled by an antilock system. (Dual wheels on one side of an axle are considered a single wheel.) Locked wheels at speeds greater than 10 mph are allowed during spike stops (but not spike check stops), partial failure stops and inoperative brake power or power assist unit stops.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 12, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79–32170 Filed 10–17–79; 8:45 am]

BILLING CODE 4910–59–M

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49 CFR Part 571

[Docket No. 79–03; Notice 2]

Heavy Duty Vehicle Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes the early implementation of a portion of a new safety standard on heavy duty vehicle brakes. The proposed standard would require vehicles over 10,000 lbs. to have service brakes that act on all wheels. This action is being taken to prevent a serious downgrading in the safety of existing truck brake systems.

DATES: Comment closing date: December 3, 1979.

EFFECTIVE DATE: Since this proposal would impose no additional burdens on manufacturers, it would become effective upon publication of the final rule in the **Federal Register.**

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Shadle, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2153)

SUPPLEMENTARY INFORMATION: This notice proposes the establishment of a small part of a new safety standard, Standard No. 130, *Heavy Duty Vehicle Brake Systems.* When fully implemented, Standard No. 130 will be the agency's major standard regulating the brake systems on heavy duty vehicles. As a first step in establishing that new standard, the agency issued an Advance Notice of Proposed Rulemaking (ANPRM) (44 FR 9783, February 15, 1979) soliciting comments on various related issues. Although most of the comments on this ANPRM will be discussed in a future notice, it is appropriate to address some of them here.

One commenter, the Insurance Institute for Highway Safety (IIHS), suggested that the agency not limit the applicability of FMVSS 130 to air braked vehicles, but rather extend it to cover all heavy duty vehicles regardless of the means of brake actuation. The NHTSA's plans, prior to the court decision on FMVSS 121 in *PACCAR v. NHTSA,* 573 F.2d 632 (9th Cir. 1978), cert. denied, October 2, 1978, had been to extend FMVSS 105–75, *Hydraulic Brake Systems,* to trucks and then at some later date either combine Standards 105–75 and 121, or revise them both to eliminate differences in performance requirements for heavy duty vehicles. As a result of the Ninth Circuit Court decision, however, new requirements need to be written for both air and hydraulic braked heavy duty vehicles, and the NHTSA believes it would be most prudent to promulgate the combined regulation from the outset. This approach also has the advantage that the standard can include requirements for trailers having electrically-actuated brakes, which do not fit under either the air or hydraulic category.

In another comment to the ANPRM, the American Bus Association (ABA) requested that intercity buses be addressed by a regulation separate from that for trucks. The agency has not decided whether or not ABA's request should be adopted, but the proposed rulemaking action is directed toward trucks and trailers at this time, with a decision on buses to be made at a later date. Regardless of the organizational approach ultimately adopted, the agency will take into consideration relevant differences between buses and trucks as they bear on questions of braking.

Several vehicle manufacturers and the Motor Vehicle Manufacturers Association (MVMA) suggested in their comments to the ANPRM that if the purpose of FMVSS 130 were merely to replace FMVSS 121, then the number should not be changed. They recommended that a date suffix be added to indicate a major revision, as has been done with FMVSS 105–75. As noted above, however, FMVSS 130 is intended to encompass more than just air brake systems, and therefore is not merely a replacement for FMVSS 121. Accordingly, the NHTSA concludes that the new standard should be given a new number, to avoid confusion with either FMVSS 105–75 or FMVSS 121. As proposed, Standard No. 130 would apply to all trucks, multipurpose passenger vehicles, and trailers having gross vehicle weight ratings (GVWR's) greater than 10,000 lbs. As FMVSS 130 is implemented, any redundant requirements in either FMVSS 105–75 or FMVSS 121 will be revoked.

The balance of the ANPRM comments are still being considered, and a draft of the entire proposed new standard has not been written at this time. In the February ANPRM, the NHTSA indicated that it intended to issue a second ANPRM on Standard No. 130 with respect to long-range rulemaking issues on advanced brake technology. Such long-range issues will include improved braking and vehicle stability. The agency still intends to proceed in this manner regarding the long-range implementation of Standard No. 130. The proposed requirements are numbered in a way that will allow later insertion of other sections.

Basis for This Notice

Although the agency is not prepared to propose FMVSS 130 in its entirety, new information has led the agency to conclude tentatively that there is an immediate need to establish one portion of Standard No. 130. As a result of the PACCAR decision, the agency suspended the road test requirements for trucks and trailers. This suspension has reportedly caused some manufacturers to contemplate the removal of front axle service brakes from some trucks. This is an extremely dangerous situation that could significantly reduce the safety of the affected vehicles.

An analysis of agency test data shows that the removal of front axle service brakes significantly increases the stopping distance of a vehicle. Dry road stopping distance tests from 60 mph of three truck-tractors and one straight truck, all having three axles, were examined. The tests included both fully loaded and empty or bobtail configurations. For the tractors, the loaded condition was with a trailer attached. In all cases, the stopping distance was greater for vehicles without front axle service brakes.

The loaded tractor-trailer combinations had an increase in stopping distance without front brakes that ranged from 36 feet (24%) to 90 feet (40%). The numbers in parentheses indicate the percentage increase in stopping distance for a particular vehicle. The loaded straight truck had an increase in stopping distance of 91 feet (31%). The bobtail tractors showed stopping distance increases that ranged from 80 feet (21%) to 139 feet (66%) and the empty straight truck had an increase of 70 feet (25%). The stopping distance increase for all tests without front brakes ranged from a minimum of 36 feet (24%) to a maximum of 139 feet (66%) with an average stopping distance increase of 84 feet.

The net effect of removing the front axle brakes would, therefore, be to increase the disparity between the stopping distances of heavy duty vehicles and those of smaller vehicles. This means that the ability of heavy duty vehicles to avoid colliding with the smaller vehicles would be significantly downgraded. The results would be potentially dangerous for the occupants of the smaller vehicles and for the heavy duty vehicle occupants themselves. The NHTSA finds the possible reduction in braking capability of heavy duty vehicles particularly troublesome in light of the already rapidly increasing number of accidents for these vehicles.

The NHTSA had previously thought that product liability concerns would keep manufacturers and purchasers of heavy duty vehicles from taking advantage of the consequences of the *PACCAR* decision by removing the front axle service brakes. Under FMVSS 121, the provision of those brakes has been an industry practice for over five years. The technology for the brakes has not only been available for at least that period of time, but also does not present any questions of reliability. The safety value of the front axle brakes has been documented in testing showing their effect on the stopping distance of heavy duty vehicles. In this context, a manufacturer's reversion to a less safe vehicle braking system would likely expose him to product liability in accidents which might have been averted or whose consequences might have been mitigated by the presence of the front axle service brakes. By opting for deletion of these brakes, purchasers could subject themselves to at least a portion of the liability for this knowing backward step in safety.

The fear of product liability claims has apparently been outweighed for some manufacturers by the savings in weight and cost that would result from the removal of front axle brakes. As a result, some manufacturers are considering production of vehicles without front brakes. To prevent this action, the agency proposes the implementation of a portion of Standard No. 130.

This proposal would require vehicles with gross vehicle weights of more than 10,000 pounds to be equipped with service brakes that act on each wheel. To the best of the agency's knowledge, all vehicles in this weight category are now constructed with brakes on all wheels. Accordingly, this proposal would merely maintain the status quo, and require manufacturers to continue to construct vehicles in the same manner that they are now doing. The agency notes that the proposal is compatible with Regulation 13 of the Economic Commission for Europe (ECE).

Since this amendment would not require the addition of any new equipment to vehicles, it will have minimal economic impact and is not a significant regulation. Accordingly, no economic evaluation is required.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The authors of this notice are Scott Shadle of the Crash Avoidance Division and Roger Tilton of the Office of Chief Counsel.

In accordance with the foregoing discussion, Volume 49 of the Code of Federal Regulations would be amended by the addition of Standard No. 130, *Heavy Duty Vehicle Brake Systems*, as set forth below.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1352, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on October 10, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

Motor Vehicle Safety Standard No. 130; Heavy Duty Vehicle Brake Systems

S1. *Scope.* This standard specifies requirements for braking systems on vehicles that have gross vehicle weight

ratings (GVWR's) of greater than 4536 kg (10,000 pounds).

S2. *Purpose.* The purpose of this standard is to provide safe braking performance under normal and emergency condition.

S2. *Application.* This standard applies to trucks, multipurpose passenger vehicles, and trailers that have gross vehicle weight ratings (GVWR's) of greater than 4536 kg (10,000 pounds).

S4. [Reserved]

S5. *Requirements—powered vehicles.*

S5.1 [Reserved]

S5.2 [Reserved]

S5.3 *Service brake system.*

S5.3.1 *General requirements.*

S5.3.1.1 *Brake distribution.* Each vehicle shall be equipped with a service brake system acting on all wheels.

S6. *Requirements—trailers.*

S6.1 [Reserved]

S6.2 [Reserved]

S6.3 *Service brake system.*

S6.3.1 *General requirements.*

S6.3.1.1 *Brake distribution.* Each trailer shall be equipped with a service brake system acting on all wheels.

[FR Doc. 79-31836 Filed 10-11-79; 2:11 pm]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1063

[Ex Parte No. MC 95 (Sub-3)]

Regulations Governing the Adequacy of Intercity Motor Common Carrier Passenger Service (Modification of Regulations)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time to file comments.

SUMMARY: The purpose of this document is to give notice that the time for filing comments in the proceeding relating to the adequacy of intercity motor common carrier passenger service is extended to November 28, 1979.

DATES: Comments should be filed by November 28, 1979.

ADDRESSES: Send comments to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Armstrong, (202) 275-7046.

SUPPLEMENTARY INFORMATION: Charles A. Webb, on behalf of the American Bus Association (ABA), has filed a written request that the time for filing comments in this proceeding be extended for 60 days. (44 FR 53092, September 12, 1979.) It is contended that the ABA needs an extension due to the considerable amount of time required to obtain the necessary information from its approximately 400 members and to ascertain the impact of the proposed regulations before comments are submitted. Also, an extension is requested so that the ABA can consider the proposed regulations at its annual meeting the last week of October.

We believe that a 30-day extension for the filing of comments in this proceeding is warranted. Coupled with the original comment period of 45 days, a 30-day extension would allow sufficient time for the ABA to gather whatever information it needs from its members so that meaningful comments may be filed. Also, an extension of this length would allow the ABA to consider the proposed regulations at its annual meeting and to incorporate these considerations into its comments. A 30-day extension would not, on the other hand, delay the proceeding for an unreasonable period of time.

Accordingly, the time for filing comments in this proceeding is extended to November 28, 1979.

By the Commission, Director Fitzwater.

Dated: October 10, 1979.

James H. Bayne,

Acting Secretary.

[FR Doc. 79-32157 Filed 10-17-79; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1300, 1303, 1304, 1306, 1307, 1308, 1309, 1310, and 1312

[Ex Parte No. 370]

Tariff Improvement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission proposes to adopt new rules designed to improve, simplify and modernize tariffs by reducing their size, complexity and cost; by standardizing their formats; and by promoting greater compatibility with electronic technology. Specifically, the proposed rules would:

(1) Permit tariffs to express rates and amounts of increase or reduction as percentages;

(2) Declare rate increases unlawful which result from improperly-symbolized tariff changes;

(3) Prescribe standard titles and item numbers for commonly-published tariff rules; and

(4) Allow tariffs to identify commodities and points locations by uniform standard code designations.

DATES: Interested persons may submit written comments on the proposed rules on or before December 17, 1979.

ADDRESS: Send comments and 10 copies, if possible, to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Martin E. Foley, (202) 275-7348.

SUPPLEMENTARY INFORMATION: The Commission proposes to adopt new rules designed to improve, simplify and modernize the tariffs published and filed by carriers subject to its jurisdiction. The objectives of these rules are to reduce the size, complexity and cost of tariffs, to standardize their formats, and to promote greater compatibility with electronic computer technology.

For convenience, the supplementary information offered in connection with the proposed rules is divided into four parts, with Part IV containing two subparts. Parties wishing to comment on the proposed rules are asked to separate and clearly identify, by number and title, the parts or subparts to which their comments are directed.

PART I—PERCENTAGE EXPRESSION OF RATES, CHARGES AND AMOUNTS OF INCREASE OR REDUCTION

(See Appendix A for proposed rules)

The rules proposed in Appendix A are designed to reduce the size, complexity and cost of tariffs by allowing railroads, freight forwarders and motor common carriers to express their rates, charges and amounts of change as percentages.

In the last 15 years the number of tariff pages filed with the Commission has nearly doubled, as has the cost of compiling, publishing, filing and examining those pages. One of the major factors contributing to this avalanche of paper is the necessity for carriers to publish thousands of pages annually to express all their rates as "explicit statements." That is, they must state each rate in cents, in dollars, or in dollars and cents, not only in the first instance, but each time the rates are increased or reduced as well.

The Commission has insisted on the "explicit statement" requirement since the early days of regulation. Section 10762(a)(2) of the Interstate Commerce Act (49 U.S.C. 10762(a)(2)) specifies that motor carrier, freight forwarder and water carrier rates "shall be stated in money of the United States." This section does not apply to railroads, but the Commission has long held that railroad tariffs should state rates in a definite and exact manner without forcing shippers to compute dollar amounts. See, for example, *Rice* v.

Atchison, Topeka & Santa Fe Railroad, 4 I.C.C. 228, 246 (1890).

The Commission is empowered, however, to change any of the requirements of Section 10762 "if cause exists in particular instances or as they apply to special circumstances." We have used this power sparingly in the past. Now, however, there appears to be "special circumstances" which warrant a general relaxation of the explicit-statement requirement.

Over the years the requirement has come to be in large measure self-defeating. With the proliferation of general increases and alternative rate scales, the requirement has served to increase the sheer bulk of tariffs to the point where finding the exact rate—even though it is explicitly stated—is often a complicated, confusing and time-consuming task. Moreover, the thousands of tariff pages which compliance with this requirement necessitates carriers to publish annually are an enormous expense to them and, in turn, to the shipping public.

Perhaps the most persuasive argument for discontinuing the explicit-statement requirement, however, is that protection of the public no longer seems to demand it. The universal availability and use of inexpensive, solid-state calculators has transformed the additional computation required by percentage-rate expression from a complicated plan into a time and money-saving scheme. In many cases it is faster and easier to find a base rate and then compute a published percentage of it on a calculator than it is to thumb through pages and pages of rate columns and tables to find its explicitly-stated counterpart.

The rules proposed in the appendix to this notice would relax this long-standing requirement by allowing property tariffs of railroads, freight forwarders and motor common carriers to:

(1) Express rates as percentages of explicitly stated rates contained in the same tariff;

(2) Express the amount of change as a percentage by which explicitly-stated rates in the tariff are to be increased or reduced. This would be implemented by use of a "percentage supplement" filed in connection with any change in the general level of rates; and

(3) Incorporate the percentage changes into the base rates, by use of a special supplement, prior to publication of every third change in the general level of rates.

The application of these rules is limited to property tariffs of railroads, forwarders and motor common carriers because tariffs of other modes are generally not voluminous enough to need, or to derive any significant advantage from, the percentage-expression concept. However, if the comments received indicate otherwise, we will consider extending the application of the rules to other modes where warranted.

It should be noted here that the rules are entirely permissive, not mandatory. If adopted, carriers would be at liberty to retain their present publishing practices. It is our belief, however, that the cost benefits offered by use of the proposed rules will encourage carriers and forwarders to utilize them wherever possible. Under these rules, for example, Class Rate tariffs which have maintained a tautology between the class rates and true percentages (i.e., where the Class 70 rate is identical to 70% of the Class 100 rates, etc.) could eliminate hundreds of pages of rate tables by publishing only the Class 100 rate. A possibility for other tariffs is the use of a "master rate" concept, whereby the tariff need contain only one rate stated in dollars and cents, with all other rates expressed as percentages of the master rate. With this method only one rate in the tariff would have to be updated after a general increase. In other areas, a single tariff item could be used to replace several pages of volume incentive rate tables, aggregate tender rate tables and rate conversion tables, etc.

It should also be noted here that the proposed rules authorizing the filing of "percentage supplements" to provide general changes in the level of rates do not authorize such supplements to be filed to tariffs which refer to a master tariff for the application of increases or reductions. To do so would be to allow a rate in one tariff to be increased or reduced by a percentage amount shown in another tariff. We feel that this would be putting still another burden on the already over-burdened user of master tariffs. We believe, however, that these rules offer an attractive *alternative* to the use of master tariffs. Master tariffs, of course, may be published only on Special Permission authority, and are subject to the updating rules adopted in Ex Parte No. 326, *Regulations Governing the Transfer of General Increases from Master Tariffs into the Individual Tariffs of Railroads or Rail Ratemaking Organizations.*

Percentage supplements may also not be filed to tariffs of motor common carriers which refer to conversion supplements filed under 49 CFR 1310.10(j) for the application of increases or reductions. Under the proposed rules, carriers would have the option of using either the conversion supplement system or the percentage supplement system, but not both.

PART II—SYMBOLIZATION OF TARIFF MATTER RESULTING IN INCREASES

(See Appendix B for Proposed Rules)

Current Commission regulations require that proposed changes in tariff publications be symbolized to identify the effect of the change—that is, whether it is an increase, a reduction, or a change in wording which results in neither an increase nor a reduction. These regulations are designed to allow tariff users to rely on symbolization to (1) discover changes and (2) evaluate those changes. Discovery and evaluation are vital to tariff users' rights to timely protest proposed tariff changes.

The rules proposed in Appendix B are designed to emphasize the importance of these requirements to the tariff user by stipulating that increases arising from tariff changes not properly symbolized are unlawful.

Historically the Commission has maintained a staff whose primary function has been the review of newly-filed tariff matter to ensure compliance with the Commission's tariff regulations, including those regulations concerning symbolization. Faced with the need to re-allocate its resources, the Commission has determined that it can no longer maintain a full force to provide complete tariff-examination services. Very shortly the Commission will implement a plan to review tariff filings on a random sampling basis only. It is only realistic to recognize that some tariff deficiencies previously discovered by the full complement of tariff examiners will not be caught by the sampling net.

We believe it would be inappropriate for tariff users to be burdened with the onerous chore of comparing proposed tariff filings word-for-word or figure-for-figure against existing tariff matter. They should be able to rely on the accuracy of tariff symbolization. The rules proposed here would stipulate that improperly-symbolized changes which result in increases would be considered improperly published and thus invalid and uncollectable. This would offer retroactive protection to tariff users who had been effectively deprived of their right to protest by mis-symbolization.

We realize that this proposal represents a departure from numerous Commission and court decisions in the past. However, the approach suggested here is not without foundation. In *H. J. Baker & Bros., Inc.—Statute of Limitations*, 357 I.C.C. 640 (1978), the entire Commission concluded that

improperly symbolized increased rates were not lawful, and were subject to claims for overcharges.

In *Chicago, M., St. P. & P.R. Co.* v. *Alouette Peat Products*, 253 F.2d 449 (1958), the court determined, in essence, that seemingly collectable (applicable) rates were not valid (or collectable) because they had been filed in violation of the tariff-publishing requirements. While this decision dealt with a statutory requirement (the 30-day notice period) rather than a requirement imposed solely by Commission regulations, we believe that the same principle can be, and should be, applied.

The proposed rules would be an extension of the rationale in the *Baker* and *Alouette* cases. They would hold that tariff increases not properly symbolized are unlawful; unlawful tariff provisions are invalid (uncollectable) notwithstanding the passing of the purported effective date of the unlawful publication. Charges assessed on the basis of the invalid provisions would be subject to the usual overcharge claim procedures. Although we would anticipate only rare disagreements on the factual questions of whether published tariff provisions had or had not been properly symbolized, the Commission would stand ready to resolve any such disputes.

We would like to emphasize that the proposed rules pertain only to improperly-symbolized changes resulting in *increases*. However, we welcome any comments on the advisability of extending the rules to encompass improperly-symbolized reductions. While the latter would not appear to have as great a potential for harm to the tariff user, we do realize that improperly-symbolized reductions could cause hardships to competing carriers.

PART III—STANDARD TITLES AND ITEM NUMBERS FOR COMMONLY PUBLISHED TARIFF RULES

(See Appendix C for Proposed Rules)

Standardization and uniformity of tariff elements is essential not only to facilitate computer capability but also to enable tariff users to determine transportation charges quickly and accurately. We are therefore proposing to adopt regulations requiring standard titles and item numbers for all tariffs and schedules.

In Docket No. 35867 (Sub-No. 1), *Standard Headings and Standard Item Numbers for Commonly Published Rules in Tariffs of Class I Motor Common Carriers of Property and of Agents*, the Commission considered adopting such requirements for motor common carriers. Due to a lack of general support, however, the proceeding was discontinued and carriers and agents were allowed to continue using the voluntary numbering system formulated by the National Motor Freight Traffic Association (NMFTA) and the National Industrial Traffic League (NITL).

Most of the respondents in that proceeding indicated that they were in favor of standard titles and item numbers. However, they felt that if such a requirement was to be made, the NMFTA–NITL numbering system should be adopted. Althrough the Commission had reservations about adopting that system at the time, we now believe that the NMFTA–NITL numbering system has proven to be workable and useful as a standardized tariff format scheme. We therefore propose to codify that system in our regulations.

Our review of tariffs currently on file indicates that the agents for motor carriers are for the most part now using the NMFTA–NITL numbering system. However, many motor carriers are not using the format in their individually-filed tariffs and schedules. Thus, our codification of the NMFTA–NITL system would substantially affect these publications. In order to lessen the impact of the proposed regulations, we would allow a gradual conversion to the proposed numbering systems. Such a conversion could be accomplished by requiring that each new motor tariff or motor reissue tariff cancelling an existing tariff utilize the standard title/numbering system. Thus, we would not demand that existing motor tariffs undergo an immediate transition to the new requirements; but we would require that all tariffs be in compliance with the standard system within 5 years of the effective date of the regulations.

Rail carriers and their agents have been utilizing a tariff numbering system which was prescribed by the Railroads' Tariff Research Group (RTRG). We believe the RTRG system has merit and we propose to codify it as a mandatory rail tariff format. For those rail carriers and agents not utilizing the system at present, we would allow a gradual conversion to the required format.

We propose to require that freight forwarders and their agents use the system (motor or rail) which best fits their needs. Again, we would allow for the gradual conversion of their tariffs to the appropriate standard title/numbering systems.

The existing industry-adopted systems do not appear to be appropriate for use in tariffs of the remaining modes of transportation subject to our regulation. Therefore, we do not propose to prescribe standard titles and numbers for them.

We believe that a uniform use of the title/numbering systems will allow for substantial standardization of tariffs and schedules. When used in connection with other proposals presented in this rulemaking proceeding and those which have been implemented in the past, the standard title/numbering systems will also contribute to the simplification of tariffs.

PART IV—STANDARD TARIFF CODES FOR COMMODITY AND POINTS IDENTIFICATION

The purpose of this two-part proposal is to insure that the Commission's tariff requirements are realistically attuned to the needs of the entire transportation community.We are aware of the increasing use of electronic technology as applied to tariff data and, to the extent possible, we intend to accommodate that technology through improved tariff compatibility. In order to accomplish this, we believe that the Commission must take the lead in establishing uniform standards for the most common elements of tariff data.

Two elements common to virtually all aspects of transportation are the points (places), where service is performed, and the commodities (articles or products), which are accorded that service. The rules proposed in this part would revise our tariff requirements to allow the identification of both these elements by code designation.

Subpart (A)—Standard Codes for Commodity Identification

(See Appendix D for Proposed Rules)

Our current regulations require the showing of the *name* of the commodities on which rates apply (or for other purposes). We have been lenient in allowing departures from this requirement in rail tariffs, either through a grant of special permission authority to deviate from the regulations, or through acceptance of publications for "information only." In the latter regard, the filed publications have usually cited the commodity code parenthetically to the naming of the commodity. Under the proposed rules we would allow all modes to utilize the standard commodity code developed and assigned by the Standard Transportation Commodity Code Technical Committee, (which administers the code under the auspices of the Association of American Railroads) as an alternative to *naming* the commodity.

STCC has been a recognized transportation commodity code since 1964, and has gained substantial

acceptance—particularly by rail carriers and their users. Although we are aware of efforts to formulate other code structures, much of that effort is designed to produce an acceptable code for international as well as domestic use. Our information is that all such efforts are—at minimum—several years away from fruition.

Although STCC is now used only by rail carriers, the proposed rules would authorize its use by all modes. We do not believe that STCC is merely a one-mode oriented code. The STCC Technical Committee includes representatives of the motor carrier industry and the shipping public, as well as members of the rail industry. The Committee routinely incorporates and/or reconciles commodity descriptions published in the National Motor Freight Classification.

We are therefore proposing to endorse STCC as the *only* valid tariff code for the identification of commodities. This is essential if we are to encourage computer usage. STCC is the chosen code because: (1) there is no other known code that is feasible for tariff use; (2) the STCC already exists in tariff form; and (3) a large segement of the shipping community is familiar with it.

Subpart (B)—Standard Tariff Codes for Points Identification

(See Appendix E for Proposed Rules)

Our current tariff regulations generally require the showing of the *name* of the point or place (city, town, village, county, state, etc.) to, from or at which transportation service is provided. Code letters and/or numbers are permissible only to indicate grouping of points. Under the proposed rules we would allow tariffs to identify points by a specific code in lieu of naming them. The permissible standard code would be that of the *Federal Information Processing Standards Publication 55* (FIPS PUB 55), which is issued by the National Bureau of Standards, U.S. Department of Commerce pursuant to Public Law 89–306, Executive Order 11717, and Part 6 of Title 15, Code of Federal Regulations.

FIPS PUB 55 implements codes for points in the United States as developed and approved by the American National Standards Institute (ANSI). The current issue, dated June 1, 1978, consists of two volumes totaling 1946 pages. The publication includes standard codes for named populated cities, towns, villages, whether incorporated or not, important military and naval installations, townships, Indian reservations, named places that form parts of other places, places important for transportation, industrial or commercial purposes, i.e., unpopulated railroad points, airports and shopping centers.

The code itself is seven characters in length, the first two of which identify the state. The last five numeric characters identify the place within the State and provide an alphabetic ordering of the place names. In addition to the place name and its code, the list also provides the name and code for the county (3 characters) in which the place is located, the ZIP code of the servicing post office, cross-references to former or alternate names, an inclusion code, a class designator code, and a cross-reference to the Worldwide Geographic Location Codes issued by the General Services Administration.

The "inclusion code" identifies those points which are part of other coded points. The former are assigned their own codes but are also cross-referenced to the point within which they are included. This permits users to either recognize such "inclusions" as separate places or to combine them with their parent place.

A "class designator" is also provided for each coded point. Eighteen different classes are established including airports, shopping centers (not part of other places), places that are part of incorporated places, places that are part of populated unincorporated places, rural communities, urban communities, and unpopulated transport points. "Unpopulated transport points" are named stations, factories, quarries, prisons, institutions, industrial parks, or similar facilities recognized as a point of origin or destination for transportation, but not qualifying for other separately defined classes of places.

Copies of the current edition are for sale ($12.50) by the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161. When ordering refer to NBS–FIPS–PUB–55. Two additional forms of this material are also available and for sale: Magnetic Tape, PB 274–150 ($125) and Microfiche, PB 274–146 ($12.50). Additional information may be obtained from the NTIS Computer Products Office (703) 557–4763.

Copies of American National Standard X3.47–1977, *Structure for the Identification of Named Populated Places and Related Entities of the States of the United States for Information Interchange*, is available ($4.00) from the American National Standards Institute, 1430 Broadway, New York, NY 10018.

The Department of Commerce, National Bureau of Standards, Institute for Computer Sciences and Technology serves as maintenance agent for FIPS PUB 55. Requests for additions, deletions or revisions are addressed to that office. Quarterly amendments to FIPS PUB 55 are planned. The initial publication and all future amendments would be filed with this Commission in tariff form, and it is anticipated that no fees would be assessed for carrier participation in that tariff.

FIPS PUB 55 has been developed for use as a standard code throughout the Federal sector. Beyond that, it is intended for use to comply with the reporting requirements of the private sector to the various Federal agencies. At this point we question whether the transportation community (including this Commission) should remain aloof from that standard code.

We realize that other point codes are being utilized by many shippers, carriers and others in existing electronic data transmission systems. Perhaps the most notable of these is the *Standard Points Location Code* (SPLC). It is not our purpose to thwart other point codes nor to displace or disrupt established data systems. To facilitate coordination of SPLC with FIPS PUB 55, interagency agreements have been drawn which call for joint efforts of this Commission, the Department of Transportation and the U.S. Army Corps of Engineers to develop a one-for-one, code-for-code "bridge" between SPLC and FIPS PUB 55 for points in the United States. The bridge would be incorporated in future editions of FIPS PUB 55.

This rulemaking proceeding is instituted under the authority of section 553 of the Administrative Procedure Act (5 U.S.C. 553) and section 10762(b)(1) of the Interstate Commerce Act (49 U.S.C. 10762(b)(1)).

This decision does not appear to affect significantly the quality of the human environment of energy consumption.

We propose to adopt the rules set forth in the appendices to this notice.

Decided: October 9, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioner Gresham, Clapp, Christian, Trantum, Gaskins and Alexis. Commissioners Alexis not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—Proposed Rules To Govern Percentage Expression of Rates, Charges, and Amounts of Increase or Reduction

We propose to amend 49 CFR, Chapter X, Subchapter D, as follows:

1. By revising § 1300.4(i)(1) to read as follows:

§ 1300.4 Contents of tariffs.

Tariffs shall contain, in the order named:

* * * * *

(i) *Rates.* (1) A statement of the rates and the places from, to, and between which they apply, arranged in a simple and systematic manner. At least one of the rates shall be explicitly stated (per 100 pounds, ton, car or other unit) in dollars and cents in lawful money of the United States. Other rates in the tariff may be expressed as percentages of the stated rates, provided that the tariff clearly explains how to compute the other rates, including how to dispose of fractions. A rate may not be expressed as a fraction or multiple of another rate, as a percentage of a rate contained in another tariff, or as a percentage of another rate which is itself expressed as a percentage. A tariff may be converted to percentage-rate expression only by reissue, not by amendment.

2. By adding § 1300.9(n) to read as follows:

§ 1300.9 Amendments and supplements.

* * * * *

(n) *Percentage supplements to provide general rate changes.* A supplement, which expresses the amount of change as a percentage by which the tariff's explicitly-stated rates and charges are to be increased or reduced, may be filed to any tariff to provide a general change in the level of all or substantially all rates and charges, or all or substantially all the rates and charges in a specific category in the tariff. This supplement will be subject to the regulations contained in Part 1312 of this chapter.

3. By deleting the first two sentences and the first word of the third sentence of § 1310.7(a)(2), and replacing them with the following:

§ 1310.7 Statement of rates (rule 7).

(a) *Rates must be clear and explicit.*

* * * * *

(2) The rates and the places from, to, and between which they apply shall be arranged in a simple and systematic manner. At least one of the rates shall be explicitly stated in dollars and cents in lawful money of the United States. Other rates in the tariff may be expressed as percentages of the stated rates, provided the tariff clearly explains how to compute the other rates and how to dispose of fractions. A rate may not be expressed as a fraction or multiple of another rate, as a percentage of a rate contained in another tariff, or as a percentage of a rate which is itself expressed as a percentage. A tariff may be converted to a percentage-rate expression only by reissue, not by amendment. All explicitly-stated rates * * *

* * * * *

4. By deleting § 1310.7(c) which now prohibits the expression of class rates as percentages, fractions or multiples of another rate.

5. By adding § 1310.10(k) to read as follows:

§ 1310.10 Amendments (rule 10).

* * * * *

(k) *Percentage supplements to provide general rate changes.* A supplement which expresses the amount of change as a percentage by which the tariff's explicitly stated rates and charges are to be increased or reduced may be filed to any tariff to provide a general change in the level of all or substantially all the rates and charges, or all or substantially all the rates and charges in a described category in the tariff. This supplement will be subject to the regulations contained in Part 1312 of this chapter.

6. By adding Part 1312 to read as follows:

PART 1312—PERCENTAGE SUPPLEMENTS

Sec.

1312.1 Percentage supplements to provide general rate changes.

1312.2 Supplements to transfer rate changes from percentage supplements into base rates.

Authority: 5 U.S.C. 553 and 49 U.S.C. 10762(b)(1).

§ 1312.1 Percentage supplements to provide general rate changes.

(a) A percentage supplement shall contain an application provision reading substantially as follows:

> Except as provided in subsequent amendments to this tariff, all explicitly stated rates and charges in this tariff are [specify whether increased or reduced] as follows for the period this supplement is in effect.

The supplement shall state where any exceptions to its application are listed. If not all of the explicitly-stated rates are being changed, the provisions shall state the exact category of rates being changed or list the items, sections, etc., of the tariff which contain them.

(b) The supplement shall show how to compute the increased or reduced rates from the percentages shown; how to dispose of fractions; and how to compute multiple factor rates made by the use of arbitraries or other means.

(c) The supplement shall have an expiration date which must be within one year from its effective date. The title page shall indicate, in the top margin, whether the changes are increases or reductions. If both, "as indicated" shall be added, and the different categories of changes shall be appropriately referenced.

(d) Only one percentage supplement to a tariff may be in effect at one time. A percentage supplement may not be reissued with the same or an earlier expiration date unless the Commission requests its reissue. The application of changes in a percentage supplement may not be extended by a like supplement providing essentially the same increases or reductions. A percentage supplement reflecting a change in the general rate level may, however, cancel the preceding percentage supplement reflecting a change in the general rate level and incorporate that change (and related provisions) into the new percentage supplement. No percentage change may be so incorporated more than once.

(e) Only matter concerning the percentage change and its application may be published in the supplement.

(f) An exception item or note may not be republished from the percentage supplement into a regular supplement of a bound tariff or incorporated into the tariff proper of a loose-leaf tariff.

(g) Tariff amendments containing explicitly-stated rates or charges becoming effective during the effectiveness of a percentage supplement shall state whether or not they are subject to the provisions of the percentage supplement.

(h) Percentage supplements shall be exempt from the terms of §§ 1300.9(e) and 1310.9(d) governing the number of supplements and volume of supplemental matter permissable.

(i) The provisions of this section do not authorize the publication and filing of so-called master tariffs or connecting link supplements, and percentage supplements may not be filed to tariffs which refer to a master tariff for the application of increases or reductions.

(j) Percentage supplements may change tariff matter which will not have been in effect for 30 days. Subsequent amendments filed prior to the effective date of the percentage supplement may change or cancel, on lawful notice, matter changed by the percentage supplement before that change has been in effect for 30 days.

§ 1312.2 Supplements to transfer rate changes from percentage supplements into base rates.

(a) A supplement (not a percentage supplement (may be filed to a bound tariff for the primary purpose of incorporating into the explicitly-stated base rates all applicable changes effected by use of a percentage supplement filed under § 1312.1 of this Part. The supplement may contain other

matter brought forward from prior supplements, provided those supplements are cancelled. The supplement shall bring forward all explicitly-stated rates in the original tariff and prior supplements even though some rates already include all applicable increases or reductions effected by means of percentage supplements.

(b) The title pages of supplements issued under authority of this section shall bear the following notation:

Issued under authority of 49 CFR 1312.2. This supplement contains all the explicitly-stated rates and charges provided by this tariff in effect on the effective date of this supplement.

(c) This paragraph applies to rail carriers only. If different increases or reductions apply on related articles shown in an item or descriptive listing of commodities, the rates may be brought forward into the supplement on the basis of the increases or reductions applying to the predominant article in the item or description, provided that a statement is included in the supplement that this has been done. The rate changes shall be appropriately referenced except as specified in paragraph (d) of this section for exceptions concerning symbolization.

(d) Symbolization of the increases and reductions (see §§ 1300.4(m) and 1310.10(f)) resulting from the normal rounding off of fractions, or from the use of predominant article authority in the case of rail carriers, may be omitted in the supplement providing the supplement is filed on not less than 45 days' notice and the title page of the supplement also bears the following statement:

This supplement contains changed basis of rates, charges and provisions which result in increases and reductions. The supplement also contains variations in wording which result in no change in the rates and charges. These changes are not shown by use of uniform symbols which have been omitted under authority of 49 CFR 1312.2.

(e) Supplements issued under authority of this section shall be exempt from §§ 1300.9(e) and 1310.9(d) governing the number of supplements and the volume of supplemental matter permissible.

Appendix B—Proposed Rules To Govern Symbolization of Changed Tariff Matter Resulting in Increases

§§ 1300.2, 1303.4, 1304.2, 1306.5, 1307.5, 1308.2 and 1310.10 [Amended]

We propose to amend 49 CFR Parts 1300, 1303, 1304, 1306, 1307, 1308 and 1310 by adding the following new paragraph to be designated, respectively, as § 1300.2(a)(4), § 1303.4(d)(3) § 1304.2(c), § 1306.5(b)(2), § 1307.5(r)(1), § 1308.2(a) and § 1310.10(f)(5):

Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

Appendix C—Proposed Rules To Govern Standard Titles and Item Numbers for Commonly Published Tariff Rules

We propose to amend 49 CFR Chapter X, Subchapter D as follows:

1. By revising § 1300.4(h)(2) to read as follows:

§ 1300.4 Content of tariffs.

* * * * *

(h) *Rules governing the tariffs.*

* * * * *

(2)(i) Each rule shall be assigned the appropriate item number and title from the following list. If a title includes subjects not treated in the rule, those subjects may be eliminated from the title.

Item	*Title*
5	Description of Governing Classification, Exceptions and Rules Tariffs
10	Station List and Conditions
15	Explosives, Dangerous Articles
20	Reference to Tariffs, Items, Notes, Rules, etc.
25	Terminal or Transit Privileges or Services
30	Perishable Freight
35	Transfer Between Connecting Carriers
40	Consecutive Numbers
45	Capacities and Dimension of Cars
50	Combination Rates
55	Substitution of Motor Service for Rail or Water Service
60	National Service Order Tariff
65	Proportional Rates—application
70	Alternation
75	Method of Canceling Items
80	Intermediate Application—origin
85	Intermediate Application—destination
90	Fourth Section Authorities
100	Method of Denoting Reissued Matter in Supplements
105	Straight or Mixed CL Application

(ii) A carrier or agent may assign a title and number of its choosing for matter not listed in subparagraph 2(i), provided the title and number chosen do not conflict with those listed.

(iii) If a title in subparagraph 2(i) does not properly identify a rule's content, qualifying words, phrases or subtitles may be added. When qualifying words or phrases are used, the prescribed title shall be followed by a dash and the added words, for example: "Alternation—C.L. Rates—Varying Minimum Weights." Subtitles or references to excepted classification rules shall follow the title.

(iv) When it is necessary or practicable to split a rule into two or more parts, the prescribed item number may be subdivided. The first part of the rule (which shall contain the general or master rule, if any) must be assigned the prescribed item number without a numerical suffix. Each subdivision shall be assigned a compound number, which shall be constructed by use of the prescribed number followed by a hyphen, then a new series of numbers, for example: item 70–1, 70–2, 70–3, etc., in numerical sequence. Each subdivision must show the prescribed title.

(v) Exceptions to a rule may be included in the general rule or arranged in items immediately following the rule to which exception is taken. In the latter case, exception items are to use the standard item number of the general rule followed by a suffix—for example, exceptions to item 85 would use items 85–1, 85–2, etc.

2. By revising § 1307.5(l) to read as follows:

§ 1307.5 Form and content of schedules.

* * * * *

(l) *Rules.* (1) Rules and other provisions affecting rates and charges shall be published following the index of points. Each rule or regulation shall be given a separate item number. Where the subjects shown in § 1310.4(h)(4)(i) of this chapter are to be provided for in schedules, the rules covering them shall bear the titles and be assigned the item numbers listed in § 1310.4(h)(4)(i) of this chapter.

(2) A carrier may assign a title and number of its choosing for matter not listed in § 1310.f(h)(4)(i) of this chapter, provided the title and number chosen do not conflict with those listed.

(3) If a title listed in § 1310.4(h)(4)(i) of this chapter does not properly identify a rule's content, qualifying words, phrases or subtitles may be added. When qualifying words are used, the prescribed title shall be followed by a dash and the added words, for example: "Bills of Lading—Order Notify." Subtitles or references to excepted classification rules shall follow the title.

(4) When it is necessary or practicable to split a rule into two or more parts, the prescribed item number may be subdivided. The first part of the rule (which shall contain the general or master rule, if any) must be assigned the

prescribed item number without a numerical suffix. Each subdivision must be assigned a compound number, which shall be constructed by use of the prescribed number followed by a hyphen, then a new series of numbers—for example, item 390–1, 390–2, 390–3, etc., in numerical sequence. Each subdivision must show the prescribed title.

(5) Exceptions to a rule may be included in the general rule or arranged in items immediately following the rule to which exception is taken. In the latter case, exception items are to use the standard item number of the general rule followed by a suffix—for example, exceptions to item 510 would use items 510–1, 510–2, etc.

* * * * *

§ 1309.1 [Amended]

3. By adding the following sentence at the end of § 1309.1: "Rules contained in tariffs shall be numbered and titled using the system prescribed either in § 1300.4(h)(2)(i) of this chapter or in § 1310.4(h)(4)(i) of this chapter."

4. By adding the following subparagraph (4) to § 1310.4(h):

§ 1310.4 Form, size, and printing (rule 4).

* * * * *

(h) * * *

(4)(i) Each rule shall be assigned the appropriate item number and title from the following list. If a title includes subjects not treated in the rule, those subjects may be eliminated from the title.

Item and Title

100 Governing publications.
110 to 119 Definitions.
150 Application of tariff, schedule.
160 to 290 Application of rates.
299 Absorptions.
300 Advancing charges.
305 Advertising on carrier equipment.
310 Advertising or premiums.
315 to 335 Allowances.
340 Arbitraries or differentials.
345 Arrival notice and undelivered freight.
350 Assembling or distributing freight.
360 Bills of lading.
370 Bulk freight.
381 Cancellation of items.
382 Cancellation of looseleaf pages.
390 Capacity loads.
405 Carrier trade names.
407 to 419 Claims, loss and damage
420 Classification of articles—General.
421 Classification by analogy.
422 Classification of combined articles.
423 Classification of loose articles.
424 Classification of parts or pieces of a complete article.
426 Classification of reconditioning bags.
428 Classification of various documents included with freight.
430 COD shipments.
435 Collection of charges.
440 Commercial zones.
455 Consecutive numbers.
460 Consolidation of shipments.
465 Containers.
470 Control and exclusive use of vehicles.
480 Customs or in-bond freight.
490 Density.
500 Detention—Vehicles with power units.
501 Detention—Vehicles without power units.
502 Detention—LTL or AQ shipments.
510 Distances.
520 Equipment.
535 Expiration dates.
540 Explosives and other dangerous articles.
550 Export, import, coastwise or intercoastal freight.
560 Extra labor.
565 Fractions.
566 Handling freight not adjacent to vehicle.
568 Heavy or bulky freight.
570 Impracticable operations.
575 Light or bulky freight.
578 Loading by consignor—Unloading by consignee.
580 Marking or tagging freight.
595 Maximum charge.
600 Meat hooks or racks.
610 Minimum charge.
640 Mixed shipment—LTL.
645 Mixed shipment—TL or Vol.
647 Notification prior to delivery.
650 Operating rights.
670 Over dimension freight.
680 to 689 Packing or packaging.
710 Pallets, platforms or skids.
720 Payment of charges.
730 Peddler truck shipments.
740 Permits, special.
750 Pickup or delivery service.
754 Pickup or delivery service—Sundays or holidays.
755 Pickup or delivery service—Saturdays.
756 Pickup or delivery service—Saturdays, Sundays, or holidays.
765 Precedence of rates.
766 Precedence of rules.
770 Prepayment.
780 Prohibited or restricted articles.
784 Proof of delivery.
800 Proportional rates.
810 Protective service.
820 Reconsignment or diversion.
830 Redelivery.
845 Reference to tariffs, schedules.
846 Reissued matter, method of treating.
848 Released value.
850 Reporting charge.
880 Sealing of trucks.
883 Shipments tendered as a truckload.
885 Single shipment pickup.
887 Sorting or segregating.
890 Special services.
900 Stopoffs.
910 Storage.
920 Substitution of service.
940 Terminal areas.
950 Terminal charges at ports.
957 Tools.
959 Transfer of lading.
960 Transfer of service.
970 Transit privileges or services.
980 Unnamed points.
985 Vehicle furnished but not used.
990 Weighing and weights.
992 Weight verification.
995 Weights—Gross weights and dunnage.
997 Weights—Minimum weight factor.

(ii) A carrier or agent may assign a title and number of its choosing for matter not listed in subparagraph (4)(i), provided the title and number chosen do not conflict with those listed.

(iii) If a title in subparagraph (4)(i) does not properly identify a rule's content, qualifying words, phrases or subtitles may be added. When qualifying words or phrases are used, the prescribed title shall be followed by a dash and the added words, for example: "Bills of Lading—Order Notify." Subtitles or references to excepted classification rules shall follow the title.

(iv) When it is necessary or practicable to split a rule into two or more parts, the prescribed item number may be subdivided. The first part of the rule (which shall contain the general or master rule, if any) must be assigned the prescribed item number without a numerical suffix. Each subdivision must be assigned a compound number, which shall be constructed by use of the prescribed number followed by a hyphen, then a new series of numbers—for example, item 390-1, 390-2, 390-3, etc., in numerical sequence. Each subdivision must show the prescribed title.

(v) Exceptions to a rule may be included in the general rule or arranged in items immediately following the rule to which exception is taken. In the latter case, exception items are to use the standard item number of the general rule followed by a suffix—for example, exceptions to item 568 would use items 568–1, 568–2, etc.

Appendix D—Proposed Rules To Govern Standard Codes for Commodity Identification

§ 1300.34, 1304.45, 1307.18, 1308.15, 1308.112, 1310.36 [Added]

We propose that 49 CFR, Parts 1300, 1304, 1307, 1308 and 1310 be amended by adding to each part the following new sections to be designated respectively as §§ 1300.34, 1304.45, 1307.18, 1308.15, 1308.112 and 1310.36, each to be entitled "Standard Codes for Commodity Identification.

(a) *Definition.* As used in this part, the term "standard transportation commodity code" (STCC) means the standard transportation commodity codes assigned by the Association of American Railroads as contained in tariffs filed with the Commission.

(b) *Use.* Standard transportation commodity codes may be used instead of names to identify commodities in

tariffs or schedules. Tariffs or schedules using the codes shall contain, or refer to a tariff publication which contains, the code assignments. Carriers do not need to be shown as participants in the code assignment tariff, and any tariff or schedule may refer to it. The standard transportation commodity codes are the only codes, standing alone, that may be used to identify commodities.

(c) *Listing.* Where the regulations in this part require commodity names to be published in alphabetical order, the standard transportation commodity codes shall be published in numerical order.

Appendix E—Proposed Rules To Govern Standard Codes for Points Identification

§§ 1300.33, 1303.38, 1304.44, 1306.19, 1307.17, 1308.14, 1308.111 and 1310.35 [Added]

We propose to amend 49 CFR, Parts 1300, 1303, 1304, 1306, 1307, 1308 and 1310 by adding to each part the following new sections to be designated respectively as §§ 1300.33, 1303.38, 1304.44, 1306.19, 1307.17, 1308.14, 1308.111 and 1310.35, each to be entitled "Standard Codes for Points Identification."

(a) *Definition.* As used in this part, the term "standard codes for points identification" means the codes assigned to points (places) by the Federal Information Processing Standards Publication 55 (FIPS PUB 55), issued by the National Bureau of Standards, U.S. Department of Commerce, and as contained in tariffs filed with the Commission.

(b) *Use.* Standard codes for points identification may be used in tariffs or schedules to identify points instead of the names of the points. The standard codes for points identification are the only codes, standing alone, that may be used to identify points and places. This does not prohibit the use of other codes when used parenthetically with named points.

(c) *Listing.* If the regulations in this part require the point (place) names to be published in alphabetical order, the standard codes for point identification shall be published in alpha-numerical order—i.e., arranged alphabetically by State code with points within each State sublisted in numerical order.

[FR Doc. 79-32092 Filed 10-17-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries Proposed Rulemaking; Announcement of Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Proposed Rulemaking, Announcement of Public Hearing.

SUMMARY: A public hearing will be held by the National Marine Fisheries Service (NMFS) to solicit comments on the proposed closure of an area of the fishery conservation zone (FCZ) offshore of Ocean City, Maryland to fishing for surf clams. Closure of the area has been proposed because of the predominance of small (less than 4½ inches) surf clams. The area proposed for closure is approximately 25 square miles, and lies between seven and ten miles directly offshore of Ocean City, Maryland.

DATES: Comments are invited until November 15, 1979. A public hearing will be held on November 1, 1979. The hearing is scheduled between 7:00 and 10:00 p.m.

ADDRESSES: The hearing will be held at the Fenwich Inn, 13801 Coastal Highway, Ocean City, Maryland. Written comments may be directed to the Regional Director of the National Marine Fisheries Service at 14 Elm Street, Gloucester, Massachusetts 01930.

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

SUPPLEMENTARY INFORMATION: Regulations implementing the fishery management plan for the Atlantic surf clam and ocean quahog fisheries contain provisions for the closure of areas which contain beds of small surf clams. Section 652.8(b) allows the Regional Director to close an area to surf clam fishing if he determines (based on logbook entries, processors' reports, survey cruises, or other information) that the area contains surf clams of which 60 percent or more are smaller than 4½ inches in size and not more than 15 percent are larger than 5½ inches in size.

In one previous instance, an area was closed under the authority of this provision. That 35 square mile area off Atlantic City, New Jersey was closed on September 20, 1978 (43 FR 42765). Since the beginning of this year, numerous fishermen and processors of surf clams have indicated that large numbers of small surf clams were present in areas offshore of Ocean City, Maryland. A special study was conducted in August and September to locate and define the area where small clams predominate. That study has delineated an area within which the surf clam size distribution meets the criteria for closure under provisions of section 652.8 of the regulations. The area proposed for closure is approximately 25 square miles, and is defined as follows: Beginning at a point at 74°57′ W. longitude and 38°17′ N. latitude; thence northeasterly in a straight line to 74°51′ W. longitude and 38°20.5′ N. latitude; thence southeasterly in a straight line to 74°48.5′ W. longitude and 38°19′ N. latitude; thence southwesterly in a straight line to 74°51′ W. longitude and 38°12.5′ N. latitude; thence northwesterly in a straight line to 74°57′ W. longitude and 38°17′ N. latitude, the point the beginning. The corners of the area are also approximated by loran "C" bearings. Overlay on National Ocean Survey chart 12211. The loran "C" bearings, are, respectively, 52540–70430; 52470–70420; 52470–7035; 52540–70465. Closure of this area for a period of at least two years has been recommended.

The public hearing has been scheduled to provide the fishermen and others who may depend on the area or have information pertinent to the proposed closure with an opportunity to comment on the proposal. It is hoped that comments and information presented at the hearing will facilitate an accurate assessment of the economic and social importance of the area proposed for closure.

The Assistant Administrator has determined that this proposed rulemaking is not significant within the meaning contemplated by Executive Order 12044.

Authority: 16 U.S.C. 1801 *et seq.*

Signed at Washington, D.C. this 15th day of October, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-32118 Filed 10-17-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 203
Thursday, October 18, 1979

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Designation of the Fort Worth Grain Exchange Inspection Service, Inc., Fort Worth, Tex., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the designation of the Fort Worth Grain Exchange Inspection Service, Inc., Fort Worth, Texas, as an official agency to perform official inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments to be postmarked on or before December 3, 1979.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: Fort Worth Grain Exchange Inspection Service, Inc. (the "Agency"), 2707 Decatur Avenue, P.O. Box 4421, Fort Worth, Texas 76106, made application pursuant to Section 7 of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (the "Act"), to be officially designated under the Act, to perform official inspection services, not including official weighing.

The Federal Grain Inspection Service (FGIS) has conducted the required investigation of the Agency which included an onsite review of its inspection point (hereinafter "specified service point") and the Agency was deemed eligible for designation to perform official inspection services (other than appeal inspection), not including official weighing. A document designating the Agency as an official agency was signed on March 20, 1979. The Agency is responsible for providing official grain inspection functions under the Act, replacing those official grain inspection functions previously provided by the Fort Worth Grain Exchange. The designation also included an interim assignment of geographic area within which the official Agency will provide official inspection services.

Note.—Section 7(f)(2) of the Act provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

The geographic area assigned on an interim basis pending final determination in this matter is the following counties: Bell, Bosque, Brown, Coleman, Collin, Comanche, Cooke, Dallas, Denton, Ellis, Falls, Fannin, Grayson, Hamilton, Hill, Johnson, Lamar, Limestone, McLennan, Milam, Red River, Tarrant, and Williamson.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located.

In addition to the specified service point within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain the address of the specified service point and a map of the proposed geographic area for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

This Agency has been performing official inspection services within the proposed geographic area since March 1979. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials must be postmarked not later than December 3, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27 (b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note)).

Done in Washington, D.C. on: October 15, 1979.

L. E. Bartelt,
Administrator.

[FR Doc. 79-32191 Filed 10-17-79; 8:45 am]
BILLING CODE 3410-02-M

Forest Service

Land and Resource Management Plan; Eldorado National Forest, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the Eldorado National Forest.

This forest plan is one of eighteen currently being developed in the Pacific Southwest Region. The development of these several forest plans and the regional plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a regional plan.

This forest plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

(a) Briefly describe the major public issues and management concerns,

(b) Briefly describe the lands and resources of the Eldorado National Forest,

(c) Identify the goals and objectives of management,

(d) Describe the expected types and amounts of goods, services, or uses—by decades,

(e) Identify the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities,

(f) Identify monitoring and evaluation criteria,

(g) Refer to information used in plan development, and

(h) Identify the persons who participated in the development of the plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this plan include but are not limited to:

(a) The kinds and amounts of goods, the services to be produced, and the uses to be permitted on the National Forest System lands,

(b) The public costs of providing these goods and services, and

(c) The physical, biological, economic and social effects associated with the production of goods and services.

The Forest plan will be selected from a range of alternatives which will include at least:

(a) A "no action" alternative which represents continuation of the present management direction,

(b) One or more alternatives formulated to respond to major public issues and management concerns,

(c) One or more alternatives that respond to Resources Planning Act (RPA) target ranges.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Identification of those issues to be analyzed in depth, and

(c) Elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review, or are not within the scope of this Forest Plan.

To accomplish this, public meetings will be held:

Sacramento Community Convention Center, 1100 14th Street, Sacramento, California.
Monday, November 5, 1979, Afternoon—1:30 to 4:00 p.m., Evening—7:30 to 9:30 p.m.
Jackson Civic Center, Junction of Hwys. 49 and 88, Jackson, California.
Wednesday, November 7, 1979, Evening—7:30 to 9:30 p.m.
Forest Supervisors Office, 100 Forni Road, Placerville, California.
Wednesday, November 14, 1979, Afternoon—1:30 to 4:00 p.m., Evening—7:30 to 9:30 p.m.
Georgetown Elementary School, Library, Harkness Avenue, Georgetown, California.
Thursday, November 15, 1979, Evening—7:30 to 9:30 p.m.
Pioneer Inn, 221 South Virginia Street, Reno, Nevada.
Tuesday, November 27, 1979, Afternoon—1:30 to 4:00 p.m., Evening—7:30 to 9:30 p.m.

Written comments and suggestions about these items are encouraged. To be most useful, they should be received by the Forest Supervisor before January 7, 1980. The kind of additional public participation opportunities has not yet been determined. It will vary as the planning progresses and will be responsive to issues and concerns identified during the meetings listed above.

The estimated date for distribution of the draft environmental impact statement is July 1982. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately April 1983.

For further information about the planning project, or the availability of the environmental impact statements, or other documents relevant to the planning process, contact:

Jesse J. Barton, Forest Planner, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667, (916) 622-5061.

Dated: October 9, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-32137 Filed 10-17-79; 8:45 am]

BILLING CODE 3410-11-M

Payette National Forest Grazing Advisory Board; Meeting

The Payette National Forest Grazing Advisory Board will meet at 1 PM, November 20, 1979, at the District Forest Ranger's Office, Council, Idaho. The purpose of this meeting is to organize the Board and elect Officers.

The meeting will be open to the public. Persons who wish to attend should notify M. S. Wright, Payette National Forest, McCall, Idaho, 634-2255. Written statements may be filed with the Board before or after the meeting.

Dated: October 10, 1979.

W. B. Sendt,

Forest Supervisor.

[FR Doc. 79-32133 Filed 10-17-79; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan; Tahoe National Forest, Calif.; Intent To Prepare Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the Forest Plan for the Tahoe National Forest.

This forest plan is one of eighteen currently being developed in the Pacific Southwest Region. The development of these several forest plans and the Regional Plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a regional plan.

This forest plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

(a) Briefly describe the major public issues and management concerns,

(b) Briefly describe the lands and resources of the Tahoe National Forest,

(c) Identify the goals and objectives of management,

(d) Describe the expected types and amounts of goods, services, by uses—by decades,

(e) Identify the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities,

(f) Identify monitoring and evaluation criteria,

(g) Refer to information used in plan development, and

(h) Identify the persons who participated in the development of the plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this plan include but are not limited to:

(a) The kinds and amounts of goods, the services to be produced, and the uses to be permitted on the National Forest System lands,

(b) The public costs of providing these goods and services, and

(c) The physical, biological, economic and social effects associated with the production of goods and services.

The Forest Plan will be selected from a range of alternatives which will include at least:

(a) A "no action" alternative which represents continuation of the present management direction,

(b) One or more alternatives formulated to respond to major public issues and management concerns,

(c) One or more alternatives formulated to investigate opportunities for departure from even flow non-declining timber yield,

(d) One or more alternatives formulated to respond to the forest's share of the Resource Planning Act program targets.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may

be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Identification of those issues to be analyzed in depth, and

(c) Elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review, or are not within the scope of this Forest Plan.

To accomplish this, public meetings will be held:

Sacramento, California—November 5, 1979, 1:30 to 4:00 P.M. and 7:30 to 9:30 P.M. Sacramento Community Convention Center, 1100 14th Street.

Nevada City, California—November 7, 1979, 3:00 to 5:30 P.M. and 7:30 to 9:30 P.M. National Guard Armory, Corner of Ridge Road and Zion Street.

Auburn, California—November 8, 1979, 3:00 to 5:30 and 7:30 to 9:30 P.M. Placer County Administrative Building, 175 Fulweiler.

Downieville, California—November 14, 1979, 3:00 to 5:30 P.M. and 7:30 to 9:30 P.M. Downieville Community Hall, Main Street.

Sierraville, California—November 15, 1979, 3:00 to 5:30 P.M. and 7:30 to 9:30 P.M. Sierraville Elementary School, Highway 89.

Reno, Nevada—November 27, 1979, 1:30 to 4:00 P.M. and 7:30 to 9:30 P.M. Pioneer Inn, 221 South Virginia Street.

Truckee, California—November 29, 1979, 3:00 to 5:30 P.M. and 7:30 to 9:30 P.M. Donner Memorial State Park, Off I–80 at Truckee.

Written comments and suggestions about these items are encouraged. To be most useful, they should be received by the Forest Supervisor before January 7, 1980. The kind of additional public participation opportunities has not yet been determined. It will vary as the planning progresses and will be responsive to issues and concerns identified during the meetings listed above.

The estimated date for distribution of the draft environmental impact statement is July 1982. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately April 1983.

For further information about the planning project, or the availability of the environmental impact statements, or other documents relevant to the planning process, contact: George A. Cadzow, Tahoe National Forest, Highway 49 and Coyote Street, Nevada City, California, (916) 265–4531.

Dated: October 9, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-32136 Filed 10-17-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Dockets 33361, 32637, and 32638]

Former Large Irregular Air Service Investigation (Application of Aero Finance Corp.); Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 28, 1979, at 9:30 a.m. (local time), in Hearing Room 1003 C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served November 9, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 15, 1979.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 79-32168 Filed 10-17-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-10-76]

Capitol International Airways, Inc.; Order Granting Exemptions and Waiver

Issued Under Delegated Authority October 15, 1979.

On September 22, 1979, we were advised by counsel for Capitol International Airways, Inc. that that carrier would be forced to cease operations at 12:01 a.m. e.d.t. that night due to a strike against it by the International Brotherhood of Teamster, Airline Division, Local 732.[1] This strike, like the current strike against World Airways, has the potential to disrupt the travel plans of thousands of persons who hold reservations on Capitol flights.[2]

In order to avert almost certain hardship which will befall its passengers, Capitol requested that the Board grant authority to U.S. certificated air carriers and foreign air carriers to permit them to provide emergency transportation on any flight otherwise authorized by their certificates or permits to any prson who was to have been transported on any Capitol flight. Such authority was granted recently as a result of the World Airways strike, to permit domestic and foreign carriers to provide emergency transportation for passengers of that carrier on their charter flights.[3]

We have decided to act on Capitol's request and grant an exemption to all U.S. certificated air carriers from section 401 of the Act and all foreign air carriers from the provisions of section 402 of the Act to permit them to provide emergency transportation on any charter flight (including ferry legs) to any person who was to have been transported on any Capitol flight, scheduled or charter.[4] We are also granting an exemption to permit these carriers to carry Capitol's scheduled passengers between New York and Brussels and New York and Los Angeles on any of their scheduled flights in these markets. This confirms or oral action communicated to Capitol on September 22, 1979. We find that grant of the exemption is consistent with the public interest.[5]

As we did in the case of World Airways, we also are granting a waiver of the Board's Special Regulations to all charter operators in order to enable them to provide emergency transportation on their charter flights to any passenter who was to have been transported on any Capitol Flight.[5] We find that there are special and unusual circumstances warranting grant of this waiver and that such waiver is in the public interest.

The authority granted here is subject to the conditions that original (*i.e.*, non-Capitol) passengers or cargo may not be displaced to make room for Capitol's traffic, and the original passengers or cargo shippers may not be unreasonably inconvenienced by any flight reroutings which may be necessary in order to pickup or discharge Capitol traffic.[6]

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[1] Airline personnel affected are flight engineers.

[2] In addition to holding world-wide charter authority, Capitol also operates scheduled services between New York and Brussels and New York and Los Angeles.

[3] Order 79–8–11, dated August 2, 1979. In addition, scheduled carriers are authorized to offer seats to charter passengers, whose flights are canceled in emergency situations, by Order 79–5–89, dated May 10, 1979.

[4] In making subservice arrangements for their participants in accordance with this exemption, charter operators will be permitted to request from charter participants a portion of the increased costs of providing return transportation for those participants stranded because of the strike. The additional amount requested shall not exceed one-half the charter operator's cost increase for that participant attributable to the Capitol strike, and shall in no event be more than $20.

[5] We are also granting an exemption to permit these carriers to carry any cargo which was to have been carried by Capitol.

[6] Because the circumstances of each case will vary, we shall leave to the carriers' discretion the point at which a rerouting becomes an inconvenience to the original passengers or shippers. Obviously, the addition of numerous intermediate stops, or multi-hour layovers to enplane passengers or to load cargo, would cause a

Footnotes continued on next page

Since this authority merely permits the addition of passengers and cargo to existing flights, we find that our action does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975. Finally, our action is not an endorsement by the Board that the services described here are hardships qualifying any affected carrier for additional fuel allocation under any aviation fuel allocation program.

Accordingly, acting under authority delegated by the Board in its Regulations, 14 CFR 385:

1. We exempt all U.S. certificated air carriers from the provisions of section 401 of the Act and all foreign air carriers from the provisions of section 402 of the Act to the extent necessary to permit them to provide emergency transportation on any charter flight (including ferry legs) otherwise authorized by the carriers' certificates or permits, to any passenger who was to have been transported on any Capitol International Airways flight;

2. We exempt all U.S. certificated air carriers from the provisions of section 401 of the Act and all foreign air carriers from the provisions of section 402 of the Act to the extent necessary to permit them to provide on any scheduled flight authorized by the carriers' certificates or permits to be operated between New York and Brussels or New York and Los Angeles emergency transportation to any passenger who was to have been transported on any Capitol International Airways' scheduled flight between such points;

3. We exempt all U.S. certificated direct air carriers from the provisions of section 401 of the Act, and all direct foreign air carriers from the provisions of section 402 of the Act, to the extent necessary to permit them to carry cargo which was to have been carried on any Capitol flight;

4. We exempt all U.S. certificated air carriers and foreign air carriers from the provisions of section 403 of the Act and Part 221 of the Board's Economic Regulations, insofar as enforcement of section 403 and Part 221 would prevent them from providing emergency transportation as described in paragraphs 1, 2, and 3;

5. The exemptions granted by paragraphs 1, 2 and 3 shall not authorize any foreign air carrier to engage in air transportation between united States points;

6. We grant all charter operators conducting charter programs under the provisions of the Board's Special Regulatoins a waiver of those rules to the extent necessary to provide emergency transportation on their charter flights to any charter passenger who was to have been transported on any Capitol flight;

7. We waive the prohibition against price increases in 14 CFR 380.33(b) to the extent necessary to permit charter operators to request from charter participants a portion of the increased costs of providing the return transportation described in their operator-participant contracts, as set forth in paragraph 8 of this order. This waiver shall apply only to transportation of participants whose charter trips have already begun by the date of this order and whose originally contracted-for return transportation was to be performed by Capitol;

8. The additional amount requested from any participant pursuant to paragraph 7 above shall not be more than one-half the charter operator's cost increase for that participant attributable to the Capitol strike, and shall in no event be more than $20;

9. The waiver set forth in paragraph 7 above is conditioned on the charter operator extending credit before the return flight's departure to any participants who need it in order to pay the price increase;

10. The authority granted by paragraphs 1–5 above is subject to two conditions: (a) original passengers or cargo shall not be displaced by the Capitol traffic; and (b) original passengers or cargo shippers shall not be unreasonably inconvenienced by any necessary flight reroutings or delays;

11. This authority is applicable only to those passengers or cargo the carriers can verify were to have been transported on a flight operated by Capitol International Airways;

12. This authority shall terminate five days after the resumption of normal services by Capitol International Airways;

13. The Board, at its discretion, may at any time and without hearing amend, modify, or revoke this authority.

This order will be published in the **Federal Register.**

Persons entitled to petition the Board for review of this order under 14 CFR 385.50 may file their petitions within 10 says after the issuance of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

Phillis T. Kaylor,

Secretary.

[FR Doc. 79-32169 Filed 10-17-79; 8:45 am]

BILLING Code 6320-01-M

Footnotes continued from last page
serious inconvenience. Moreover, any delay whatsoever on a flight carrying perishable cargo would constitute an inconvenience. We will monitor closely any complaints arising from this authority; at the same time we do not wish to hinder the addition of passengers or cargo on flights where the effects of a delay would be minimal.

DEPARTMENT OF COMMERCE

Office of the Secretary

Public Advisory Committee for Trademark Affairs; Renewal

In accordance with the provisions of the Federal Advisory Committee Act 5 U.S.C. App. (1976) and Office of Management and Budget Circular A–63 of March 1974, and after consultation with GSA it has been determined that the renewal of the Public Advisory Committee for Trademark Affairs is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in September, 1970. It was reestablished on April 12, 1979 and its present charter will expire on October 12, 1979. Since its inception the purpose of the Committee has been to advise the Patent and Trademark Office concerning steps which can be taken to increase the efficiency and effectiveness of administration of the Trademark Act and to provide a continuing flow of knowledge from the private sector to the government in the field of trademarks. Approximately seventy-five percent of the over one hundred twenty-five specific recommendations have been implemented at least in part. There is no question that the Committee has contributed greatly to the efficiency and effectiveness of the administration of the statute. In reviewing the Committee, the Secretary has sought continued effort towards this objective. The Committee's function cannot be accomplished by any organizational element or other committee of the Department.

As it was initially established, the Committee will continue to comprise the members of the Advisory Committee for Trademark Affairs of the United States Trademark Association. The membership is balanced and is under the control of the President of the Association. The Committee will continue to operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of Congress.

Any inquiries or comments may be addressed to Patricia M. Davis, Committee Control Officer, Office of Trademark Program Control, U.S. Patent & Trademark Office, Washington, D.C. 20231; telephone (703) 557–3881.

Dated: October 11, 1979.

Elsa O. Porter,

Assistant Secretary for Administration.

[FR Doc. 79–32987 Filed 10–17–79; 8:45 am]

BILLING CODE 3510–17–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee; Meeting

The Community College of the Air Force Advisory Committee will hold a meeting on November 20, 1979 at 8:00 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: Academic Policy, Master Plan, Staff Tenure, Use of Consultants in Curriculum Development, Licensing Requirements in the Health Care Sciences, Outreach to Guard and Reserve units, Preparation for Commission on Colleges Visit.

For further information contact Lt Col Thomas C. Padgett, 205–293–7937, Community College of the Air Force, Maxwell AFB, Alabama 36112.

[FR Doc. 79–32000 Filed 10–17–79; 8:45 am]

BILLING CODE 3910–01–M

Corps of Engineers

Richland Creek, Ill.; Intent To Prepare a Draft Environmental Impact Statement (DEIS)

AGENCY: St. Louis District, U.S. Army Corps of Engineers.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for Richland Creek, Illinois.

SUMMARY: 1. *Proposed Action:* The proposed action is to prepare a DEIS for the Richland Creek, Illinois, General Investigation Study concerning flood control and water related problems. These measures will provide varying degrees of protection for flood control and for the prevention of erosion and silt accumulation.

2. *Alternatives:* Alternatives include both structural and non-structural measures such as: detention reservoirs, channel enlargement, channel realinement, clearing and snagging, levees, warning systems, floodplain management, flood-proofing, relocations, bridge opening enlargements, low level flood shields, greenbelts, wildlife habitat areas, and no action.

3. *Scoping Process.* a. *Public Involvement Program.* The public involvement program began with the notification of the initiation of the study to Federal, state, and local governments and agencies in November 1978. An inter-agency field trip was made on 19 December 1978 along with the initiation of correspondence with the local governments to determine the problems and needs of the area. The initial public meeting, which was held on 11 July 1979, was two-fold: first, to obtain information from the public concerning the problems and needs, and second, to begin the scoping process as outlined by the Council of Environmental Quality (29 November 1978). Throughout the remainder of the study, workshops and public meetings will be periodically scheduled to inform the public of the events taking place and to ask for their opinions and comments.

b. *Significant Issues.* Significant issues addressed in the DEIS will include: the presentation of wildlife habitat, historical and archeological sites, and endangered species, the creation of greenbelts, and an analysis of the effects on the environment regarding the economically justified alternatives.

c. *Lead Agency and Cooperating Agency Responsibilities.* The St. Louis District, Army Corps of Engineers, is the lead agency responsible for the preparation of the DEIS. The U.S. Fish and Wildlife Service and the Environmental Protection Agency will be requested to participate as cooperating agencies.

d. *Environmental Review and Consultation Requirements.* The completed DEIS will be circulated to the general public (i.e., those who have expressed interest), as well as to the appropriate local, state, and Federal agencies and representatives of environmental groups. This DEIS will contain records of compliance with designated consultation requirements if found applicable during the course of this study.

4. *Scoping Meeting.* The scoping process was initiated in conjunction with the initial public meeting of 11 July 1979. This scoping process will continue throughout the duration of the study effort, as it is to be incorporated into the total planning process (i.e., public meetings and workshops, meetings with local, state, and Federal agencies and representatives of environmental groups).

5. *DEIS Preparation.* The DEIS is tentatively scheduled to be completed in the third quarter of FY 82. (April–June, 1982). ADDRESS: Questions about the proposed action and the DEIS can be answered by: Mr. Jack F. Rasmussen, ED–B, U.S. Army Engineer District, St. Louis, 210 N. 12th Street, St. Louis, Missouri 63101.

Dated: October 10, 1979

John S. Wilkes III,

Lieutenant Colonel, Acting District Engineer.

[FR Doc. 79–32134 Filed 10–17–79; 8:45 am]

BILLING CODE 3710–GS–M

DELAWARE RIVER BASIN COMMISSION

Public Hearings

The Delaware River Basin Commission will conduct five public hearings from November 14 to November 27, 1979, on the draft final report of the Delaware River Basin Comprehensive (Level B) Study and its draft environmental impact statement.

The report and impact statement were released to the public on October 15, 1979. Copies are available by calling, writing or visiting the Commission's offices.

The draft report is subject to revision following the public hearing and comment process, and the Commission urges all interested parties to make their reactions to the report known to it during a two-month open-record period that will end at 5 p.m. on December 14, 1979.

Responses may be made either in writing directly to the Commission at any time during the comment period or verbally or in writing at any of the five public hearings listed below. The Commission also will welcome at any time through December 14 post-hearing statements and amendments or additions to statements submitted earlier at the hearings or directly in writing.

It is the Commissioners' intention to approve and issue the Level B final report and final environmental impact statement early in 1980. Those components of the final report that may be incorporated into the Commission's comprehensive plan will be the subject of further public hearings, as required by the Delaware River Basin Compact.

Individuals or organizations wishing to testify are requested to so by notifying the Commission by noon of the business day prior to the hearing at which they wish to appear.

The hours for all five hearings will be 2:30 to 5:30 p.m., each resuming at 7:30 p.m. to accommodate persons unable to appear during the day. Following is the schedule of hearings:

Wednesday, November 14—Supervisors Chamber, Sullivan County Government Center, Monticello, N.Y.

Thursday, November 15—East Stroudsburg State College Auditorium, East Stroudsburg, Pa.

Monday, November 19—Council Room, City-County Building, 800 French Street, Wilmington, Del.

Tuesday, November 20—Auditorium, Township Building, Plymouth Township (Montgomery County), Pa.

Tuesday, November 27—Council Chamber, Municipal Complex, Salem Road, Willingboro, N.J.

W. Brinton Whitall,

Secretary.

October 15, 1979.

[FR Doc. 79-32131 Filed 10-17-79; 8:45 am]

BILLING CODE 6360-01-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 months of *May through July 1979.* 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 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 for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Jack Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, California 94111, telephone number (415) 556-7200.

Dated: October 10, 1979.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Firm Name, Address, and Audit Date

Bob & Dave's Chevron Service, 188 E. Foothill Blvd., Upland, CA 91786—4/24/79

Martinez Union Service, 331 E. Foothill Blvd., Upland, CA 91786—6/4/79

Steve's Service Center (Mobil), 204 N. Euclid, Upland, CA 91786—5/24/79

Upland Arco, 187 S. Mountain, Upland, CA 91786—5/17/79

Jack's Union 76, 4600 Melrose, Los Angeles, CA 90029—7/20/79

Gorman Arco, 49669 Golden St. Hwy, Gorman, CA 93534—5/16/79

Casino Car Wash, 1736 Las Vegas Blvd., Las Vegas, NV—8/6/79

Dorrell's Chevron Service, 1720 W. Charleston, Las Vegas, NV 89102—8/1/79

Fred's Union 76, 131 Las Vegas Blvd. N., Las Vegas, NV—7/26/79

Strip Exxon, 2130 Las Vegas Blvd. So., Las Vegas, NV—8/6/79

Bitar Exxon Service Ctr., 2702 W. 1st St., Santa Anna, CA—4/25/79

Harry's Chevron Service, 9971 Adams, Huntington Beach, CA 92646—4/25/79

J & L Oil Co. (Arco), 11470 Edinger, Fountain Valley, CA 92708—7/10/79

Huntington CTR Chevron, 7777 Edinger, Huntington Beach, CA—7/25/79

Huntington Beach Chevron, 7012 Edinger, Huntington Beach, CA—7/25/79

Sam' Shell, 1200 N. Euclid, Anaheim, CA—6/8/79

Nick's Service Ctr., 532 S. Brookhurst, Anaheim, CA—6/8/79

Perez Union, 1913 Edinger, Santa Ana, CA—7/31/79

Kirkor Toprakojian, 13972 So. Tustin Ave., Santa Ana, CA 92701—4/24/79

Cesar P. Batalon, 1630 E. Chapman Ave., Orange, CA 92667—4/24/79

Fred Barrera, 995 W. Chapman Ave., Orange, CA 92668—4/24/79

Paul S. Melt, 9672 Garden Grove Blvd., Garden Grove, CA 92640—4/24/79

R & D Mobil, 13521 Brookhurst, Garden Grove, CA 92643—5/1/79

J. Lawyer & T. Lawyer (Texaco), 13502 Beach Blvd., Westminster, CA 92683—5/1/79

Nicholas R. Barone, 4105 W. Chapman, Orange, CA 92668—5/2/79

Amil Borrelli, 1302 W. Chapman, Orange, CA 92640—3/2/79

Harding Schad Union 76, 12002 Harbor Blvd., Gardon Grove, CA 92640—5/2/79

E. H. Schafer Chevron, 2181 W. Katella, Anaheim, CA—5/4/79

Bob's Motor Home Rentals & R.V. Supplies, 8911 Katella Ave., Anaheim, CA 92804—5/4/79

Marini's Automotive, 1895 W. Katella Ave., Anaheim, CA—5/4/79

Bob's Chevron, 10972 Katella, Anaheim, CA 92804—5/4/79

James Stephens, 2576 Clairemont Dr., San Diego, CA 92117—4/25/79

Chuck Foreman, 3001 Clairemont Dr., San Diego, CA 92117—4/25/79

Pro Auto Service Exxon, 6125 Balboa Ave., San Diego, CA 92111—4/25/79

Sam's Shell, 6055 Balboa Ave., San Diego, CA 92111—4/26/79

Arco Products, Jim Meton's Arco, 6130 Balboa Ave., San Diego, CA—4/26/79

R.C. Service Stations Inc., 7807 Balboa, San Diego, CA 92111—4/27/79

Ard Kewilan, Archies Exxon, 4518 Westminster Blvd., Santa Ana, CA 92703—5/7/74

Ruben Flora Union, 17961 Chapman, Orange, CA—5/9/79

Norm Lefebvre, 2101 S. Harbor Blvd., Anaheim, CA 92806—5/9/79

Joseph Suggs, 16404 E. Colima Rd., Hacienda Hts., CA 91745—4/23/79

Fred I. Foscalina, 2136 S. Hacienda Blvd., Hacienda Hts., CA 91745—4/23/79

Gary Graham, 2010 S. Hacienda Blvd., Hacienda Hts., CA 91745—4/23/79

Ara K. Topalian Arco, 1404 So. Hacienda Blvd., Hacienda Hts., CA 91745—7/2/79

Joseph A. Torchia Jr., 2529 W. Valley Blvd., Alhambra, CA 91803—4/19/79

Al's Chevron, 2600 W. Valley Blvd., Alhambra, CA 91803—4/19/79

Jack's Service Center, 2 E. Valley Blvd., Alhambra, CA 91803—6/26/79

Ray & Bill Mobil Svc. Center, 12402 Washington Place, Los Angeles, CA 90066—6/29/79

Westside Shell Service, 12343 Washington Blvd., Los Angeles, CA 90066—7/2/79

Tom Casgrove Chevron, 11960 Washington Blvd., Los Angeles, CA 90066—7/18/79

Neighborhood Shell, 11281 Washington Place, Culver City, CA 90230—6/29/79

Mikes Shell Service, 9829 Venice Blvd., Los Angeles, CA 90034—6/29/79

Chun Ki Union Service, 3470 So. Sepulveda, Los Angeles, CA 90034—7/2/79

E. R. Ladendecker, 3500 So. Sepulveda, Los Angeles, CA 90034—6/29/79

Gabe's Union 76, 11203 Washington Place, Culver City, CA 90230—6/29/79

George's Union Service, 4436 S. Sepulveda Blvd., Culver City, CA 90230—7/2/79

Bill's Chevron, 11197 Washington Place, Culver City, CA 90230—7/2/79

DeMare's Union Svc., 8525 So. Sepulveda, Los Angeles, CA 90045—7/3/79

Vic's Shell, 5908 Manchester, Los Angeles, CA—7/3/79

Kim's Shell Service, 1135 W. Manchester Blvd., Inglewood, CA 90301—7/3/79

Manchester Shell, 804 W. Manchester Blvd., Inglewood, CA 90301—7/3/79

Don O'Connor's Chevron, 601 W. Manchester, Los Angeles, CA 90045—7/3/79

Morris Chevron, 6530 Sepulveda Blvd., Los Angeles, CA—7/3/79

Art's Exxon, 1100 Manhattan Beach Blvd., Manhattan Beach, CA—5/21/79

John's Service Center (Mobil), 1119 S. Sepulveda Blvd., Manhattan Beach, CA 90266—4/23/79

Don's Shell No. 2, 1129 Sepulveda Blvd., Manhattan Beach, CA 90266—4/23/79

Sav-on Gas, 12505 Vanowen Ave., North Hollywood, CA—8/16/79
Al's Arco Mini Mart, 1002 Manhattan Beach Blvd., Manhattan Beach, CA 90266—4/23/79
Venice Marina (Arco), 12903 Washington Blvd., Los Angeles, CA 90066—5/23/79
Bob Jiminez Chevron, 4004 Lincoln Blvd., Venice, CA 90291—5/23/79
Villa Marina Union, 4300 Lincoln Blvd., Marina Del Ray, CA 90291—5/23/79
Allan Wutkee Union 76 Service, 4801 Lincoln Blvd., Marina Del Ray, CA 90291—5/23/79
Leonard's Svc. (Mobil), 6600 West Manchester Blvd., Los Angeles, CA 90045—5/24/79
Art Fisherson, d.b.a. Arts Chevron, 6508 W. Manchester, Los Angeles, CA 90045—5/24/79
Barell's Texaco, 6575 W. Manchester, Los Angeles, CA 90045—5/24/79
Doug Kitchen's Union 76, 6601 W. Manchester, Los Angeles, CA 90045—5/24/79
Airport Union 76, 603 N. Sepulveda, El Sequndo, CA 90245—5/24/79
Greenwood Texaco, 7401 East NcDowell Rd., Scottsdale, AZ 85257—6/18/79
ABE's Arco, 2523 Foothill Blvd., Pasadena, CA 91107—8/8/79
Dick & Greg's Mobil, 201 E. Live Oak, Arcadia, CA—4/24/79
Royce Hartlfield Union, 701 W. Huntington Dr., Arcadia, CA—5/3/79
Jimmy's Mobil Service, 284 So. San Gabriel Blvd., San Gabriel, CA 91776—5/29/79
Jordan's Union 76, 1305 N. Mountain Ave., Ontario, CA—7/30/79
Ruiz Chevron Service, 3073 Los Feliz Blvd., Los Angeles, CA 90039—6/20/79
Simon Union 76 Service, 3050 Los Feliz Blvd., Los Angeles, CA 90039—4/23/79
Ray Gharzeddine Ray's Service, 1324 S. Central, Glendale, CA 91204—4/23/79
John's Mobil, 18353 E. Arrow Hwy., Azusa, CA 91702—6/15/79
Ron's Shell, 18354 Arrow Hwy., Covina, CA—5/2/79
A & B Texaco, 909 No. Citrus, Corina, CA—5/22/79
Hagen Chevron Service, 201 N. Grand Ave., West Covina—5/24/79
Elmer Webb Chevron Service, 22242 S. Main St., Carson, CA 90745—4/27/79
Gulesserian Arco, 800 E. Valley, San Gabriel, CA 91745—4/23/79
Stan Hartmark No. 2., 1741 Main, Wilmington, CA 90031—5/3/74
ABE's Union, 20315 S. Avalon, Carson, CA 90746—5/3/74
Crenshaw Shell Service, 2477 W. Lomita Blvd., Lomita, CA 90717—5/3/79
Buenos Aires Union, 1345 W. Pacific Coast Hwy., Wilmington, CA 90744—5/1/79
E. Kim's Union 76, 1259 W. Carson, Torrance, CA 90502—5/2/79
John R. Hood Jr. Union 76, 26393 S. Vermont Ave., Harbor City, CA 90710—5/4/79
Miriam Vasquez Shell, 1202 W. Anaheim, Harbor City, CA 90710—5/4/79
Troy Howells Towing, 20802 S. Vermont, Torrance, CA 90502—5/4/79
Harbor General Towing, 911 W. Carson, Torrance, CA 90502—5/4/79
Cho Shell Group, 7121 Atlantic, Bell, CA 90201—8/9/79
Gart La Cour Union, 18605 S. Western Ave., Gardena, CA 90247—7/31/79
Jon Kinsey Arco, 23510 Crenshaw Blvd., Torrance, CA—5/9/79
Bill Jordan's Union Service, 4404 E. 4th St., Long Beach, CA 90814—5/9/79
Wally's Arco, 1905 Grand Ave., San Diego, CA 92109—5/3/79
Bill Hart's Fairmount Shell, 4357 El Cajon Blvd., San Diego, CA 92105—5/3/79
Mission Bay Shell, 2830 Grand Ave., San Diego, CA 92109—6/14/79
Blackburn Mission Valley Exxon, 2432 Hotel Circle Dr., San Diego, CA 92110—6/14/79
Tom Fortune Chevron, 8140 Telegraph Rd., Downey, CA 90240—4/24/79
Ray's Mobil, 311 Castillo St., Santa Barbara, CA 93101—7/12/79
La Colina Mobil, 4151 Foothill Road, Santa Barbara, CA 93105—7/12/79
Ray's Mobil, 45 Glenn Annie Rd., Colita, CA—7/16/79
University Chevron, 6895 Hollister, Golita, CA 93017—8/13/79
Orange Mall Chevron, 2500 N. Tustin Ave., Orange, CA 92665—7/25/79
Howard's Chevron, 1940 E. Katella & Newport Fwy., Orange, CA 92666—7/25/79
Mark's Texaco Service 1140 E. Colorado, Glendale, CA 91205—4/18/79
Necaster Service, 1201 E. Colorado, Glendale, CA 91205—5/1/79
Coyote Chevron, 5241 Beach Blvd., Buena Park, CA—90620—4/19/79
Nadim Shell Service, 6242 Beach Blvd., Buena Park, CA 90620—4/19/79
Jerry's Texaco Service, 2510 Foothill Blvd., La Verne, CA 91750—5/15/79
Atco Oil Co., 370 W. Foothill Blvd., Pomona, CA 92335—7/26/79
Ira Kay Chevron, 695 S. Western Ave., Los Angeles, CA 90005—4/11/79
Chang Shell Station, 2190 W. Washington Blvd., Los Angeles, CA 90018—6/7/79
Western & 4th Carwash—Mobil, 401 S. Western Ave., Los Angeles, CA 90020—5/7/79
Harrison Carroll Jr. Chevron, 303 S. Western Ave., Los Angeles, CA 90005—7/27/79
Fernando Morales Chevron, 1276 N. Western, Los Angeles, CA 90029—5/2/79
Walter's Union Service Center, 4005 W. 3rd Street, Los Angeles, CA 90020—5/1/79
Frank's Arco, 3817 W. 3rd Street, Los Angeles, CA 90020—4/17/79
Sam's Foothill Shell, 183 E. Foothill, Upland, CA—5/9/79
Charles Drysdale Union, 502 N. Euclid Avenue, Upland, CA 91786—6/6/79
Javad Mazarei, 434 N. Euclid Avenue, Ontario, CA 91762—6/8/79
Bob's Union 76, 506 N. Euclid Avenue, Ontario, CA 91761—5/2/79
Boyd Moss Texaco, 4141 W. Charleston, Las Vegas, NV 89102—5/30/79
Anthony's Mobil Service, 4191 Boulder Hwy., Las Vegas, NV 89121—6/6/79
Charleston Height Busky, Las Vegas, NV—6/20/79
Joe's Union Oil, Las Vegas, NV—6/19/79
Gulf (5th & Utah), Las Vegas, NV—6/19/79
Kelly's Shell, Las Vegas, NV—6/20/79
G. H. Chevron, 1104 S. Bristol, Santa Ana, CA 92704—4/17/79
Bitar Fountain Valley Co., 16225 Harbor Blvd., Fountain Valley, CA 92708—4/17/79
Abe Adam Union Service, 3599 Harbor Blvd., Costa Mesa, CA 92626—4/18/79
S. J. Shell, 702 S. Harbor Blvd., Santa Ana, CA 92704—4/19/79
John's Exxon, 15980 Brookhurst, Fountain Valley, CA 92708—4/19/79
Pete's Mobil, 3001 Bristol St., Costa Mesa, CA 92626—4/20/79
Ram's Arco, 10721 Westminister, Garden Grove, CA 92640—5/1/79
F-Z Shell Service, 13991 Brookhurst, Garden Grove, CA 92644—5/1/79
Joe Wasserman Shell, 7951 Westminister, Westminister, CA 92683—5/1/79
Shell Self Serve, 8990 Westminister, Westminister, CA 92680—5/1/79
Mobil Service C & R, 13982 Bolsa Chica, Westminister, CA 92683—6/5/79
Bill's Service Center, 17025 Brookhurst, Fountain Valley, CA—5/8/79
Altinaivi Exxon, 14520 Magnolia, Westminister, CA—6/5/79
Chang Min, 1300 W. Bristol, Santa Ana, CA 92704—4/17/79
Steve Kelso Mobil, 171 East 1st St., Tustin, CA 92680—4/19/79
Norris Haight, 23652 Rockfield & Lake Forrest, Tustin, CA—7/31/79
Roy Calvetti Mobil, Corner of Laguna & Red Hill, Tustin, CA 92680—4/19/79
Peter's Exxon, 2701 N. Bristol, Santa Ana, CA 92706—4/20/79
John's Exxon, 2641 N. Bristol, Santa Ana, CA 92706—4/20/79
Mike Donley's Union Service, 14903 Burbank Blvd., Van Nuys, CA 91401—6/10/79
Harry's Mikaelian Brothers, 12450 Burbank Blvd., N. Hollywood, CA 91607—7/27/79
Mike Donely Union, 14903 Burbank Blvd., Van Nuys, CA 91401—6/19/79
PMP Mobil Inc., Las Vegas, NV—6/19/79
Tropicana Strip Chevron, Las Vegas, NV—6/20/79
Bonanza Union, Las Vegas, NV—6/20/79
Arnie's Blvd. Shell, Las Vegas, NV—6/20/79
Wilt Fong Shell, 1031 S. Hacienda Blvd., Hacienda Heights, CA 91745—5/3/79
Bill's Mobil, 1004 N. Hacienda Blvd., La Puente, CA 91744—5/8/79
Brake King, 15156 E. Valley Blvd., Industry, CA 91744—6/4/79
Howard's Service Center, 15580 E. Valley Blvd., Industry, CA 91744—5/1/79
Far-Go Gas, 15508 E. Gale Ave., Hacienda Hts., CA 91745—5/4/79
Phil's Exxon Service, 15215 E. Gale Ave., Industry, CA 91744—5/8/79
Rick's Arco, 15156 E. Gale Ave., Hacienda Hts., CA 91745—5/2/79
Dick Wagoner Chevron, 14814 E. Gale Ave., Hacienda Hts., CA 91745—5/2/79
Ray Bartz Chevron Center, 841 S. 7th Street, Industry, CA 91745—5/2/79
Bates Chevron, 506 S. Workman Mill Rd., La Puente, CA 91746—5/2/79
John Union 76, 15135 E. Amar Ave., La Puente, CA 91744—5/8/79
Ettore Union, 551 N. Sunset Ave., La Puente, CA 91744—5/8/79
John & Chuck's Union, 1601 N. Hacienda Blvd., La Puente, CA 91744—5/9/79
S & H Gulf, 1411 N. Hacienda Blvd., La Puente, CA 91744—5/9/79
Mariano Arco, 14641 Dalewood Ave., Baldwin Park, CA 91706—5/9/79
Chang O. Kim's Mobil, 1606 N. Puente Ave., Baldwin Park, CA 91706—4/27/79

Carl Burnett's Texaco, 1870 N. Puente Ave., Baldwin Park, CA 91706—4/27/79
John Baird Chevron, 3106 N. Puente Ave., Baldwin Park, CA 91706—5/1/79
Alfredo's Union 76, 3109 N. Puente Ave., Baldwin Park, CA 91706—5/1/79
Jack Bever Chevron, 18081 Ventura Blvd., Woodland Hills, CA—4/4/79
Jerry Schmidt Shell, 1000 S. Santa Anita, Arcadia, CA 91006—4/18/79
Ivan Milicic—Hillcrest Automotive, 233 N. Altadena Dr., Pasadena, CA 91104—4/19/79
Hagop & Yeghia Shekerdemian—Arco, 1150 N. Allen Avenue, Pasadena, CA 91104—4/20/79
Don's Chevron, 186 E. Duarte Road, Arcadia, CA—4/18/79
Steve Bercik's Service Mobil, 201 E. Duarte Road, Arcadia, CA—4/19/79
John Kyle Mobil, 1813 E. Colorado Blvd., Pasadena, CA—5/23/79
Glen Curtis Union Co., 997 Las Tunas, Temple City, CA—4/20/79
Irv Edward's Union, 1127 S. Baldwin, Arcadia, CA—5/2/79
Joe Polimeni Mobil, 4749 Santa Anita, El Monte, CA—5/2/79
Najeeb Abujudeh Shell, 3700 Colorado, Pasadena, CA—5/3/79
Lavaugh Johns Mobil, 810 Huntington, San Marino, CA—5/3/79
Hancock Chevron, 801 W. Huntington Dr., Arcadia, CA 91006—5/30/79
Don Cooks Chevron, 10030 Lakewood Blvd., Downey, CA 90240—5/17/79
Robert M. Wood Union 76, 10208 Lakewood Blvd., Downey, CA 90241—5/16/79
Dogan Tasci Texaco Service, 10037 Lakewood Blvd., Downey, CA 90240—5/1/79
South Clairemont Mobil, 3095 Clairemont Dr., San Diego, CA 92117—4/26/79
Joe Hernadez Arco, 1550 Marina Blvd., San Diego, CA 92110—4/26/79
Don Gressman Chevron Service, 1330 Santa Monica Blvd., Santa Monica, CA 90401—4/25/79
George Ando Service, 11350 W. Olympic Blvd., W. Los Angeles, CA 90064—7/19/79
Sung's Shell Service, 1502 14th St., Santa Monica, CA 90404—4/17/79
Jack Edwards Shell, 11944 Olympic Blvd., W. Los Angeles, CA—4/19/79
Charles Service Center, 10857 Santa Monica Blvd., Los Angeles, CA 90025—5/14/79
Hassanali Rawji Chevron, 2328 Pico Blvd., Santa Monica, CA 90405—5/1/79
Grant Fought Auto Service No. 1, 2344 Pico Blvd., Santa Monica, CA 90405—4/19/79
Curt's Chevron, 1750 Ocean Park Blvd., Santa Monica, CA 90405—4/19/79
Bill's Shell, 11574 Santa Monica Blvd., Los Angeles, CA 90025—4/19/79
Saffie Union 76, 879 N. Wilcox Ave., Montebello, CA 90640—4/19/79
Andrew Pica's Shell Service, 631 N. Garfield Ave., Monterey Park, CA 91754—4/19/79
J & B Shell, 5300 Arlington Ave., Riverside, CA 93504—7/11/79
Fay Morrison's Chevron, 5305 Arlington Ave., Riverside, CA 92504—4/20/79
Ary Kang Shell Station, 2716 E. Colorado Blvd., Pasadena, CA 91607—5/30/79
MH Kaboud Arco, 3706 Foothill Blvd., Pasadena, CA 91107—5/25/79
Rabiees Union 76, 16205 E. Leffingwell, Whittier, CA 90603—5/14/79
Harry's Service Center Mobil, 1277 N. Western Ave., Hollywood, CA 90029—4/12/79
Petty's Shell Service, 4455 W. Beverly Blvd., Los Angeles, CA 90004—5/2/79
Alex Service Mobil, 4474 W. Beverly Blvd., Los Angeles, CA 90004—5/7/79
Hossein Fadakar Union, 304 Vermont Ave., Los Angeles, CA 90004—5/10/79
Don McCormick Chevron Suc., 561 S. Vermont Ave., Los Angeles, CA 90020—5/17/79
Velazques Chevron, 270 S. Normandie Ave., Los Angeles, CA 90004—5/7/79
Peter Hong Union, 210 W. 8th St., Los Angeles, CA 90057—6/11/79
Louie Laymance Union, 49704 Gorman Post Rd., Gorman, CA 93243—6/8/79
Tovroj Service, 300 S. Normandie Ave., Los Angeles, CA 90005—4/23/79
Kirby Clark Exxon, 19005 E. Colima Road, Rowland Heights, CA—4/20/79
Norms Exxon, 350 S. Diamond Bar Blvd., Diamond Bar, CA 91765—5/14/79
Rowland Heights Service Center, 18999 Colima Boulevard, Rowland Heights, CA—5/31/79
George Bower, Chevron, 19004 E. Colima Road, Rowland Heights, CA—6/5/79
Howard's Union, 420 N. Azusa Ave., Covina, CA 91722—4/18/79
Peterson Shell No. 2, 1247 W. San Bernardino Road, Covina, CA 91722—5/29/79
Macks Arco, 1680 W. San Bernardino Road, Covina, CA 91722—5/11/79
Bob & John's Service, 16877 E. Arrow Highway, Azusa, CA—4/19/79
Mike's Mobil, 18253 Colima Road, Rowland Heights, CA—4/20/79
Kenneth Warbrick Chevron, 4710 Green River Drive, Corona, CA—6/3/79
Juan Camboa Chevron, 1515 N. Garey Avenue, Pomona, CA—5/22/79
Diamond Jims Dairy, 18470 E. Colima Road, Rowland Heights, CA—6/28/79
Sabin Chevron, 3635 Wilshire Blvd., Los Angeles, CA—5/29/79
Peterson Shell, 200 S. Azuza Ave., West Covina, CA—5/29/79
Len's Mobil, 201 S. Azuza Ave., West Covina, CA 91791—7/11/79
Tom's Exxon, 18515 E. Arrow Highway, Covina, CA 91722—4/24/79
Talal K. Khaled, Jba Samj Service Center, West Covina, CA—5/4/79
Richard H. Ahrens, 777 N. Glendora, La Puente, CA 91744—5/9/79
Boshva Guirguis, 1333 W. Merced, West Covina, CA—5/9/79
Essam Karadshih, 333 S. Vincent, West Covina, CA—5/9/79
Richard G. Stakey, 21008 Arrow Highway, Covina, CA—7/23/79
Chester Parker, 2657 E. Valley Blvd., West Covina, CA—5/11/79
Hawkin Self-Service, 8945 N. Central Ave., Phoenix, AZ—6/20/79
Joe Jones Chevron, 702 E. Van Burin, Phoenix, AZ 85006—4/25/79
Valley Shell Auto Care, 543 E. Thomas Road, Phoenix, AZ 85014—4/26/79
Jim B. Murphy Chevron, 2817 N. 7th St., Phoenix, AZ 85006—4/25/79
Country Club Shell, 2902 N. 16th St., Phoenix, AZ—4/26/79
Hal's Exxon, 6747 E. Thomas Road, Scottsdale, AZ 85251—4/28/79
Laing's Mobil, 6750 E. Thomas Road, Scottsdale, AZ 85251—4/26/79
Jose A. Placencia Shell, 6520 N. Central Ave., Phoenix, AZ 85012—4/27/79
Chuck's Freeway Shell, 4041 N. Black Canyon Dr., Phoenix, AZ—6/28/79
Paradise Valley Mobil, Phoenix, AZ—6/15/79
B & H Union, Phoenix, AZ—6/19/79
Bob's West Indian Service, Phoenix, AZ—6/20/79
Dees Union, Phoenix, AZ—6/21/79
G G Exxon Service, 22000 Wilmington Ave., Carson, CA 90745—6/12/79
Harts Mobil, 21682 S. Wilmington Ave., Carson, CA 90745—5/23/79
C. E. Malone Arco Service, Stations, 21704 S. Figueroa, Carson, CA 90745—5/2/79
Jack's Chevron Service, 21633 S. Wilmington Ave., Carson, CA 90745—4/17/79
Hanson's Shell Service, 22251 Wilmington Ave., Carson, CA 90745—4/18/79
Hanson's Texaco, 22232 Wilmington Ave., Carson, CA 90745—4/19/79
Galo's Union Service, 600 W. Carson St., Carson, CA 90745—4/20/79
AA Shell Service, 22303 S. Avalon, Carson, CA 90745—5/15/79
Burke and Cridland Texaco, 796 E. Altadena, Altadena, CA 91001—5/17/79
H & N Chevron, 1318 Huntington Dr., So. Pasadena, CA 91030—5/16/79
Ruiz and Son Mobil, 900 W. Sepulveda Blvd., Harbor City, CA 90710—5/15/79
Eum's Exxon, 921 Sepulveda Blvd., Torrance, CA 90502—5/23/79
Peter Guu Mobil, 501 W. Willow Street, Long Beach, CA 90806—6/22/79
Bob Union, 2205 W. Sepulveda, Torrance, CA—7/25/79
John A. Potter Shell, 25001 S. Western, Lomita, CA 90717—6/28/79
Sung Shell, 2155 W. Rosecrans, Gardena, CA 90249—5/24/79
Vasquez Shell, 1880 W. Carson St., Torrance, CA 90501—5/25/79
Suh's Shell, 506 Rosecrans, Gardena, CA 90247—5/30/79
Lorenzo Shell, 490 W. Rosecrans, Gardena, CA 90247—5/30/79
Young Duk Choi Exxon, 14221 S. Figueroa, Los Angeles, CA 90247—5/30/79
Cervantes Shell, 101 W. Pacific Coast Hwy., Wilmington, CA 90744—5/30/79
Kim's Exxon Shell, 18526 S. Normandie, Gardena, CA 90248—6/1/79
Kenneth Sample Shell, 1695 W. Pacific Coast Highway, Harbor City, CA 90710—6/1/79
H & A Mini Market ARCO, 3015 W. 182nd St., Torrance, CA 90504—6/18/79
H & V Mobil, 5850 W. 3rd Street, Los Angeles, CA 90036—6/19/79
Samir's Shell, 3106 W. Compton Blvd., Gardena, CA 90249—6/18/79
Song-Huh Shell, 5800 Atlantic/South, Long Beach, CA 90805—4/17/79
Song's Union 76, 5740 Atlantic Blvd., Long Beach, CA 90805—4/17/79
An's Mobil Service, 5005 Long Beach Blvd., Long Beach, CA 90805—4/19/79
Bob's Chevron, 4991 Del Amo Blvd., Long Beach, CA 90807—4/19/79
Don's Union 76, 3395 Orange Ave., Long Beach, CA 90803—4/20/79
I & L Service—Mobil, 5401 Atlantic Ave., Long Beach, CA 90805—4/20/79

Ralph's Union Service, 1790 Atlantic Ave., Long Beach, CA 90813—4/20/79
Orlando's Service Station—Union 76, 4870 Bellflower Blvd., Lakewood, CA 90713—5/8/79
Art Moore's Arco Service, 5800 Bellflower Blvd., Lakewood, CA 90713—5/9/79
Rod Pearson Exxon, 1509 W. Charleston, Las Vegas, NV 89102—6/20/79
Don's Arco, 1548 F Street, San Diego, CA 4/25/79
Brannon's Exxon, 420 Robinson Ave., San Diego, CA 92103—4/26/79
C. W. Morris Union, 3795 6th Ave., San Diego, CA 92103—4/26/79
Don Morton Chevron, 3806 6th Ave., San Diego, CA 92103—4/26/79
Mission Valley Union 76, 500 Hotel Circle North, San Diego, CA 92108—4/27/79
Mission Valley Mobil, 1110 W. Hotel Circle, San Diego, CA 92110—4/27/79
Moshe Toister Mobil, 1229 E. 17th St., Santa Ana, CA 92701—4/18/79
George's Mobil Service, 521 E. 17th Street, Santa Ana, CA 92761—7/2/79
David Hughes Chevron Station, 400 E. 17th Street, Santa Ana, CA 92701—6/18/79
Jim's Shell Service, 11281 Santa Monica Blvd., Los Angeles, CA 90025—4/20/79
Gerry's Union Service, 11305 Santa Monica Blvd., W. Los Angeles, CA 90025—4/20/79
Frank's Union 76, 1645 Crenshaw Blvd., Torrance, CA 90501—4/20/79
Gary's Service Center—Mobil, 1640 Crenshaw Blvd., Torrance, CA 90501—4/20/79
Hangtown Chevron, 88 Main Street, Placerville, CA 95667—6/1/79
Len's Texaco, 801 E. Kettleman Lane, Lodi, CA 95240—6/13/79
Carralejo & Sons Mobil, 101 S. La Cumbre Road Santa Barbara, CA 93105—6/11/79
Pronto Chevron Automated Service, 3020 N. Olive St., Burbank, CA 6/14/79
Fazloliah Bazargannan Shell, 16201 Woodley, Granda Hills, CA 91344—7/23/79
S & K Shell, 21347 Ventura Blvd., Woodland Hills, CA 91364—8/14/79
Samran Thomloi Union 76, 11700 Magnolia Blvd., N. Hollywood, CA—6/3/79
Phil's Union Service, 9055 Wilshire Blvd. Beverly Hills, CA—5/4/79
Roy Surey Union 76, 21940 Ventura Blvd., Woodland Hills, CA—6/25/79
Woodland Hills Chevron, 5356 Canoga Ave., Woodland Hills, CA—6/25/79
Dale's Union Service, 18524 Ventura Blvd., Tarzana, CA—5/24/79
Dave's Union Service, 17849 Ventura Blvd., Encino, CA 91316—5/25/79
Young's Shell Service, 15255 Roscoe Blvd., Van Nuys, CA 91402—6/13/79
Sam's Arco, 804 Wilshire Blvd., Santa Monica, CA 90401—5/25/79
Koko's Exxon, 1260 Lincoln Blvd., Santa Monica, CA 90401—5/25/79
Midlad's Union 76, 1402 Santa Monica Blvd., Santa Monica, CA 90404—5/25/79
Osko's Mobil, 731 Santa Monica Blvd., Santa Monica, CA 90401—5/29/79
Manuel Quintana, d.b.a. Mannys Chevron, 1117 Santa Monica, Los Angeles, CA 90025—6/11/79
David's Shell Station 1221 Artesia Blvd., Manhattan Beach, CA 90266—6/4/79
Manny Granada, d.b.a. Mobil West, 11178 Santa Monica, Los Angeles, CA 90025—6/11/79
Ed Randall, Malibu Arco, Malibu, CA—6/12/79
Mike Burko, Burko's Union No., 23670 Pacific Coast Highway, Malibu, CA—6/12/79
Winson Hong, d.b.a. Francas Canyon Chev., 30811 Pacific Coast Hwy., Malibu, CA 90265—6/12/79
Brian Grouley, Francas Mobil, Malibu, CA—6/12/79
Hans Paul, Malibu, CA—6/12/79
Hondo Oil No. 2, Malibu, CA—6/13/79
Greenwood Texaco, Phoenix, AZ—6/19/79
Emil's Shell, Phoenix, AZ—6/20/79
Raouf's Mobil, 9000 Telegraph Rd., Downey, CA 90240—4/24/79
Albert's Shell, 8801 Lakewood Blvd., Downey, CA 90240—4/24/79
Haddad Mobil, 18501 Soledad Canyon Rd., Canyon Country, CA 91350—5/17/79
Burdin's Mobil, 25357 N. Chiquilla Lane, Newhall, CA—5/3/79
Kim's Service Center, 5776 W. Washington Blvd., Culver City, CA 90230— 6/13/79
Standard Service Station, 4350 University Ave., San Diego, CA—6/20/79
Lee Bagshaw's Shell, 7006 El Cajon Blvd., San Diego, CA—6/20/79
Joe's ARCO, 6801 Reseda Blvd., Reseda, CA 91335—6/12/79
Reseda Chevron, 6804 Reseda Blvd., Reseda, CA 91335—6/13/79
George Lyle Chevron Service, 8301 Reseda Blvd., Northridge, CA 91324—6/12/79
Jerry Benson Shell, 19030 Sherman Way, Reseda, CA 91335—6/14/79
Leon's Exxon Service, 18056 Saticoy Street, Reseda, CA 91335—6/15/79
L. K. Exxon, 301 S. Atlantic Blvd., Alhambra, CA 90803—6/12/79
John's ARCO, 235 S. Garfield Avenue, Alhambra, CA 91801—6/13/79
Mansour Mobil Service, 1000 W. Valley Blvd., Alhambra, CA 91801—6/13/79
Shell Service Station, 1200 E. Valley Blvd., Alhambra, CA 91801—6/14/79
Van Alstine's ARCO, 532 W. Garvey Blvd., San Gabriel, CA 91776—6/18/79
Floyd's ARCO Service, 3201 W. Valley Blvd., Alhambra, CA 91801—6/19/79
Manny's Service, 848 S. Garfield Ave., Alhambra, CA 91801—6/18/79
Pete's Service, 10742 E. Beverly Blvd., Whittier, CA 90601—6/14/79
James Werner Chevon, 4798 Clairmont Mesa Blvd., San Diego, CA 92117—6/22/79
Chuckta's Shell Svc., 5550 Clairmont Mesa Blvd., San Diego, CA 92117—6/22/79
Casper Mobil Svc., 1495 E. Valley Blvd., Alhambra, CA 91801—6/21/79
Ramirez Shell, 11301 Garvey Ave., El Monte, CA 91733—6/26/79
Garo's Svc Ctr., 1100 N. Santa Anita, S. El Monte, CA 91733—6/28/79
Phillip's Svc. Ctr., 12054 Wilshire Blvd., Los Angeles, CA 90025—6/28/79
Bob Saydeh Chevron, 5200 Arbor Vitae, Los Angeles, CA 90045—6/28/79
Pacific Sunset 76, 17299 Pacific Coast Hwy., Pacific Palisades, CA—6/26/79
Jim's Exxon, 17474 Brookhurst, Fountain Valley, CA—6/22/79
Chung's Shell Svc., 801 W. Rosecrans Ave., Gardena, CA 90247—6/28/79
John A. Potter Shell, 25001 S. Western, Lomita, CA 90717—6/28/79
Bunty Landmark ARCO, 3175 Paradise Rd., Las Vegas, NV 89109—6/21/79
Sand's Mobil, 3376 Las Vegas Blvd. S., Las Vegas, NV—6/22/79
Cec Worthren's Union, 1129 E. Charleston Blvd., Las Vegas, NV—6/22/79
Cloverfield Richfield, 1819 Cloverfield, Santa Monica, CA 90404—6/14/79
Koko's Union, 1776 Cloverfield, Santa Monica, CA 90404—6/14/79
Vern's Chevron, 14791 Pacific Coast Hwy., Santa Monica, CA 90402—6/15/79
Wynkoop Chevron, 17301 Pacific Coast Hwy., Pacific Palisades, CA 90272—6/15/79
Palisades Mobil, 16605 Sunset Blvd., Pacific Palisades, CA 90272—6/15/79
Jim's Palisade's Shell, 15401 Sunset Blvd., Pacific Palisades, CA 90272—6/15/79
Dave's Mobil, 1925 N. Scottsdale Rd., Tempe, AZ 85031—6/21/79
Paradise Valley Mobil, 3202 E. Cactus Rd., Phoenix, AZ 85032—6/18/79
B & H Union 76, 5836 W. Indian School Rd., Phoenix, AZ 85031—6/19/79
Bob's W. Indian Station, 5843 W. Indian School Rd., Phoenix, AZ 85031—6/20/79
Dee's Union 76, 4245 W. Thomas Rd., Phoenix, AZ 85009—6/21/79
Ray's ARCO, 702 W. Broadway, Phoenix, AZ 85041—6/22/79
Bob's ARCO, 2401 E. Broadway, Phoenix, AZ 85040—6/22/79
Monrovia Exxon, 101 W. Huntington, Monrovia, CA 91016—6/27/79
Jackel's Union Svc., 15400 Sunset Blvd., Pacific Palisades, CA 90272—6/26/79
Gehrker's Chevron Svc., 15441 Sunset Blvd., Pacific Palisades, CA 90272—6/26/79
Cal's Union 76, 15200 Sunset Blvd., Pacific Palisades, CA 90272—6/26/79
Chon's Shell Svc., 1866 Lincoln Blvd., Santa Monica, CA 90404—6/26/79
Mauries Shell Svc., 1020 Venice Blvd., Venice, CA 90291—6/27/79
Abrams Shell, 3801 Sepulveda Blvd., Culver City, CA—6/27/79
Adlis Mobil Svc., 3800 So. Sepulveda Blvd., Culver City, CA 90230—6/27/79
John Piechowski Chevron, 3775 S. Sepulveda Blvd., Los Angeles, CA 90064—6/27/79
Kirk's Mobil Svc. Ctr., 11965 Venice Blvd., Los Angeles, CA 90066—6/27/79
Hawkins Self Serv., 8945 N. Central Ave., Phoenix, AZ 85020—6/20/79
Woodland Hills Chevron, 5356 Canoga Ave., Woodland Hills, CA 91364—6/25/79
Rod Pearson Exxon, 1509 W. Charleston, Las Vegas, NV—6/20/79
Castaic Union 76, 31786 Frontage Rd., Castaic, CA 91310—5/17/79
Saludo's Chevron Service, 12801 Inglewood Ave., Hawthorne, CA 90250—7/3/79
Cha's Union, 4801 Imperial Hwy., Inglewood, CA 90304—7/25/79
Arneson Service Inc. (Chevron), 5201 W. Imperial Hwy., Los Angeles, CA 90045—7/10/79
George's Chevron USA, 3742 So. La Brea Ave., Los Angeles, CA 90016—7/3/79
Salvador San Doval Chevron Service, 5791 Rodeo Rd., Los Angeles, CA 90016—7/20/79
Pass Go Service, Inc., 17255 Roscoe Blvd., Northridge, CA—7/23/79

Sante Fe Shell, Inc., 510 Sante Fe Dr., Encinitas, CA 92024—7/31/79
Bill's Shell, 907 W. Mill St., San Bernardino, CA 92408—7/19/79
Monrovia Shell, 102 W. Huntington Dr., Monrovia, CA 91016—7/23/79
Chuck Bryant Chevron, 11403 E. Whittier Blvd., Whittier, CA 90601—7/19/79
Mike's Mobil Service, 11253 Whittier Blvd., Whittier, CA 90606—7/26/79
Joe Bezzera's Chevron, 3200 W. Beverly Blvd., Montebello, CA 90640—7/23/79
Joe Bezzera's Chevron Service, 801 W. Olympic Blvd., Montebello, CA 90646—7/23/79
Joe's Mobil II, 4749 Santa Anita, El Monte, CA 91731—8/1/79
4th Avenue Mobil, 4th & Delaware, San Mateo, CA—5/8/79
Union 76 Station, 401 San Mateo Ave., San Bruno, CA—4/25/79
Union 76 Service, 170 West San Bruno Ave., San Bruno—4/25/79
Mobil Station #18, 2290 98th Ave., Oakland, CA—4/25/79
Kim's Mobil Station, 3101 98th Ave., Oakland, CA—4/25/79
San Bruno Mobil, 500 El Camino Real, San Bruno, CA—4/25/79
San Bruno Shell, 798 El Camino Real, San Bruno, CA—4/25/79
Bud's Union 76, 698 Ralston, Belmont, CA—4/27/79
Belmont Chevron, 990 El Camino Real, Belmont, CA—4/27/79
Belmont Texaco, 1200 El Camino Real, Belmont, CA—4/27/79
Roy & Ray's Chevron, 320 East Millbrae Ave., Millbrae, CA—5/1/79
Shell Service, 225 West Brokaw Road, San Jose, CA—5/2/79
Shell Service, 3290 South White Road, San Jose, CA—5/2/79
Great America Shell, 3751 Lafayette, Santa Clara, CA—5/3/79
Hillsborough Shell, 407 So. Delaware Ave., San Mateo, CA—5/7/79
4th & El Dorado Chevron, 602 E. 4th Ave., San Mateo, CA—5/7/79
Stan's Service Center, 3350 N. Texas St., Fairfield, CA—5/2/79
Muffin Treat Shell, 2345 N. Texas St., Fairfield, CA—5/2/79
Arco Service, 3650 Nelson Grove, Fairfield, CA—5/4/79
Arco Service, 6140 Greenback Lane, Citrus Heights—5/7/79
Greenback Shell, 6600 Greenback Lane, Citrus Heights—5/7/79
Exxon Station, 7961 Madison, Citrus Heights—5/7/79
Dick's Arco, 8461 Folsom Blvd., Sacramento, CA—5/8/79
College Town Texaco, 7901 College Town Drive, Sacramento—5/8/79
Houston's Union 76, 1500 Bayshore Hwy., Burlingame, CA—5/9/79
Millbrae Square Chevron, 501 El Camino Real, Millbrae, CA—5/9/79
Whipple Avenue Mobil, 640 Whipple Ave., Redwood City, CA—5/8/79
Tony & Tom's Shell, 6400 Stockton Blvd., Sacramento, CA—5/11/79
Whipple Avenue Chevron, 585 Whipple Avenue, Redwood City, CA—5/9/79
San Joaquin City Resort, 30836 So. Airport Way, Tracey, CA—6/26/79
Arco Sales Service, 300 North Hartz, Danville, CA—6/28/79
City Union 76, 1935 Washington Avenue, San Leandro—6/28/79
Mani Guerami Mobil, 609 E. 4th Ave., San Mateo, CA—5/8/79
Arco Motor Mart, 504 Whipple, Redwood City, CA—5/8/79
19th Avenue Arco, 19th and Delaware, San Mateo, CA—5/7/79
5th Avenue Shell, 3201 El Camino, Menlo Park, CA—5/8/79
University Shell, 2194 University Avenue, Palo Alto, CA—5/8/79
Murray Petroleum, 300 New Stine Road, Bakersfield, CA—5/22/79
Dale's Arco, 1129 Union Ave., Bakersfield, CA—5/27/79
Spenser's Union, 2524 Oswell Ave., Bakersfield, CA—5/25/79
Ray's Exxon, 2600 Oswell Ave., Bakersfield, CA—5/29/79
Tom's Union, 300 Niles St., Bakersfield, CA—5/29/79
Tom's Mobil, 2688 Oswell Ave., Bakersfield, CA—5/29/79
Don's Arco, 2106 Taft Hiway, Bakersfield, CA—5/29/79
Berg's Exxon, 5213 Olive St., Bakersfield, CA—5/29/79
Riley's Chevron, 5201 Olive St., Bakersfield, CA—5/30/79
Larry's Texaco, 5300 Olive Drive, Bakersfield, CA—5/31/79
Bales Union, 701 Airport Drive, Bakersfield, CA—5/31/79
Thompson's Shell, 5212 Olive Drive, Bakersfield, CA—5/31/79
Lowe's Chevron, 700 Airport Drive, Bakersfield, CA—6/1/79
Paul's Place, Weldon, CA—6/22/79
Brock's Texaco, Lake Isabella, CA—6/22/79
Herb's Arco, 8100 Buena Vista, Lamont—6/21/79

[FR Doc. 79-32178 Filed 10-17-79; 8:45 am]
BILLING CODE 6450-01-M

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below during the month of September, 1979. The Consent Order represents the resolutions of an outstanding compliance investigation or proceeding by the DOE and the firm which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separatedly published in the **Federal Register**. This Consent Order is concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified company during the time period indicated below through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, California 94111, Telephone number (415) 556-7200.

Firm name and address	Refund amount	Product	Period covered	Recipients of refund
Gustafson Oil Company of California, 1888 Century Park East, Century City, CA 90067	$170,308	Fuel oil	October 1973; June 1976.	

Issued in Washington, D.C. on October 12, 1979.

Robert D. Gerring,

Director, Program Operations Division, Economic Regulatory Administration.

[FR Doc 79-32179 Filed 10-17-79; 8:45 am]
BILLING CODE 6450-01-M

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 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 for each grade of gasoline on the face of each pump in numbers and

letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Jack Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, California 94111, telephone number (415) 556-7200.

Dated: October 10, 1979.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Firm Name, Address, and Audit Date

Kim's Exxon Service, 6605 York Blvd., Los Angeles, CA 90042—8/23/79
Phil's Auto Care, 405 North Ave. 64, Los Angeles, CA 90042—8/24/79
Gary Kingsbury Chevron, 1200 Fair Oaks, South Pasadena, CA 91030—8/24/79
Gregor's Shell Service Station, 3047 Glendale Blvd., Los Angeles, CA 90039—8/24/79
Camile's Shell Service, 1050 S. Fair Oaks, Pasadena, CA 91105—8/28/79
Cesar's Chevron Service, 6201 Franklin Ave., Hollywood, CA 90028—8/28/79
Herb's Chevron Service, 6450 Sunset Blvd., Hollywood, CA 90028—8/29/79
Gary's Texaco Service, 6767 Sunset Blvd., Hollywood, CA 90028—8/29/79
Carlos Barrero Chevron Service, 1459 N. Highland Ave., Hollywood, CA 90028—8/29/79
Luis Rosado Chevron Dealer, 7077 W. Sunset Blvd., Hollywood, CA 90028—8/29/79
Calabasas Exxon, 24025 Calabasas Rd., Calabasas, CA 91302—8/24/79
Malibu Canyon Exxon, 4919 Las Vircines Rd., Calabasas, CA 91302—8/24/79
Jossein Mazarei Shell, 22021 Ventura Blvd., Woodland Hills, CA 91364—8/24/79
Samir J. Haddad Shell, 22295 Mulholland Hwy., Woodland Hills, CA 91364—8/29/79
Don Bucklin Texaco, 13400 Artesia Blvd., Cerritos, CA 90701—8/22/79
Tom Glascock Shell, 3430 South Street, Long Beach, CA 90805—8/28/79
Anastas Shell Station, 17254 Lakewood Blvd., Bellflower, CA 90706—8/24/79
Park's Exxon, 17055 Lakewood, Bellflower, CA 90706—8/24/79
Bob Post Texaco, 15805 Roscoe Blvd., Sepulveda, CA 91343—8/23/79
Art Hahn's Chevron, 6759 Sepulveda Blvd., Van Nuys, CA 91411—8/27/79
A & B Chevron, 6402 Sepulveda Blvd., Van Nuys, CA 91401—8/28/79
Bouquet Exxon, 27777 Bouquet Exxon, Saugus, CA 91350—8/28/79
Keith's Exxon, 20500 San Fernando Rd., Newhall, CA 91321—8/28/79
C & S Texaco, 14058 Burbank Blvd., Van Nuys, CA 91401—8/29/79
St. Clair's Chevron Service, 16203 Parthenia, Sepulveda, CA 91343—8/29/79
Amir Mobil Service Station, 616 Paseo Grande, Corona, CA—8/24/79
Dolly & Toms Exxon Service, 10290 Central, Monclair, CA—8/24/79
American Motors Home Sales Texaco, 2302 Hiway 91, Corona, CA 91720—8/24/79
Russell's Chevron Service, 9110 Glenoaks, Blvd., Sun Valley, CA 91352—8/27/79
Tim's Chevron, 3701 Riverside Drive, Burbank, CA 91505—8/27/79
Helo's Shell, 13700 Sherman Way, Van Nuys, CA 91405—8/27/79
Lakeside Car Wash, 3700 Riverside Drive, Burbank, CA 91505—8/29/79
Omar's Chevron Service, 8700 Foothill Blvd., Sunland, CA 91040—8/29/79
Song Shell, 4380 S. Broadway, Los Angeles, CA—8/24/79
Chang's Shell Service, 854 W. El Segund, Gardena, CA—8/27/79
George W. Newbins & Son Super, 4625 Avalon Blvd., Los Angeles, CA—8/27/79
Choe Auto Service, 4368 Avalon, Los Angeles, CA—8/27/79
Arco Service, 2050 W. Manchester Blvd., Los Angeles, CA—8/27/79
Unsell's Shell Service, 5970 E. Florence Ave., Bell Gardens, CA—8/28/79
Hector Shell, 6350 Florence, Bell Gardens, CA—8/28/79
Alameda Shell, 811 S. Alameda, Compton, CA—8/28/79
Veia's Mobil Auto Center, 4363 E. Imperial Hwy., Lynwood, CA—8/29/79
Jerry McCohn Chevron, 520 E. Alondra Blvd., Compton, CA—8/29/79
Khorehian Union Service, 5890 Hollywood Blvd., Los Angeles, CA 90028—8/17/79
Lloyd's Arco Service, 1874 N. Vermont Ave., Los Angeles, CA 90027—8/17/79
Tony Ortiz Chevron Service, 5871 Hollywood Blvd., Hollywood, CA 90028—8/17/79
Jong Kim's Shell Station, 2315 S. La Brea Ave., Los Angeles, CA 90016—8/21/79
Norman Reisch Union, 31786 Frontage Rd., Castaic, CA 91310—8/17/79
Jim McDaniel's Chevron, 24701 W. Pico Con Blvd., Valencia, CA 91355—8/17/79
Mayer's Freeway Shell, 1-5 Lyons Ave., Newhall, CA 91321—8/17/79
Dave Derai Union, 17849 Ventura Blvd., Encino, CA 91316—8/21/79
Canoga Exxon, 21405 Ventura Blvd., Woodland Hills, CA—8/21/79
Carr's Arco Service, Bellflower & Rosecrans, Bellflower, CA—8/16/79
Street's Union Service, 15482 Golden West, Westminister, CA 92683—8/20/79
Keith Van Hoesen Chevron, 590 N. Magnolia Ave., Anaheim, CA 92801—8/16/79
Lee's Shell Service, 351 N. Placentia, Fullerton, CA 92631—8/17/79
University Shell, 2960 Yorba Linda, Fullerton, CA 92631—8/17/79
Agape Texaco, 2600 W. Lincoln, Anaheim, CA 92801—8/17/79
Insta-Lube Arco, 2604 West La Palma, Anaheim, CA 92801—8/22/79
Osko's Service Station, 731 Santa Monica, Santa Monica, CA 90400—8/16/79
Bill's Tire & Texaco Service, 11250 Los Alamitos, Los Alamitos, CA 90270—8/17/79
Joe's Service Center, 8090 E. Wardlow, Long Beach, CA 90808—8/17/79
Khair Exxon Service, 20001 Beach Blvd. Huntington Beach, CA 92648—8/17/79
Thomas Union 76 Service, 18971 So. Beach Blvd., Huntington Beach, CA 92648—8/17/79
Tanger Shell Service, 10961 Los Alamitos, Sepulveda, CA 91401—8/17/79
Dercole Texaco, 15652 Devonshire, Sepulveda, CA 91401—8/21/79
John's Shell, 7204 Sherman Way, Van Nuys, CA 91405—8/22/79
T & M Sons Exxon Service, 14731 Sand Canyon Ave., Irvine, CA—8/16/79
John's Exxon, 2230 N. Tustin Ave., Santa Ana, CA—8/16/79
Automotive of Costa Mesa, 195 E. 17th St., Costa Mesa, CA—8/17/79
Bitar Fountain Valley Exxon, 16225 Harbor, Fountain Valley, CA—8/17/79
Jeffrey's Mobil Center & Car Wash, 4625 W. Coast Hwy., Newport Beach, CA—8/21/79
Gary's Exxon, 1250 S. Beach, Anaheim, CA—8/22/79
Westcliff Plaza Shell, 1000 Irvine Ave., Newport Beach, CA—8/17/79
Mardis Chevron, 2201 West Lincoln, Anaheim, CA—8/22/79
Ara Kessedjian Shell Service, 5007 Sunset Blvd., Hollywood, CA—8/20/79
Hong's Shell Service, 4960 W. Pico., Los Angeles, CA 90019—8/21/79
Danny Kawasaki, 16024 So. Vermont, Gardena, CA—8/20/79
James Funderburk, 256 E. Manchester, Los Angeles, CA—8/20/79
Hollis & Wallace Magee, 5103 S. Figueroa, Los Angeles, CA—8/20/79
Rev. X. Trone Carter, 1202 E. Firestone Blvd., Los Angeles, CA—8/20/79
Soy I. Kim, 16101 S. Figueroa St., Gardena, CA—8/20/79
Young Choi, 800 W. Manchester, Los Angeles, CA—8/21/79
Bong Jung, 504 W. Santa Barbara, Los Angeles, CA—8/21/79
Winston Gambel, 481 W. Manchester, Los Angeles, CA—8/21/79
Chung T. Yi, 440 S. Broadway, Los Angeles, CA—8/22/79
Stan Dunk, 315 Vernon, Los Angeles, CA—8/22/79
Manny Quintana, 11175 Santa Monica, Los Angeles, CA—8/16/79
Thomas Kim, 10830 Firestone Blvd., Norwalk, CA—8/16/79
Ronald McCoy, 10965 Firestone Blvd., Norwalk, CA—8/17/79
Chan Do Han, 10970 Firestone, Norwalk, CA—8/17/79
Joe E. Randle, 9090 Imperial Hwy., Downey, CA—8/17/79
Adrian Angulo, 7407 E. Firestone, Downey, CA—8/17/79
Sun Son Pak, 8901 S. Atlantic, South Gate, CA—8/17/79
Yong Hong, 4200 Firestone Blvd., South Gate, CA—8/17/79
Shin Ho Cho., 7007 E. Alondra, Paramount, CA—8/17/79
Sid Husain, 15900 Paramount Blvd., Paramount, CA—8/17/79
John Hamamura, 1231 W. Vernon, Los Angeles, CA—8/22/79
Ephraim Gross, 1111 W. Manchester Ave., Los Angeles, CA—8/22/79
Don's Chevron Service No. 2, 100 South Glenoaks Blvd., Burbank, CA 91501—8/20/79
Rays Union Service, 900 West Burbank Blvd., Burbank, CA 91502—8/20/79
Ray's Shell Service, 11680 Victory At Lankershim, North Hollywood, CA 91606—8/20/79

John's Chevron Service, 11335 Magnolia Blvd., North Hollywood, CA 91601—8/22/79
Del Amo Shell Service, 20223 S. Avalon Blvd., Carson, CA 90745—8/7/79
North Carson Shell, 21304 S. Avalon Blvd., Carson, CA 90745—8/7/79
Carlos Chevron, 1101 S. Glendale Ave., Glendale, CA 91205—8/8/79
Mike's Chevron, 5700 San Fernando Blvd., Glendale, CA 91202—8/8/79
Albert Mobil Service, 500 W. Colorado, Glendale, CA 91204—8/8/79
Bob Hofwanger Chevron, 101 E. Colorado, Glendale, CA 91205—8/8/79
California Shell Service, 306 N. Central, Glendale, CA 91203—8/8/79
Demerjian Joes 76, 1320 N. Altadena, Pasadena, CA 91107—8/9/79
Pasadena Shell, 200 N. Fair Oaks, Pasadena, CA—8/9/79
Shehadeh Abu Judeh Shell, 1420 E. Hill, Pasadena, CA—8/10/79
Semaan Shell, 13541 Lakewood Blvd., Downey, CA—8/7/79
Kassab Mobil, 10656 E. Rosecrans Ave., Norwalk, CA 90650—8/7/79
Carl Kang Shell, 10210 Rosencrans Ave., Bellflower, CA 90706—8/7/79
Aristique Shell, 10159 Alondra Blvd., Bellflower, CA 90706—8/8/79
Ackerman Exxon, 10962 Alondra Blvd., Norwalk, CA—8/8/79
Yip's Union 76 Service, 10200 Alondra Blvd., Bellflower, CA 90706—8/8/79
Bill Chapman's Mobil, 10701 E. South St., Cerritos, CA 90701—8/9/79
Ed Sadd's Arco, 4900 Palo Verdes, Lakewood, CA 90713—8/9/79
Pricha's Shell Service, 6404 E. South St., Lakewood, CA 90713—8/9/79
Fortish Enterprise, 11347 E. Washington, Whittier, CA 90606—8/7/79
Bob Humphrey Mobil, 1199 S. Beach, La Habra, CA 90631—8/3/79
College Shell Service, 1001 W. Valencia Dr., Fullerton, CA 92633—8/9/79
Haidarali S. Kaidi, 1000 North Harbor Fullerton, CA 92632—8/9/79
Sunny Hills Texaco, 2201 N. Harbor, Fullerton, CA 92635—8/9/79
Sunny Hills Service, 110 W. Bastanchury, Fullerton, CA 92635—8/9/79
John's Shell Service, 14211 E. Imperial Hwy., La Mirada, CA 90638—8/8/79
Pat's Service Center, 14155 Imperial Hwy., La Mirada, CA 90638—8/8/79
Jim's Union, 6050 Tampa, Tarzana, CA 91356—8/6/79
Jerry Benson Shell, 19309 Sherman Way, Reseda, CA 91335—8/6/79
C & M Automotive, 7654 Tampa, Reseda, CA 91335—8/6/79
IM's Texaco, 15020 E. Whittier, Whittier, CA 90605—8/7/79
Willy Nesh Mobil, 13320 Whittier, Whittier, CA 90602—8/7/79
Stan Chancellor Chevron, 14986 Imperial Blvd., La Mirada, CA 90638—8/8/79
Paul Eschardies Union, 14152 Imperial Hwy., La Mirada, CA 90638—8/8/79
Jack Ware Texaco, Valley View & Imperial Hwy., La Mirada, CA 90638—8/8/79
Yang's Texaco, 11005 Imperial Hwy., Norwalk, CA 90650—8/8/79
La Habra Chevron, 1950 W. Imperial Hwy., La Mirada, CA 90631—8/3/79
Creek Park Shell, 15809 E. Imperial Hwy., La Mirada, CA 90638—8/3/79
Peter Gharibeh Shell, 1802 Clover Field, Santa Monica, CA 90404—8/6/79
Rob's Shell, 7403 La Tijera, Los Angeles, CA 90045—8/6/79
Clyde's Texaco Service, 7897 La Tijera Blvd., Los Angeles, CA 90045—8/6/79
Vic's Shell, 5908 W. Manchester, Los Angeles, CA 90045—8/6/79
Palisades Arco, 15207 Sunset Blvd., Pacific Palisades, CA—8/3/79
Naylor's Shell, 2207 W. 190th St., Torrance, CA 90505—8/9/79
Won's Arco Service, 4015 El Segundo Blvd., Hawthorne, CA 90250—8/8/79
Naylor's Texaco, 2201 W. 182nd St., Torrance, CA 90504—8/8/79
Yosh's Shell, 2150 West Artesia, Torrance, CA 90504—8/8/79
Ko's Exxon, 16025 S. Figueroa, Gardena, CA 90248—8/8/79
Sandy's Exxon Service, 15736 Hawthorne, Lawndale, CA 90260—8/8/79
Harbor General Shell, 911 W. Carson St., Torrance, CA—8/8/79
Kim's Mobil, 21700 S. Vermont, Torrance, CA 90502—8/8/79
Top Value Texaco, 22801 S. Vermont, Torrance, CA 90502—8/8/79
Gart La Cour Union, 18605 S. Western Ave., Gardena, CA 90247—8/7/79
Jimmy Oshiro's Mobil, 18203 S. Western Ave., Gardena, CA 90247—8/7/79
Western Auto Service Arco, 14636 S. Western Ave., Gardena, CA 90247—8/7/79
Vaskin's Shell, 18145 Crenshaw, Torrance, CA 90504—8/7/79
Cervantes Shell, 101 W. Pacific Coast Hwy., Wilmington, CA 90774—8/7/79
Gene Lustig Chevron, 1700 S. Crenshaw, Torrance, CA—8/7/79
Gary Mobil Center, 1640 Crenshaw, Torrance, CA 90501—8/7/79
Hickman Chevron, 8145 Manchester, Playa Del Rey, CA 90291—8/6/79
Teruichi & Masaru Kozai Texaco, 18564 S. Western, Gardena, CA 90247—8/7/79
Ed's Exxon Service, 182 Crenshaw, Torrance, CA 90504—8/7/79
Ted's Automotive Service, 7209 S. Atlantic, Bell, CA 90201—8/8/79
Kim's Shell, 11151 Long Beach Blvd., Lynwood, CA 90262—8/8/79
Salvador Cervantes Mobil, 4417 E. Rosecrans, Compton, CA 90221—8/8/79
Rabadi Mobil, 6685 Atlantic Ave., Long Beach, CA—8/9/79
Sang Y Kum, 7359 Rosecrans, Paramount, CA 90723—8/8/79
Caceres Chevron, 2035 W. Sunset, Los Angeles, CA 90026—8/13/79
Mesa Verde Mobil, 2799 Harbor Blvd., Costa Mesa, CA—8/13/79
Gilbert's Union, 2248 Harbor Blvd., Costa Mesa, CA—8/13/79
Theo's Exxon, 2180 W. Ball, Anaheim, CA—8/13/79
Hadri Exxon, 100 W. Ball, Anaheim, CA—8/13/79
John's Mobil Service, 10203 Rosecrans, Bellflower, CA 90706—8/13/79
Malouf Union, 12555 E. Alondra, Norwalk, CA—8/13/79
Ken Sample's Shell, 12560 E. Artesia, Cerritos, CA 90701—8/13/79
Ruiz Exxon, 1107 South St., Cerritos, CA—8/13/79
Awad's Shell, 13405 Artesia Blvd., Cerritos, CA 90701—8/15/79
Joe's Exxon, 1730 W. Orange Thorpe, Fullerton, CA 92633—8/13/79
Dominguez Texaco, 9209 Telegraph Rd., Pico Rivera, CA 90660—8/14/79
Doug Wallick Union, 1133 E. Commonwealth, Fullerton, CA 92631—8/14/79
Lorenzo Izquieta Shell, 490 W. Rosecrans, Gardena, CA 90247—8/9/79
Rasmussen's Union, 375 East Olive Ave., Burbank, CA—8/14/79
David's Shell Service, 1221 Artesia Blvd., Manhattan Beach, CA—8/14/79
California Car Wash, 1805 Park Street, Alameda, CA 94501—8/3/79
Wong's Texaco, 2200 E. 12th, Oakland, CA 94006—8/3/79
John Eastmont Service, 7210 Bancroft Ave., Oakland, CA 94006—8/3/79
Wilson's Mobil, 2180 Orchard Ave., San Leandro, CA 94577—8/10/79
Dixon Shell, 1784 150th Ave., San Leandro, CA 94578—8/10/79
Frank Tien Union, 20405 Redwood Road, Castro Valley, CA—8/10/79
Larry Lee Shell, 2175 Marina Blvd., San Leandro, CA 94577—8/10/79
Jetts Auto Care, 20500 Hesperian, Hayward, CA—8/14/79
Keene's Union, 898 A Street, Hayward, CA—8/14/79
Harden Road Shell, 197 West Harder Road, Hayward, CA—8/14/79
Kamur Ind., Inc., 2530 E. 14th, Oakland, CA 94601—8/7/79
Marina Union 76, 846 Marina Blvd., San Leandro, CA 94577—8/10/79
Whipple Road Texaco, 1998 Whipple Rd., Union City, CA 94587—8/16/79
Leighton Etter, 42240 Fremont Blvd., Fremont, CA 94538—8/16/79
Ray Santos, 20001 Decoto Rd., Union City, CA 94587—8/16/79
Akinshin Union, 101 Marinwood Ave., Marinwood, CA—8/10/79
South City Service 929 Petaluma Blvd., Petaluma, CA—8/10/79
Kreger's Chevron Service, 2 Petaluma Blvd., Petaluma, CA—8/10/79
New San Rafael Car Wash, 990 Francisco Blvd., San Rafael, CA—8/10/79
Denny's Mobil, 981 Francisco Blvd., San Rafael, CA—8/10/79
Occhipintis One Stop Service, 210 5th Street, Santa Rosa, CA 95401—8/14/79
Bay Bridge Arco, 400 5th Street, San Francisco, CA 94105—8/7/79
Omar Seefeldt, 2190 3rd Street, San Francisco, CA 94107—8/7/79
Bill's Super Shell, 2890 3rd Street, San Francisco, CA 94107—8/7/79
Twin Peaks Mobil, 598 Portola Dr., San Francisco, CA 94127—8/8/79
Bill Sturtevant, 2380 San Bruno Ave., San Francisco, CA—8/9/79
Bob's Union 76, 2895 San Bruno Ave., San Francisco, CA—8/10/79
Silver Arco, 2190 Carroll St., San Francisco, CA—8/10/79
Kambiz Arco, 2990 San Bruno Ave., San Francisco, CA—8/14/79
Tony's Olympic, 2800 California St., San Francisco, CA—8/14/79

Simon's Texaco, 2225 Telegraph, Oakland, CA—8/3/79
Bill Stauder Chevron, 5500 Telegraph, Oakland, CA—8/3/79
Cedar Shell, 1580 San Pablo, Berkeley, CA—8/6/79
Mac Brown Shell, 3420 San Pablo, Oakland, CA—8/9/79
Ben's Chevron, 1615 Carlson, Richmond, CA—8/15/79
Lei Le's Exxon, 1568 Carlson, Richmond, CA—8/15/79
Airport Union, 449 Hegenberger, Oakland, CA—8/16/79
Juan Bauson Exxon, 2985 San Bruno Ave., San Francisco, CA—8/15/79
Sino American Oil Co., Inc., 3550 Mission St., San Francisco, CA 94110—8/17/79
Paglias Mobil, 2410 Main St., Walnut Creek, CA 94549—8/15/79
Concord Tire & Auto Center, 2025 Monument Blvd., Concord, CA 94518—8/15/79
Mark's Curry Chevron, 892 John Daly Blvd., Daly City, CA—8/20/79
Daly City Service, 7200 Mission St., Daly City, CA 94014—8/22/79
Joe L. Mendez, Inc., 287 Westmoor Ave., Daly City, CA—8/21/79
Daly City Texaco, 1690 Sullivan Ave., Daly City, CA—8/21/79
Ray's Service Center, 717 E. San Bruno Ave., San Bruno, CA—8/24/79
S & M Shell Service Center, 383 San Bruno Ave., San Bruno, CA—8/23/79
San Bruno Shell, 798 El Camino Real, San Bruno, CA—8/24/79
Half Moon Bay Texaco, 196 San Mateo Road, Half Moon Bay, CA—8/24/79
Chuck's Chevron, 260 El Camino Real, Burlingame, CA—8/24/79
Burlingame Chevron, 1501 El Camino Real, Burlingame, CA—8/24/79
Jerair's Arco, 491 El Camino Real, Millbrae, CA—8/24/79
Marvin Garage Inc., 699 Columbus, San Francisco, CA—8/21/79
Giles Lee Exxon, 701 Lombard, San Francisco, CA—8/21/79
Toscanini Marina Shell, 1600 Bay St., San Francisco, CA—8/22/79
Kubo's Service Center, 14994 E. 14th, San Leandro, CA—8/21/79
Civic Center Mobil, 301 S. Market, San Jose, CA—8/23/79
Airport Shell, 285 Hegerberger Rd., Oakland, CA—8/16/79
Ken Holstein's Exxon, 6710 Bancroft Ave., Oakland, CA—8/16/79
Bhatt's Arco Service, 6235 Seminary Ave., Oakland, CA—8/17/79
Pete's Stop, 447 E. Williams, San Jose, CA 95112—8/29/79
Story-McLaughlin Chevron, 1144 Story Road, San Jose, CA—8/31/79
Kam & Chuck's Chevron, 2901 San Pablo, Oakland, CA 94608—8/6/79
Broadway Mobil, 1100 Broadway, Redwood City, CA—8/29/79
Wood's Texaco, 503 Whipple Ave., Redwood City, CA—8/31/79
Barry Iver's Chevron, 458 Miller Ave., Mill Valley, CA 94941—8/28/79
K. K. Skyline Shell, 505 Skyline Blvd., Daly City, CA—8/30/79
Gil's Arco, One San Bruno Ave., Brisbane, CA—8/27/79
Charlie's Union, 901 Airport Blvd., So. San Francisco, CA—8/27/79
Westborough Exxon, 2296 Westborough Blvd., So. San Francisco, CA—8/29/79
Park's Texaco Service, 683 E. San Bruno Ave., San Bruno, CA—8/27/79
Las Palmas Shell Service, 123 Linden Ave., So. San Francisco, CA—8/28/79
Jesse Perking Shell Service, 398 Sellert Blvd., Daly City, CA—8/29/79
Brentwood Texaco Station, 209 El Camino Real, So. San Francisco, CA—8/29/79
San Carlos Shell Service, 500 El Camino Real, San Carols, CA—8/30/79
Belmont Texaco, 1200 El Camino Real, Belmont, CA—8/29/79
Menlo Atherton Shell, 1400 El Camino Real, Menlo Park, CA—8/30/79
Broome Taylor Shell, 7915 E. 14th, Oakland, CA—8/31/79
Mike's Union, 1606 Ellington, Delano, CA—8/27/79
Big Four Shell, 1212 Fresno St., Fresno, CA—8/29/79
Domingo Gonzalez, 1160 Fresno St., Fresno, CA—8/29/79
Williams Chevron, 2514 E. Olive Ave., Fresno, CA—8/29/79
Monroe's Mobil, 4149 Clovis Ave., Fresno, CA—8/29/79
Glen Collins, 301 N. China Lake, Ridgecrest, CA—8/21/79
John Fowler, 901 Panorama, Bakersfield, CA—8/21/79
Vernon Wilson, 2115 N. Chester Ave., Oildale, CA—8/22/79
Tony Boles, 701 Airport Dr., Oildale, CA—8/21/79
Swafford & Fowler, 4199 Union Ave., Bakersfield, CA—8/20/79
Arthur C. Folson, 3220 Ming Ave., Bakersfield, CA—8/20/79
Charles Uarbrough, 1901 N. Chester Ave., Oildale, CA—8/21/79
Garcia's Mobil, 466 Cecil Ave., Delano, CA—8/28/79
Chuck Foutz Texaco, 5321 Stockdale Highway, Bakersfield, CA—8/17/79
Bill Johnson Chevron Service, 2515 W. Wellesley, Spokane, Washington 99205—8/8/79
Jess Case, 2202 N. Monroe, Spokane, Washington 99205—8/8/79
Town & Country, 1020 W. Francis, Spokane, Washington 99208—8/8/79
Kelly Shell, 4605 N. Assembly, Spokeane, Washington 99205—8/8/79
Country Oil Station, 8915 N. Division, Spokane, Washington 99218—8/8/79
Chevron USA, 318 Elliott Ave. W., Seattle, Washington 98119—8/8/79
Lake City Union, 13003 Lake City Way N.E., Seattle, Washington 98125—8/9/79
Bruces Texaco, 12001 N.E., 8th, Bellevue, Washington 98004—8/8/79
Lake Hills Arco, 10600 148th Ave. N.E., Bellevue, Washington 98004—8/8/79
Bob's Chevron Service, 16000 N.E., 80th, Redmond, Washington 98052—8/10/79
Curtis Heistand, Rt. 4, Box 312A, Ellenburg, Washington 98926—8/6/79
Donald E. Nelson, 8th and Main, Ellenburg, Washington 98926—8/6/79
Steve's Union, 1709 Canyon Rd., Ellenburg, Washington 98926—8/6/79
Lee Blvd. Arco, 1325 Lee Blvd., Richland, Washington 99352—8/7/79
Desert Oil Co., 5301 W. Canal Drive, Kennewick, WA 99336—8/7/79
Bill Stearns, 261 Baren St. SW., Ephrata, WA—8/9/79
Claries Mobile, 408 N. Chelan, Wenatchee, WA 98801—8/10/79
South End Self-Serv, 821 S. Wenatchee, Wenatchee, WA 98801—8/10/79
Wenatchee Grange Supply Co., 1115 N. Wenatchee, Wenatchee, WA 98801—8/10/79
Jim Mercier, Hiway No. 2 and Ski Hill Drive, Leavenworth, WA—8/10/79
Darsel Joselyn, Hiway 2nd and 5th, Box 6, Shyhomish, WA 98288—8/10/79
Harrisson Ave. Union 76, 1010 Belmont, Centralia, WA 98531—8/6/79
Ray'sTexaco, 1801 E. Nob Hill, Yakima, WA 98901—8/6/79
Steve's Texaco, Rt. 1, U.S. Hwy. 2, Cashmere, WA—8/10/79
F & F Self-Serve, 5304 W. Canal Kennewick, WA 99336—8/7/79
L & L Exxon, 1315 Lee, Richland, WA 99352—8/7/79
Warhers Mobil, 1824 Geo. Wash. Way, Richland, WA 99352—8/7/79
Larry's Mobil, 1918 N. Hamilton, Spokane, WA 99207—8/9/79
Merritt Chevron, Parkway Dr. and Hiway 26, Blackfoot, ID 83221—8/9/79
Harold's Conoco, 622 N. 8th, Boise, ID 83702—8/10/79
Motor Village Conoco, 7405 Franklin, Boise, ID 83705—8/10/79
Circle K, 1795 Vista, Boise, ID 83706—8/10/79
Hillcrest Conococ, 4201 Overland Rd., Boise, ID 83705—8/10/79
Morris Serv. Station, 603 N. 8th, Boise, ID 83702—8/9/79
Capitol Shell, 403 S. Capitol, Boise, ID 83706—8/9/79
Westgate Texaco, 7320 Fairview, Boise, ID 83704—8/8/79
Bill Waters Arco Service, 9500 35th Ave. NE., Seattle, WA 989115—8/14/79
Roadway Chevron, 7002 S. Sprague, Tacoma, WA 98404—8/15/79
Stan's Chevron, 3001 N. Pearl St., Tacoma, WA 98407—8/14/79
Big Six Service, 3826 6th Ave., Tacoma, WA 98406—8/14/79
Dave's West Meeker Chevron Service, 105 Washington St., Kent, WA 98031—8/21/79
Ken's Chevron, 10120 S.E. 256th St., Kent, WA 98031—8/17/79
Central Texaco, 111 So. Central and Meeker, Kent, WA 98031—8/17/79
Jerry's Chevron, 1019 Griffin, Enumclaw, WA 98002—8/16/79
Ralph's Arco, 600 Simpson Ave., Hoquiam, WA 98550—8/22/79
Robbin's Grocery, 100 Elma-Monte Rd., Elma, WA 98541—8/22/79
Nisqually Mobil, 10324 Martin Way East, Olympia, WA 98501—8/17/79
Top's Mobil, 8202 Berkeley SW., Tillicum, WA 98498—8/17/79
Tillicum Arco, 15408 Union Ave., SW., Tillicum, WA 98498—8/17/79
Lakewood Foreign Car Shell, 11738 Pacific Hwy., SW., Tacoma, WA 98499—8/16/79
Floyds Texaco No. 1, 11102 Bridgeport Way SW., Tacoma, WA 98499—8/16/79
Floyds Texaco No. 2, 11901 Pacific Hwy., SW., Tacoma, WA 98499—8/16/79

Ben's Husky Station 1653 E. Francis Spokane, WA 99207. 8/20/79
Ron & Ed's Texaco, 14501 15th N.E., Seattle, WA 98115—8/17/79
Trotter's Arco, 3418 N.E. 65th, Seattle, WA 98115—8/17/79
Donald Hike, d.b.a. Hank's Grocery, 3629 Chico Way N.W., Bremerton, WA 98030—8/22/79
Mike Oberg, d.b.a. Mike's Westpack, 4399 Kitsap Way, Bremerton, WA 98030—8/22/79
Bob McNell, McNell's Chevron, 3520 Kistsap Way, Bremerton, WA 98030—8/22/79
Tena Youngblood, d.b.a. Te's Arco, 2801 1st Ave., Seattle, WA 98121—8/15/79
William F. Arnold, d.b.a. Uptown Texaco, 629 Queen Anne, Ave. N., Seattle, WA 98119—8/15/79
Edgar Hallman, d.b.a. Ed Hallman's Chevron, 600 Warren Ave. N., Seattle, WA 98109—8/15/79
Hezekiah Rhodes, d.b.a. Rhodes' Dome Stadium Service, 500 S. Jackson, Seattle, WA 98104—8/17/79
SnoKing Shell, 22000 Highway 99, Edmonds, WA 98020—8/15/79
Northgate Rent-A-Buy, 11001 Roosevelt Way NE., Seattle, WA 98125—8/15/79
Garden Valley Union, 764 N.W. Garden Valley Rd., Roseburg, OR 97470—8/29/79
J. W. MacDonald Chevron, Rt. 1, Oakland, OR 97462—8/29/79
Rice Hill Mobil, Rt. 1 Box 52A, Oakland, OR 97462—8/29/79
Jack's Chevron, 302 W. Lewis, Pasco, WA 99301—8/28/79
Lies Texaco, 1602 Third Ave., Spokane, WA 99204—8/28/79
King Arthur Car Wash, 1311 South First, Yakima, WA 98901—8/28/79
Geo. Lockman/Sandy Exxon, 5636 N.E. Sandy Blvd., Portland, OR 97213—8/7/79
Sandy Blvd. Shell, 5949 N.E. Sandy Blvd., Portland, OR 97213—8/7/79
Cecil Freshner Shell, 1327 N.E. 82nd, Portland, OR 97220—8/7/79
Silver Enterprises, 1255 N.E. 82nd, Portland, OR 97220—8/7/79
Warren's Union 76, 926 N.W. 23rd, Portland, OR 97210—8/9/79
Ross Island Mobil Service, 4450 S.E. McLoughlin, Portland, OR 97202—8/7/79
Jolley's Union, 18th and Lovejoy, Portland, OR 97209—8/9/79
Fall Mart, 1110 S.E. Powell, Portland, OR 8/7/79
Harold Conely Mobil, 6136 S.E. Powell, Portland, OR 8/10/79
Woodburn Exxon, 2515 Newburg, Hwy., Woodburn, OR 97071—8/8/79
Payne's Service, 16211 S.W. Boones Ferry, Lake Grove, OR 97034—8/8/79
Lake Grove Shell, 16000 Lower Boones Ferry, Lake Grove, OR 97034—8/8/79
Tigard Arco, 12485 S.W. Main St., Tigard, OR 97223—8/8/79
Tigard Texaco Service, 11834 S.W. Pacific Hwy., Tigard, OR 97223—8/8/79
Fred Poehler Auto., 11540 S.W. Barbur Blvd., Tigard, OR 97223—8/8/79
Neuman's Exxon, 3135 S.E. Hwy. 34, Albany, OR 97321—8/9/79
Dave's Freeway Texaco, 3135 Santiam Hwy., Albany, OR 97321—8/9/79
Bart's Exxon, 3650 Glenwood Dr., Eugene, OR 97403—8/10/79
Southside Exxon, 105 S. Boone, Aberdeen, WA 98520—8/23/79
Cliff Marston, d.b.a. Lake Hills Shell, 106 148th S.E., Bellevue, WA 98004—8/9/79
John Georgeadis, d.b.a. Frank's Mutual, 9520 Greenwood Ave. N., Seattle, WA 98133—8/9/79
Leo Black, d.b.a. Highland Plaza 76, 1150 N. 175th, Seattle, WA 98133—8/14/79
George Lavender, d.b.a. George's Chevron, 9571 Silverdale Way, Silverdale, WA 98383—8/23/79
Harry Cole's, d.b.a. Harry's Hoodspot Texaco, Hwy. 101, Hoodspot, WA 98548—8/28/79
Sandy Oen, d.b.a. Sandy's Chevron, Box 307, Quilcene, WA 98376—8/29/79
Sandy Stevens, Center Valley Market, Rt. 2, Box 814A, Quilcene, WA 98376—8/29/79
Edwin Maybee, Maybee's Village, 1105 E. Front, Port Angeles, WA 98362—8/30/79
John Wagner, Laird's Corner, 408 Hwy. 101, Port Angeles, WA 98362—8/31/79
Savway, 2350 Vista, Boise, ID 83705—8/9/79
Earl Carey, 116 N. Chelan, Wenatchee, WA 98801—8/5/79
Hoberg's Chevron, 345 U.S. Hwy. 101, Florence, OR 97439—8/31/79

[FR Doc. 79-32180 Filed 10-17-79; 8:45 am]
BILLING CODE 6450-01-M

Union Oil Co. of California; Proposed Consent Order

I. Introduction

Pursuant to 10 CFR 205.199J, the Office of Special Counsel (OSC) of the Department of Energy (DOE) hereby gives notice of a Consent Order which was executed between Union Oil Company of California and the OSC on July 23, 1979. In accordance with that section, the OSC will receive comments with respect to this Consent Order. Although the Consent Order has been signed and tentatively accepted by OSC, the OSC may, after consideration of comments received, withdraw its acceptance and if appropriate, attempt to negotiate an alternative Consent Order.

II. The Consent Order

Pursuant to 10 CFR 205.199J, and Section 301 of the Department of Energy Organization Act, 42 U.S.C. 1751, the Office of Special Counsel (OSC) of the Department of Energy (DOE) hereby enters into this Consent Order with Union Oil Company of California (Union), with regards to Union's method of determining extraction loss for purposes of calculating increased product costs (shrinkage) at Union's Santa Clara Valley Gasoline Plant (SVC Plant) for the period January 1975 through January 1979. Since September 1978, OSC has been conducting an examination of the books and financial records of Union, pursuant to its authority conferred by the Economic Stabilization Act of 1970, as amended, 12 U.S.C. § 1904, note (Economic Stabilization Act) and the Emergency Petroleum Allocation Act of 1973), as amended, 15 U.S.C. § 751 *et seq.* (Allocation Act). The examination being conducted by OSC focuses on Union's computation of product and non-product cost increases for natural gas liquids (NGL's) and natural gas liquid products (NGLP's) from Union operated and interest-owned gas plants during the period August 1973 through December 1978.

During the course of OSC's examination, OSC was informed by Union that a lump sum downward adjustment of at least $2.4 million was anticipated relative to shrinkage calculations for the SCV Plant which is owned and operated by Union.

Jurisdiction

The Office of Special Counsel was created by Delegation of Authority No. 02044 from the Administrator of the Economic Regulatory Administration which was created by § 206 of the Department of Energy Organization Act, 42 U.S.C. § 7136. Consequently, OSC is empowered to conduct and conclude audits and proceedings concerning the DOE Mandatory Petroleum Price and Allocation Regulations.

Facts

The stipulated facts upon which this Consent Order is based are contained in the following paragraphs numbered 1 through 7.

1. Union, a refiner as defined by the Cost of Living Council (CLC) Regulations 6 CFR 105.352 (31 FR 22536, August 22, 1973) and Federal Energy Administration (FEA) Regulations at 10 CFR 212.31 (39 FR 1924, January 15, 1974) and a gas plant owner-operated as defined under FEA regulations at 10 CFR 212.162 (39 FR 44407, December 24, 1974) produces and sells NGL's and NGLP's.

2. Analysis of Union's computations of increased product costs reveals that for the SCB Plant Union erroneously computed natural gas shrinkage costs contrary to 10 CFR 212.162 which provides that increased shrinkage costs may be claimed only for that volume or quantity of gas lost due to the removal of NGL's.

3. The definition of "cost of natural gas shrinkage" as set forth in 10 CFR 212.162 and 212.167 (effective November 1, 1978 previously § 212.166; *See* 43 FR 42948, September 1, 1978), and clarified by FEA Ruling 1975–18, makes clear that only those shrinkage costs which are "attributable to the *reduction in volume* or BTU value of the natural gas resulting

from the extraction of natural gas liquids" are included in the "cost of natural gas shrinkage." (Emphasis added.) When a firm elects to use the "inlet-outlet" method described by this ruling it is required to include in the outlet component, all volumes (or BTU values) of outlet (residue) gas except quantities of residue gas utilized as plant fuel. Union has elected to use the "inlet-outlet" method to calculate increased shrinkage costs for the SCV Plant.

4. Analysis of Union' calculations for the SCV Plant revealed that outlet determinations had not included certain volumes of residue gas previously utilized as injection gas ("dry gas circulated"). These volumes had been included in Union's inlet determination for the SCV Plant.

5. The failure by Union to include volumes of "dry gas circulated" in SCV Plant outlet determinations resulted in the overstatement of extraction loss (reduction in volume resulting from the extraction process) thereby overstating increased shrinkage costs for the SCV Plant.

6. Union has recalculated its increased shrinkage costs at the SCV Plant for the period January 1975 through January 1979 including the volumes of "dry gas circulated" in outlet determinations. These recalculations indicate an overstatement of increased shrinkage costs for the SCV Plant in the amount of $2,413,516.77. These recalculations have been provided to OSC.

7. Union, without admitting any non-compliance with, or violation of, any rule or regulation of the DOE, desires to resolve pursuant to 10 CFR 205.199J, the dispute arising between itself and the OSC as a result of the matters described herein; OSC, by means of this Consent Order, also desires to resolve the matters described herein. Therefore, Union and OSC have mutually determined to conclude these matters and agree to the terms and conditions specified herein.

Terms and Conditions

1. For purposes of this Consent Order, OSC and Union agree that $2,413,516.77 represents the effect on increased product costs reporting of Union's failure to include "dry gas circulated" volumes in outlet determinations for the SCV Plant during the period January 1975 through January 1979.

2. Union agrees to adjust its increased product costs according to the recalculations, submitted to OSC and shown in the attached Schedule, in each month of the period January 1975 through January 1979. Union will make the foregoing adjustments in accordance with instructions applicable to FEO–96, P–110–M–1 and EIA–14 upon ninety days written notice from the Special Counsel (or his designee), or by December 31, 1979, whichever is earlier.

3. When such refilings are completed, Union will provide certified copies to: R. Avon Jackson, Branch Manager, Houston Branch Office, Natural Gas Liquids Audit Division, Office of Special Counsel, Department of Energy, 500 Dallas Avenue, Suite 660, Houston, Texas 77002.

4. OSC reserves the right to take further remedial action in this case if OSC determines that information upon which this Order is based is materially erroneous or that the actions of Union, or its calculations and revised reports filed hereunder have not been undertaken in a manner consistent with the aforementioned terms and conditions of this Order or with applicable DOE rules and regulations.

5. This Order shall not preclude OSC from directing Union to take such further remedial action as OSC may determine to be necessary to bring Union's gas processing operations at the SCV Plant into compliance with DOE regulations.

6. This Order shall be a final order of the DOE having the same force and effect as a Remedial Order issued pursuant to 10 CFR 205.199B. In consideration of OSC's agreement to the terms of this Consent Order and in accordance with § 205.199J, Union hereby expressly waives its right to appeal or obtain judicial review of this Order. This Consent Order shall become effective upon publication of notice to that effect in the **Federal Register**. Prior to its effective date, the OSC will publish notice in the **Federal Register** pursuant to 10 CFR 205.199J(c) that it has entered into this Consent Order and will provide not less than thirty days for members of the public to submit written comments with respect to it. After expiration of the comment period and prior to the effective date of this Consent Order, the OSC reserves the right to withdraw its consent to this Order for any reason.

7. The provisions of 10 CFR 205.199J are applicable to this Consent Order and are incorporated by reference herein.

III. Submission of Written Comments

Interested persons are invited to comment on the Consent Order by submitting such comments in writing to Nick L. Kelly, Director, NGL Division, Office of Special Counsel, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

Copies of this Consent Order may be received free of charge by written request to this same address, or by calling 214–767–7560.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Union Oil Company of California Consent Order." All comments received by 4:30 p.m., C.S.T. on or before the 30th day following publication of this notice will be considered by the OSC in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

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

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc 79-32181 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER79-536]

Cambridge Electric Light Co.; Order Granting Motion

October 1, 1979.

On September 20, 1979, the Cambridge Electric Light Company (Cambridge) filed a Motion requesting that the proposed effective date of its July 27, 1979 rate increase filing in this docket be deferred from October 1, 1979 to October 14, 1979. Cambridge also moves for waiver of all applicable notice requirements in order to make a proposed settlement rate effective October 1, 1979. This settlement rate is part of an Offer of Settlement filed by Cambridge on September 20, 1979 in this docket. The Town of Belmont, Massachusetts on September 24, 1979 filed comments in support of the Motion and Offer of Settlement described above.

Pursuant to Section 35.3(a) of our Regulations the commission will grant the Motion and defer the proposed effective date from October 1, 1979 to October 14, 1979. The Commission will, however, defer ruling on that part of the Motion requesting waiver of notice requirements to make the settlement rate effective October 1, 1979, until the Commission has had adequate time to review the Offer of Settlement.

The Commission orders: (A) The Motion of Cambridge Electric Light Company to defer the proposed effective date of its rate increase filing from October 1, 1979 to October 14, 1979 is hereby granted.

(B) The Secretary shall cause prompt publication of this Order in the Federal Register.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-32065 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER 80-4]

The Cincinnati Gas & Electric Co.; Proposed Rate

October 11, 1979.

The filing company submits the following: Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on October 2, 1979, a proposed Winter Capacity Reservation Service Rate based upon an agreement between Cincinnati and the City of Lebanon, Ohio (Lebanon) executed on September 18, 1979.

The proposed rate provides for a Capacity Charge of $3.75 per kilowatt per month and provides for an Energy Charge for the kilowatt hours of scheduled energy at a rate per kilowatt hour equal to Cincinnati's out-of-pocket cost of such energy plus ten percent (10%) of such cost.

This new service is expected to commence on December 1, 1979. Because this is a new service, an estimate of the transactions and revenues under this rate schedule are not feasible. No facilities will be installed as modified in order to supply service under the proposed rate.

The filing company requests that the Commission waive any requirements not already complied with under Section 35.12 of its Regulations.

A copy of this filing has been mailed to the City of Lebanon, Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32066 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TC79-127]

Columbia Gas Transmission Corp.; Order Approving Offer of Settlement

September 28, 1979.

On April 27, 1979, as supplemented May 2, 1979, Columbia Gas Transmission Corporation (Columbia) submitted for filing in the captioned proceeding, pursuant to Section 4 of the Natural Gas Act, certain proposed changes to its FERC Gas Tariff, Original Volume No. 1,[1] designed to delete the seasonal curtailment provisions and Maximum Monthly Volume limitations from its currently effective tariff. In its filing, Columbia requested that the proposed tariff changes be permitted to become effective as of April 1, 1979, and that, if suspended, such suspension be for only one day in order that the proposed tariff changes could be made effective at the earliest possible date. Concurrently with its April 27, 1979, filing, Columbia requested in a separate pleading that an informal conference be convened in connection with said filing.

As indicated above, Columbia's filing eliminates the seasonal curtailment procedures from its tariff. However, the revised tariff sheets retain Columbia's daily curtailment procedures for implementation in the event of *force majeure* situations, including unanticipated temporary losses of gas supply. Also retained are tariff provisions designed to protect high-priority and essential agricultural uses [2] on Columbia's system, and thus comport with the requirements of Section 401 of the Natural Gas Policy Act of 1978.

Pursuant to Notice issued May 2, 1979, and published in the Federal Register, petitions for leave to intervene and notices of intervention were due on or before May 11, 1979. Petitions for and notices of intervention were filed by various parties, all of which have been permitted to intervene and participate in this proceeding.

By Order issued May 25, 1979, the Commission, *inter alia*, suspended Columbia's tariff filing for one day, thereby permitting the proposed tariff changes to become effective as of April 2, 1979, and granted Columbia's motion requesting an informal conference. A conference was convened before an Administrative Law Judge on June 19, 1979, and recessed the same day to permit the parties to confer on an informal basis for the purpose of attempting to resolve any issues or questions relating to Columbia's April 27, 1979, tariff filing. Further informal settlement discussions were held on July 24, 1979, and again on August 8, 1979. As a result of such discussions, the parties entered into a Stipulation and Agreement dated August 8, 1979, which, with the Commission's approval, would resolve all of the issues in this proceeding. Said Stipulation and Agreement was placed in the record in a proceeding before the Presiding Judge on August 8, 1979, at which time the parties were provided an opportunity to orally present their views concerning the offer of settlement.

In accordance with Section 1.18 of the Commission's Rules of Practice and Procedure, as amended by Order No. 32 issued June 13, 1979, in Docket No. RM78-16, the August 8, 1979, Stipulation and Agreement was filed by Columbia with the Commission's Secretary on August 10, 1979. Accordingly, as provided by Section 1.18(e)(2), initial comments were due to be filed on or before August 30, 1979, and reply comments on or before September 10, 1979. On September 11, 1979, the Presiding Judge certified the settlement to the Commission, with the finding that the settlement is uncontested.

The subject offer of settlement reflects the parties' agreement that, in view of Columbia's projected excess gas supply situation through the 1981 contract year (as shown in Appendix A to the Stipulation and Agreement), coupled with the considerable uncertainty that exists with respect to the future curtailment policies of the Commission and the Economic Regulatory Administration (ERA), it is neither appropriate nor necessary at this time to develop specific seasonal curtailment procedures for Columbia. Instead, the Stipulation and Agreement provides a mechanism by which specific seasonal curtailment procedures could be promptly developed and implemented on Columbia's system if that should become necessary or appropriate in the

[1] Fifth Revised Sheet Nos. 1 and 19; Fourth Revised Sheet Nos. 20, 28, 29, 30 and 33; Second Revised Sheet Nos. 27, 31, 32, 37, 43 and 63; Third Revised Sheet No. 34; First Revised Sheet Nos. 38, 44, 44A, 44B, 44C, and 44D; Sixth Revised Sheet No. 47; Seventh Revised Sheet Nos. 62 and 90; and Original Sheet No. 63A.

[2] This provision in Columbia's existing tariff expires on October 31, 1979. It is the stated intention of the settlement to continue the provision beyond that date and our approval of this settlement will be conditioned on Columbia's amending its tariff in that respect.

future.[3] It also identifies the general parameters which would govern such specific seasonal curtailment procedures and, at the same time, retains sufficient flexibility to permit the parties and the Commission to consider the conditions and curtailment policies in existence at the time that such specific seasonal curtailment procedures may be required.

The Stipulation and Agreement also expresses the parties' agreement that Columbia's currently effective daily curtailment procedures, *i.e.*, those filed on April 27, 1979, and placed in effect as of April 2, 1979, shall continue in full force and effect for an indefinite period extending beyond October 31, 1979, after which some modification may be required if specific seasonal curtailment procedures are placed in effect. The parties also agreed that, when essential industrial process and feedstock uses are finally defined by the Commission and the ERA, an exemption provision designed to protect said uses from *force majeure* daily curtailment will be filed by Columbia.

In addition to the foregoing, the Stipulation and Agreement contains a specific request by Columbia and the parties, including the Commission's Staff, that the Commission's order herein expressly Columbia from the application of Order Nos. 29, 29–A and 29–B to the extent that said orders would require Columbia to file specific seasonal curtailment procedures no later than October 1, 1979, or November 1, 1979, as the case may be. The parties further request that said exemption continue in effect until the need arises for Columbia to have specific curtailment procedures. Finally, Columbia and the parties, including the Commission's Staff, agree that the August 8, 1979, Stipulation and Agreement is consistent with the objectives of Order Nos. 29, 29–A and 29–B and request that the Commission's order in this proceeding contain a specific finding to that effect.

On the basis of the Commission's review of (i) Columbia's April 27, 1979, tariff filing, as supplemented May 2, 1979, (ii) the August 8, 1979, Stipulation and Agreement, including Appendix A thereto, (iii) the hearing record of August 8, 1979, and (iv) the initial and reply comments filed by the parties to this proceeding, the Commission finds that the settlement encompassed in said Stipulation and Agreement appears to be fair, reasonable and in the public interest, and that all of the terms and provisions thereof should be approved without modification.

The Commission further finds: (1) The tariff sheets filed by Columbia on April 27, 1979, as identified in the Footnote on Page 1 hereof, have been shown to be just and reasonable and otherwise lawful and should be permitted to continue in effect, provided that Columbia amends its tariff to protect essential agricultural uses after October 31, 1979.

(2) The August 8, 1979, Stipulation and Agreement encompasses a resolution of the issues in this proceeding that is consistent with the provisions of Sections 4 and 5 of the Natural Gas Act and Section 401 of the Natural Gas Policy Act and is consistent with the objectives of Commission Order Nos. 29, 29–A and 29–B.

(3) Good cause exists to grant Columbia an exemption from the application of Order Nos. 29, 29–A and 29–B to the extent that said orders would require Columbia to file specific seasonal curtailment procedures on or before November 1, 1979.

(4) Said exemption should be continued in effect until the forecast required by Article III of the Stipulation and Agreement shows that Columbia will have insufficient assured gas supplies to meet the estimated market requirements of its wholesale customers at any time during the two full contract years commencing with the next succeeding November billing month.

(5) The approval of the terms of this uncontested settlement is consistent with the applicable provisions of Section 502(c) of the Natural Gas Policy Act.

The Commission Orders: (A) The Tariff sheets filed by Columbia on April 27, 1979, shall continue in effect, as of April 2, 1979, provided that Columbia amends its tariff as indicated in finding paragraph (1).

(B) The settlement encompassed in the August 8, 1979, Stipulation and Agreement, and all of the terms and provisions thereof, are hereby approved without modification.

(C) Columbia is hereby granted an exemption from the application of Commission Order Nos. 29, 29–A and 29–B to the extent that said orders require Columbia to file specific seasonal curtailment procedures on or before November 1, 1979.

(D) The exemption granted in ordering paragraph (C) shall continue in effect until the forecast required by Article III of the Stipulation and Agreement shows that Columbia will have insufficient assured gas supplies to meet the estimated market requirements of its wholesale customers at any time during the two full contract years commencing with the next succeeding November billing month.

(E) Any necessary adjustment under Section 502, in these circumstances, is hereby granted.

(F) The Commission's approval of this settlement shall not constitute approval of or precedent regarding any principle or issue in this proceeding.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79–32063 Filed 10–16–79; 8:45 am]

BILLING CODE 6450–01–M

[3] To be certain that sufficient advance notice is given to the parties and the Commission Staff of the need to expeditiously devise seasonal curtailment procedures, Article III of the Stipulation and Agreement requires Columbia (i) to prepare systemwide five-year gas supply and requirements forecasts annually, (ii) to provide, on request, a summary of each of its wholesale customers' estimated requirements, and (iii) to promptly notify its wholesale customers, the parties to this proceeding, and the Commission Staff at any time that a change in its estimated gas supply and/or requirements occurs which could have a significant adverse impact on Columbia's ability to continue serving its wholesale customers' requirements. Also, in Article XI the parties have reserved their rights under Sections 4 and 5 of the Natural Gas Act to seek relief from the Commission if they believe that such changed circumstances in gas supply and/or requirements have or are about to take place.

[Docket No. RP75–8 (PGA79–4)]

Commercial Pipeline Co., Inc.; PGA Filing

October 11, 1979.

Take notice that on September 17, 1979 Commercial Pipeline Co., Inc. (Commercial) tendered for filing 31st Revised Sheet No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.: 31st Revised Sheet No. 3A.
Current adjustments: .0019.
Cumulative adjustments: .2690.
Effective date: July 23, 1979.

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the F.E.R.C., 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on

or before October 25, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32067 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-134]

Eastern Shore Natural Gas Co.; Tariff Filing

October 11, 1979.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing the following corrected tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff.

To be effective September 1, 1979: Corrected Subtitute Eleventh Revised Sheet No. 5; Corrected Substitute Eleventh Revised Sheet No. 10; Corrected Substituted Eleventh Revised Sheet No. 11; Corrected Substitute Eleventh Revised Sheet No. 12.

These tariff sheets are being filed to correct certain clerical errors only and do not constitute a rate increase, according to Eastern Shore.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32068 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP72-155, RP79-12 (PGA79-2), (AP79-2), and RP79-37]

El Paso Natural Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions and Establishing Procedures

September 28, 1979.

On August 31, 1979, El Paso Natural Gas Company (El Paso) filed a net rate increase [1] of approximately $40.5 million, reflecting a semi-annual PGA rate increase together with transportation, advance payment, gas well royalty and production tax rate changes provided for in the El Paso settlement agreement in docket No. RP79-12. The filing includes, among other things, purchases from certain reversionary interest owners, five 60-day emergency purchases, purchases pursuant to Sections 311(b) and 312 of the NGPA, and adjustments tracking the estimated effect of the Louisiana First Use Tax. Public notice of this filing was issued September 21, 1979.

On August 29, 1979, El Paso filed revised tariff sheets [2] reflecting the same Louisiana First Use Tax adjustments as are contained in the subsequent PGA filing. Public notice of this filing was issued August 31, 1979, with comments due on September 20, 1979.

El Paso proposes net PGA increases of 3.76¢ to its East of California (EOC) customers and 11.95¢ per Mcf to its California customers based on (a) an increase of 27.50¢ per Mcf in gas costs, (b) elimination of a 9.13¢ per Mcf surcharge previously assessed pursuant to Order No. 18, (c) an increase of 0.42¢ per Mcf (from 0.16¢ to 0.58¢) in the transportation costs surcharge, and (d) a decrease of 6.29¢ per Mcf (from 2.36¢ to (3.93¢)) in the gas well royalty and production tax surcharge. The proposed increases also reflect a decrease of 8.74¢ per Mcf (from 16.41 to 7.67) in the surcharge to its EOC customers to recover a balance of $8,063,123 in deferred purchased gas costs and a decrease of 0.55¢ per Mcf (from 9.70¢ to 9.15¢) in the surcharge to its California customers to recover a balance of $39,500,984 in deferred purchased gas costs. In addition, El Paso proposes an increase of 0.04¢ per Mcf in Louisiana First Use Tax (LaFUT) rates consisting of (a) a 0.03¢ per Mcf increase to recover estimated annualized increases in LaFUT costs of $718,337 and (b) a 0.01¢ per Mcf surcharge to recover the June 30, 1979 balance of $68,551 in its LaFUT deferred account.

Based upon a review of El Paso's filing, the Commission finds that the proposed PGA rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept El Paso's revised tariff sheets filed August 31, 1979, grant waiver of the 30 day notice requirements and suspend the effectiveness such that it shall become effective, subject to refund and as conditioned on October 1, 1979.

El Paso's filing includes gas purchases from producer allifiates and certain company-owned production at prices an independent producer would receive under the Natural Gas Policy Act (NGPA). The Commission has not yet determined the appropriate price to be assigned to pipeline production under the NGPA. The Commission shall therefore require that the costs associated with El Paso's pipeline production be collected subject to refund pending the Commission's final NGPA Regulation (on rehearing) governing this issue.

The acceptance of this filing is further conditioned upon the elimination by El Paso of those costs from its producer suppliers which those suppliers were not actually authorized to charge as of October 1, 1979, pursuant to the Natural Gas Act and the regulations thereunder, and the NGPA and the regulations thereunder. El Paso shall be required to submit data in response to the items listed in Appendix A to this Order. It is further noted that this filing includes producer rate changes pursuant to area rate clauses in the applicable contracts between the respective producers and El Paso. The Commission's acceptance of the subject filing shall not constitute a final determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order No. 23, issued March 13, 1979, as amended by order issued April 30, 1979, and Order 23-B issued June 22, 1979, in Docket No. RM79-22. Should the Commission ultimately determine that a producer was not entitled to an NGPA price determine the area rate clause, the refunds which would be made by the producer to El Paso would be flowed through to El Paso's customers in

[1] Twenty-seventh Revised Sheet No. 3-B to FERC Gas Tariff, Original Volume No. 1. Eighteenth Revised Sheet No. 1-D to FERC Gas Tariff, Third Revised Volume No. 2. Nineteenth Revised Sheet No. 1-C and Thirteenth Revised Sheet No. 1-D to FERC Gas Tariff, Original Volume No. 2A.

[2] Twenty-sixth Revised Sheet No. 3-B to FERC Gas Tariff, Original Volume No. 1. Seventeenth Revised Sheet No. 1-D to FERC Gas Tariff, Third Revised Volume No. 2. Eighteenth Revised Sheet No. 1-C to FERC Gas Tariff, Original Volume No. 2A.

accordance with the procedures prescribed in El Paso's PGA clause.

This filing also includes emergency purchases at rates which exceed the maximum lawful price specified in Section 271.202 of the Interim Regulations under the NGPA.[3] El Paso has not demonstrated that these purchases satisfy the "prudent pipeline" criteria. Accordingly, we shall set for hearing the question of the prudence of these purchases.

The revised tariff sheets filed by El Paso on August 29, 1979, reflect the same Louisiana First Use Tax adjustments as are contained in the PGA filing. Therefore, acceptance of the PGA filing in this order renders the August 29, 1979, filing moot and of no effect.

The Commission Orders: (A) Pending hearing and decision and subject to the conditions of the Ordering Paragraphs below, El Paso's proposed Twenty-seventh Revised Sheet No. 3–B to FERC Gas Tariff, Original Volume No. 1; Eighteenth Revised Sheet No. 1–D to FERC Gas Tariff, Third Revised Volume No. 2; Nineteenth Revised Sheet No. 1–C and Thirteenth Revised Sheet No. 1–D to FERC Gas Tariff, Original Volume No. 2A is hereby accepted for filing and suspended, and waiver of notice requirements is granted such that the filing shall become effective October 1, 1979, subject to refund.

(B) The costs associated with El Paso's purchases from producer affiliates and company-owned production (1) shall be collected subject to refund, in accordance with Ordering Paragraph (A) above. The ultimate determination as to the just and reasonable rate to be charged for such purchases from producer affiliates shall be governed by the Commission's final NGPA Regulations on rehearing governing this issue.

(C) El Paso shall file within 15 days of issuance of this order revised tariff sheets to become effective subject to refund on October 1, 1979, reflecting the elimination of costs from producer and pipeline suppliers which those suppliers are not authorized to charge El Paso on or before October 1, 1979 pursuant to applicable Commission orders, the NGPA, the Natural Gas Act and the Regulations thereunder. This filing shall be accompanied by the data prescribed in Appendix A to this order. Elimination of these supplier costs and volumes from El Paso's rates shall not be permitted to increase the level of the original suspended rates.

(D) El Paso's proposed revised tariff sheets filed August 29, 1979, are hereby rendered moot and are therefore rejected.

(E) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission Rules and Regulations thereunder, a public hearing shall be held concerning the prudence of emergency purchases made by El Paso in excess of NGPA authorized rates.

(F) The Commission Staff shall prepare and serve its Statement of Position on or before January 14, 1979.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Judge, pursuant to 18 CFR 3.5(d), shall convene a prehearing conference in this proceeding within 10 days after the filing of Staff's statement of position, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, for the purpose of establishing procedures for the investigation and hearing to be held pursuant to this order. The Presiding Judge shall also be authorized to modify all procedural dates and to establish further procedures as may in his judgment be required. The Presiding Judge shall also be authorized to rule upon all motions except motions to consolidate, sever, or dismiss, as provided for in the Rules of Practice and Procedure.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-32064 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[3] Five 60-day emergency purchases are reflected in this filing. The two purchases made at prices in excess of NGPA rates were from Intratex Gas Company and Lone Star Gas Company.

[Docket No. RP80-4]

Locust Ridge Gas Co.; Proposed Changes in FERC Gas Tariff

October 11, 1979.

Take notice that Locust Ridge Gas Company (Locust Ridge) on October 4, 1979, tendered for filing proposed changes in its FERC Gas Tariff Original Volume No. 3. The proposed changes would increase revenues from jurisdictional sales and service by $108,730 based on the twelve (12) month period ending May 31, 1979, as adjusted. Locust Ridge states that the principal reasons for the proposed rate increases are increased operating costs and to partially offset a net operating revenue deficiency.

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32069 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. G-13746, et al.]

Mobil Oil Corp., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

October 11, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 2, 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.

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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-13746, C, Sept. 24, 1979	Mobil Oil Corp., 9 Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., ship shoal block 72 field, Federal offshore Louisiana.	(1)	15.025
G-15238, F, Sept. 5, 1979	Mobil Oil Corp	United Gas Pipe Line Co., blocker unit No. 1, well No. 2, Bethany Blocker field, Harrison County, Tex.	(2)	14.65
CI70-375, D, Sept. 17, 1979	Aminoil USA, Inc., P.O. Box 94193, Houston, Tex. 77018.	Panhandle Eastern Pipe Line Co., McBride, Jester, and Beckwith units in Woods and Major Counties, Okla.	(3)	
CI71-223, D, Sept. 21, 1979	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Columbia Gas Transmission Corp. (Succeeding to United Fuel Gas Co.), block 38 field, south Marsh Island, area, offshore Louisiana.	Applicant has released OCS lease Nos. 0779, 0784 and 0785 and no longer has any right, title, or interest in the released area.	
CI76-729, C, Sept. 21, 1979	Mobil Oil Corp	Transcontinental Gas Pipe Line Corp., south Pelto block 10 field, Federal offshore Louisiana.	(4)	15.025
CI78-1042, C, Sept. 27, 1979	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Natural Gas Pipeline Co. of America, east Cameron block 34 field, offshore Louisiana.	(5)	15.025
CI79-472, C, Sept. 27, 1979	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79189.	Michigan Wisconsin Pipe Line Co., High Island area, southwest quarter of block A-312, offshore Texas, Gulf of Mexico.	(6)	14.65
CI79-607, B, Aug. 20, 1979	Lone Star Gas Co., a Division of ENSERCH Corp., 301 South Harwood St., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	In compliance with Commission order issued Apr. 18, 1979, in docket Nos. CP79-88 and CP79-93.	
CI79-612, C, Oct. 3, 1979	Panhandle Western Gas Co., P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Co., certain acreage in Lincoln and Sweetwater Counties, Wyo.	(7)	15.025
CI79-649, A, Sept. 13, 1979	The Offshore Co., P.O. Box 2765, Houston, Tex. 77001.	Southern Natural Gas Co., Vermilion block 287 and a portion of Vermilion block 276, offshore Louisiana.	(8)	15.025
CI79-650, A, Sept. 13, 1979	Sonat Exploration Co., 3336 Richmond Ave., Houston, Tex. 77098.	do	(8)	15.025
CI79-651, A, Sept. 13, 1979	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	Texas Eastern Transmission Corp., West Cameron block 222, offshore Louisiana.	(8)	15.025
CI79-652 (G-15216), B, Sept. 14, 1979.	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., Cabot-Clawson No. 1, east Hansford field, sec. 141, block 45, H&TC survey, Hansford County, Tex.	Depleted and no further development is anticipated.	
CI79-653 (CI73-293), B, Sept. 14, 1979.	Belco Petroleum Corp., agent, 1 Dag Hammarskjold Plaza, New York, N.Y. 10017.	Tennessee Gas Pipeline Co., west Delta block 64, Federal domain, offshore Louisiana.	Ceased production; wells watered out.	
CI79-654, A, Sept. 14, 1979	Amerada Hess Corp., 1200 Milam, 6th floor, Houston, Tex. 77002.	United Gas Pipe Line Co., block A-279, High Island area, offshore Texas.	(9)	14.65
CI79-655, A, Sept. 14, 1979	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., block 247, platform "F", ship shoal area, south addition, offshore Louisiana.	(9)	15.025
CI79-656, A, Sept. 14, 1979	do	Columbia Gas Transmission Corp., block 248, platform "D", ship shoal area, south addition, offshore Louisiana.	(9)	15.025
CI79-657, A, Aug. 31, 1979	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	Michigan Wisconsin Pipe Line Co., Vermilion block 242, offshore Louisiana.	(10)	15.025
CI79-658, A, Sept. 17, 1979	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	Columbia Gas Transmission Corp., certain acreage covered by OCS-G-2342, lease, Galveston area, block A-131, south addition, Federal offshore Texas.	(11)	14.65
CI79-659, A, Sept. 17, 1979	Conoco Inc	Tennessee Gas Pipeline Co., Eugene Island block 257, offshore Louisiana.	(12)	15.025
CI79-660, B, Sept. 17, 1979	Payne, Inc., 720 N.E. 63d, Suite 103, Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., southwest Cedardale (Chester) field of Woodward County, Okla.	Nonproductive, leases have expired and have been returned back to the lessors and no further exploration of the leases is contemplated.	
CI79-661 (G-11470), B, Sept. 17, 1979.	Amerada Hess Corp	El Paso Natural Gas Co., Eumont field, Lea County, N. Mex.	The last remaining well in the State "T" gas unit has been plugged and abandoned and this acreage has been released.	
CI79-662, A, Sept. 19, 1979	Texaco Inc., P.O. Box 3109, Midland, Tex. 79701	Northern Natural Gas Co., Gem-Hemphill field, Hemphill County, Tex.	(13)	14.65
CI79-663, A, Sept. 19, 1979	Quintana Gulf, Inc., P.O. Box 3331, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., block 146, south Marsh Island area, Gulf Of Mexico.	(14)	15.025
CI79-664, A, Sept. 19, 1979	Quintana Offshore, Inc., P.O. Box 3331, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., block A-313 field, High Island area, Gulf Of Mexico.	(14)	14.65
CI79-665, A, Sept. 19, 1979	Quintana Oceanic, Inc., P.O. Box 3331, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., block 146, south Marsh Island area, Gulf of Mexico.	(14)	15.025
CI79-666, A, Sept. 19, 1979	Quintana Oil & Gas Corp., Inc., P.O. Box 3331, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., block A-313 field, High Island area, Gulf of Mexico.	(14)	14.65
CI79-667, A, Sept. 19, 1979	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kans. 67201.	Northern Natural Gas Co., certain acreage in Beaver County, Okla.	(15)	14.73
CI79-668, A, Sept. 19, 1979	Hamilton Brothers Oil Co., Suite 2600, 1600 Broadway, Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., north Sharon field, Woodward County, Okla.	(16)	14.65
CI79-669, A, Sept. 19, 1979	The Louisiana Land & Exploration Co., 225 Baronne St., New Orleans, La. 70160.	Transcontinental Gas Pipe Line Corp., certain acreage located in west Cameron area, block 540 field, Gulf of Mexico (south half of southwest quarter, block 525, offshore Louisiana).	(17)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI79-670, A, Sept. 19, 1979	Louisiana Land Offshore Exploration Co., 225 Baronne St., New Orleans, La. 70160.	do	([17])	15.025
CI79-671, A, Sept. 20, 1979	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Michigan Wisconsin Pipe Line Co., south Marsh Island block 260, offshore Louisiana.	([5])	15.025
CI79-672 (CI73-136), B, Sept. 18, 1979.	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., east Cameron block 77, offshore Louisiana.	Uneconomical and lease expired for lack of production and was released.	
CI79-673, A, Sept. 24, 1979	Mobil Oil Exploration & Producing Southeast, Inc., 9 Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., certain acreage in the ship shoal block 72 field, Federal offshore Louisiana.	([14])	14.73
CI79-674 (I76-279), B, Sept. 24, 1979.	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Cities Service Gas Co., Hamon Locke field, Hemphill County, Tex.	([19])	
CI79-675, A, Sept. 20, 1979	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Northern Natural Gas Co., certain acreage in block 686, Matagorda Island area, offshore Texas.	([20])	14.65
CI79-676, A, Sept. 24, 1979	Pennzoil Producing Co., P.O. Box 2967, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., Nichols field, Hidalgo County, Tex.	([3])	14.65
CI79-677, A, Sept. 18, 1979	Marathon Oil Co	United Gas Pipe Line Co., High Island area, High Island blocks, A-474 and A-489, offshore Texas.	([21])	14.65
CI79-678 (G-11471), B, Sept. 25, 1979.	Amerada Hess Corp., 1200 Milam, 6th Floor, Houston, Tex. 77002.	El Paso Natural Gas Co., Eumont field, Lea County, N. Mex.	The last remaining well in the State "T" gas unit has been plugged and abandoned and this acreage has been released.	
CI79-679, A, Sept. 27, 1979	Getty Oil Co	Transcontinental Gas Pipe Line Corp., certain acreage in block 194 field, Mississippi Canyon area, offshore Louisiana.	([15])	15.025
CI79-680, E, Sept. 28, 1979	Gulf Oil Corp. (succeeding in interest to Kewanee Oil Co.), P.O. Box 2100, Houston, Tex. 77001.	United Gas Pipe Line Co., certain acreage located in the Bear Creek field, Bienville Parish, La.	([22])	15.025
CI79-681, A, Sept. 28, 1979	Mobil Oil Exploration & Producing Southeast, Inc., 9 Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Michigan Wisconsin Pipe Line Co., certain acreage in the Eugene Island block 39 field, Federal offshore Louisiana.	([24])	14.73
CI79-682, A, Sept. 28, 1979	Union Texas Petroleum, a Division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Columbia Gas Transmission Corp., block 43, Eugene Island area, offshore Louisiana.	([25])	15.025
CI80-1, A, Oct. 2, 1979	The Offshore Co., P.O. Box 2765, Houston, Tex. 77001.	Southern Natural Gas Co., Mustang Island block 758, offshore Texas.	([3])	14.65
CI80-2, A, Oct. 2, 1979	Sonat Exploration Co., 3336 Richmond Ave., Houston, Tex. 77098.	Southern Natural Gas Co., Mustang Island block 758, offshore Texas.	([3])	14.65

[1] Applicant is filing under gas sales contract, as amended, dated Sept. 18, 1957, amended by amendment dated Sept. 7, 1979.

[2] By partial assignment of oil, gas, and mineral leases, executed Mar. 22, 1979. Mobil acquired from Mrs. Ruth Anne Storey, *et al.*, all of their right, title, and interest in and to those certain leases fully described in said assignment, an additional 28.09328 pct working interest in the blocker unit No. 1, well No. 2.

[3] Said sale covers production from Champlin's interest under Casinghead Gas contract's dated Jan. 5, 1967, Apr. 28, 1967, and Aug. 1, 1967. This is in compliance with Commission's order issued on Feb. 9, 1979 in docket No. CI78-726, approving Champlin's request to abandon sales of the same gas to Aminoil in order that Champlin would be able to sell said gas directly to Panhandle.

[4] Applicant is filing under Gas Sales Contract, as amended, dated July 29, 1976, and amended by amendment dated May 23, 1979.

[5] Applicant is willing to accept a certificate establishing the initial rate as the applicable rate for the gas pursuant to the Natural Gas Policy Act of 1978.

[6] Applicant is filing under gas purchase contract dated Apr. 23, 1979, amended by amendment dated Aug. 23, 1979.

[7] Applicant is filing under gas purchase and sales agreement dated Oct. 18, 1977 by an addendum dated Sept. 4, 1979.

[8] Applicant is filing under gas sales contract dated Oct. 7, 1979.

[9] Applicant is filing under gas purchase contract dated Aug. 20, 1979.

[10] Applicant is filing under gas purchase and sales agreement dated Aug. 8, 1979.

[11] Applicant is filing under gas purchase contract dated May 30, 1979.

[12] Applicant is filing under gas purchase and sales agreement dated Aug. 28, 1979.

[13] Applicant is filing under gas purchase contract dated Sept., 14, 1979.

[14] Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA, including any increase in such prices, provided that applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the Natural Gas Policy Act of 1978.

[15] Applicant is filing under gas purchase contract dated Aug. 30, 1979.

[16] Applicant is filing under gas sales contract dated Apr. 10, 1979.

[17] Applicant is willing to accept a certificate conditioned upon a price equal to the maximum lawful price under sec. 104 of the Natural Gas Policy Act of 1978, reserving its right to collect any higher applicable NGPA rate.

[18] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, pt. 271, subpt. B, sec. 102(d) and requests that the certificate to be issued herein be made effective Oct. 18, 1976. To the extent necessary to make the certificate effective Oct. 18, 1976, applicant would further agree that the rates in effect prior to Dec. 1, 1978, would be at or below ceiling rates established by the Commission in accordance with opinion Nos. 770 and 770-A.

[19] Depleted and the well was plugged and abandoned on Apr. 20, 1979. Leases expired by thier own terms and were released of record by release executed Aug. 29, 1979.

[20] Applicant is filing under gas purchase contract dated Aug. 31, 1979.

[21] Applicant is filing under gas purchase contract dated Aug. 1, 1979.

[22] Applicant is filing under gas purchase contract dated Sept. 18, 1979.

[23] Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Oct. 8, 1959, as amended.

[24] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, pt. 271, subpt. B, sec. 102.

[25] Applicant is filing under gas purchase contract dated June 22, 1979.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 79-32070 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-212]

National Gas Storage Corp.; Amendment

October 11, 1979.

Take notice that on September 19, 1979, National Gas Storage Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP79-212 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing long-term underground storage service through facilities certificated in Docket No. CP76-492, *et al.*, to Boston Gas Company (Boston), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

National proposes to render underground gas storage service to Boston bringing the total number of customers proposed in this docket to seven and the corresponding maximum aggregate amount of top gas capacity to 3,421,620 Mcf.

National states that Boston's annual storage quantity would be 876,620 Mcf; its maximum daily injection volume would be 5,844 Mcf; and its maximum daily withdrawal volume would be 7,969

Mcf, pursuant to a precedent agreement between National and Boston.

It is stated that the service to be rendered to Boston and the other customers would be through facilities proposed in Docket No. CP76–492 during Phase I (April 1, 1980 through March 31, 1982) as supplemented by the facilities of National Fuel Gas Supply Corporation. Tennessee Gas Pipeline Company, a division of Tenneco, Inc., would perform the necessary transportation service for Boston.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 1, 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. 79-32079 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-492]

National Fuel Gas Supply Corp. and National Gas Storage Corp.; Amendment

October 11, 1979.

Take notice that on September 19, 1979, National Fuel Gas Supply Corporation (Supply), 308 Seneca Street, Oil City, Pennsylvania 16301, and National Gas Storage Corporation (Storage), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP76–492 an amendment to its application filed in said docket pursuant to Sections 7(c) and (b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to provide natural gas storage service to identified storage customers according to revised service schedules and Supply to render limited term storage service through existing facilities to Storage during the period 1980–81 and 1981–82 in order for Storage to meet customer needs in excess of available capacity in Storage's facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.[1]

Applicants propose to render storage service during the 1980–81 storage year to seven customers in an aggregate amount of 9,150,000 Mcf top gas storage capacity and further propose to render storage service in the 1981–82 storage year to 17 customers (including those served in 1980–81) in an aggregate amount of 15,771,620 Mcf annual storage quantity. The maximum daily injection quantity in these years for each customer would be one/two-hundredth of its annual storage quantity and the maximum daily withdrawal quantity for these two years would be one/one hundredth and fiftieth of its annual storage quantity, it is asserted. It is indicated that in each such year, the maximum daily injection and withdrawal quantities may be exceeded upon the customers' request as operating conditions permit. Applicants state that the rates to be charged by Storage during these two years would be consistent with the methodology proposed in hearings in Docket No. CP76–492 *et al.*, and would be filed in no less than 30 or more than 60 days prior to the date of commencement of service on April 1, 1980.

Applicants propose that Supply render up to 7,850,000 Mcf of best efforts underground storage service to Storage during the period 1980–81 and up to 6,171,620 Mcf during the period 1981–82. It is stated that this service would enable Storage to meet customer requirements in excess of available capacity in Storage's facilities and thereby permit rendering the amount of service proposed.

It is indicated that Storage would pay Supply 40.77 cents per Mcf of top storage capacity for this service. Applicants indicate further that Storage would charge its customers on a rolled-in basis, a rate which reflects the 40.77 cents per Mcf paid to Supply for 7,850,000 and 6,171,620 Mcf, respectively, of storage capacity.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 1, 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. 79-32071 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-135]

Natural Gas Pipeline Co. of America; Petition To Amend

October 11, 1979.

Take notice that on September 25, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77–135 a petition to amend the order of May 23, 1977,[1] issued in said docket pursuant to Section 7(c) of the Natural Gas Act authorizing additional exchange points and increased exchange volumes of natural gas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

On May 23, 1977, the Commission authorized the exchange of gas between Natural and Texas Eastern Transmission Corporation (Texas Eastern), and the construction and operation of certain facilities by Texas Eastern to implement such exchange. Pursuant to a gas exchange agreement dated December 22, 1976, Natural and Texas Eastern have agreed to exchange volumes of gas available and tendered from time to time by Natural to Texas Eastern subject to volume limits set forth therein.

Natural has contracted to purchase gas from an additional well in Colorado County, Texas and from two wells in DeWitt County, Texas. It is indicated that Natural and Texas Eastern have by amendment dated September 19, 1979, agreed to provide for additional delivery points in Colorado, DeWitt, and Kenedy Counties, Texas. Natural states that gas from the Mudd Field, Colorado County, Texas would be delivered to Texas Eastern at a point on Texas Eastern's 24-inch pipeline in the George W. Wright

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[1] This Proceeding was commended before the FPC. By joint regulation of October 1, 1977, (10 CFR 1000.1), it was transferred to the Commission.

Survey A-583 and together with the delivery currently made in the same county, would constitute the Colorado Delivery Point. Natural proposes to increase the authorized maximum daily exchange volume at the Colorado Delivery Point to 3,000 Mcf. Deliveries at the Goliad Delivery Point would remain at up to 2,000 Mcf per day.

Natural also proposes to deliver up to 2,000 Mcf of gas per day from the Gohlke North Field, DeWitt County, to Texas Eastern at a new delivery point to be located on Texas Eastern's 16-inch pipeline in the SA and MGRR Survey A-440, DeWitt County. It is stated that any facilities required to implement the connection of the delivery points in Colorado and DeWitt Counties would be constructed under Natural's currently effective gas purchase facilities budget-type authorization.

Texas Eastern would redeliver equivalent volumes to Natural at the currently authorized Brazoria Delivery Point, Brazoria County, Texas, or at the Kenedy Delivery Point located at the inlet to Natural's measurement station on the outlet of the Sarita Gasoline Plant located in Kenedy County, Texas.

No monetary compensation is provided for in the exchange agreement as amended, it is stated. Natural indicates that Texas Eastern would construct tap connections in Colorado and DeWitt Counties, Texas, and Natural would reimburse Texas Eastern for the cost thereof.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 1, 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. 79-32073 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-5]

Pacific Gas Transmission Co.; Rate Change

October 11, 1979.

Take notice that on October 9, 1979, Pacific Gas Transmission Company tendered for filing a "Notice of Rate Change to Reflect Increase in the Price of Canadian Gas in Cost of Service Charges and Request for Expedited Consideration."

PGT states that its filing is made in compliance with the Federal Power Commission's orders in Docket No. RP73-111 which require PGT to make filings pursuant to Section 4 of the Natural Gas Act before there is reflected in PGT's cost of service charges any increase in the cost of gas imposed or required by Canadian authorities.

PGT indicates that its filing will effect increases in rates charged under its PL-1 Rate Schedule which is applicable to sales of gas made by PGT to its one customer for sale, Pacific Gas and Electric Company.

The filed changes in rates will reflect in PGT's cost of service charges certain increases mandated by Canadian authorities in the price of gas imported from Canada, commencing November 3, 1979. PGT presently obtains more than 99% of its entire supply of gas from Canada at a border price which is the Canadian dollar equivalent of $2.80 (U.S.) per Mcf of 1000 Btu gas. PGT recites that on October 5, 1979, it was notified by its Canadian supplier that existing National Energy Board (NEB) export licenses would be amended, effective November 3, 1979, to increase the border export price to the Canadian dollar equivalent of $3.45 (U.S.) per Mcf of 1000 Btu gas payable in Canadian dollars in accordance with a monetary exchange formula specified by the NEB. On the basis of expected volumes and Btu content, PGT estimates that the effect of the November 3, 1979 increase would be approximately $254,100,000 (U.S.) on an annualized basis.

PGT advises that copies of its filing have been mailed to its customers and to interested state commissions. PGT requests that expedited consideration be given to the instant filing and that the filing be allowed to become effective on less than 30 days notice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18 and 1.10). All such petitions or protests should be filed on or before October 29, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32074 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. GP79-144, GP79-145, GP79-146, and GP79-147]

Texas Gas Transmission Co. v. Eason Oil Co., et al.; Protests

October 11, 1979.

Take notice that on August 15, 1979, Texas Gas Transmission Company (Texas Gas) filed with the Federal Energy Regulatory Commission (Commission) pursuant to 18 CFR 154.94, protests to the blanket affivdavits of three producers insofar as they relate to the contractual authority under the following contracts to collect the maximum lawful price under the following sections of the Natural Gas Policy Act of 1978 (NGPA):

Eason Oil Company,
Rate Schedule 56—NGPA § 104
Eason Oil Company,
Rate Schedule 68—NGPA § 104
Devon Corporation
Rate Schedule 36—NGPA § 104
TransOcean Oil, Incorporated
Rate Schedule 9—NGPA § 104

Texas Gas asserts that the above listed producers have claimed contractual authority to collect the maximum lawful prices under the above listed sections of the NGPA, but that the above listed applicable contracts do not authorize the collection of those prices.

These contracts are on file with the Commission and are open to public inspection.

Any person desiring to be heard or to make any response with respect to these protests shall file with the Commission, on or before October 23, 1979, a petition to intervene in accordance with 18 CFR 1.8. After that date, these protests will be forwarded to the Commission's Chief Administrative Law Judge for disposition in accordance with Order 23-B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32075 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sales:

Contract No.	United States to—	Description
S-EU-600	Netherlands	1 milligram of Plutonium; enriched to approximately 92.5 pct in Pu-242, and .00188 microgram of Plutonium, enriched in Pu-236, to be used for low activity measurements in soils and plants to study the transport of uranium and trans uranium elements.
S-EU-602	Belgium	10 grams of uranium as oxide, enriched to approximately 99.4 pct in U-233, to be used for spike and isotopic reference materials needed in mass spectrometry, mainly for safeguards.
S-EU-603	Belgium	4 grams of uranium as oxide enriched to greater than 99 pct in U-234, to be used for neutron cross section measurement at the Central Bureau for Nuclear Measurements linac and synthetic isotope mixtures needed in mass spectrometry.
S-EU-604	Belgium	10 grams of uranium as oxide enriched to greater than 99.9 pct in U-235, to be used for spike and isotopic reference materials needed in mass spectrometry, mainly for safeguards.
S-EU-605	Belgium	1 gram of uranium as oxide enriched to approximately 89.2 pct in U-236, to be used as base material for sample preparation covering long term needs of nuclear physicists in the European Communities.
S-EU-606	Belgium	10 grams of uranium as oxide enriched to greater than 99.99 pct in U-238, to be used for spike and isotopic materials needed in mass spectrometry, mainly for safeguards.
S-EU-607	Belgium	200 grams of uranium as oxide enriched to greater than 99.99 pct in U-238, to be used in average neutron capture measurements.
S-EU-608	Belgium	200 milligrams of thorium as oxide, enriched to greater than 99 pct in Th-230, to be used for spike and isotopic reference materials needed in mass spectrometry, mainly for safeguards.
S-EU-609	Belgium	100 milligrams of thorium as oxide, enriched to 80-95 pct in Th-230, to be used for spike and isotopic reference materials needed in mass spectrometry, mainly for safeguards.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangements will take effect no sooner that fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: October 12, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32182 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sales:

Contract S-JA-260, sale to the Power Reactor and Nuclear Fuel Development Corporation, Japan, of 2,000 milligrams of uranium, 99.5% enriched in U-233, to be used for burn-up measurements of irradiated fuels by isotope dilution mass spectrometry.

Contract S-JA-261, sale to the Power Reactor and Nuclear Fuel Development Corporation, Japan, of 1,850 milligrams of plutonium, enriched to greater than 90% in Pu-242, to be used for burn-up measurements of irradiated fuels by isotope dilution mass spectrometry.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner that fifteen days after the date of publication of this notice.

Dated: October 12, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32184 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreements involve approval of the following sales:

Contract S-EU-611, sale to the Universite Libre de Bruxelles, Belgium, of 0.4 grams of normal uranium as carnotite/pitchblende ore, and 4.8 grams of thorium as monazite sand, to be used for calibration of uranium and thorium analyses by x-ray fluorescence.

Contract S-CA-281, sale to Scintrex, Ltd., Ontario, Canada, of 606.9 grams of normal uranium as pitchblende ore, to be used in the manufacture of small standard calibration sources to calibrate radiometric instruments, and for research and development of radiometric instruments.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner that fifteen days after the date of publication of this notice.

Dated: October 12, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32185 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangements" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following contracts:

S–EU–613, 500 milligrams of uranium enriched to 89.3% in uranium-236, to the CEA Dept. de Recherche et Analyse, Saclay, France, for use as a tracer for isotopic analysis of uranium samples.

WC–CA–19, two fission chambers containing 1.25 grams of depleted uranium, and 1.25 grams of uranium enriched to 93% in uranium-235, to the University of British Columbia, Cancouver, Canada, to be used for research of Mu-minus capture studies in actinides.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner that fifteen days after the date of publication of this notice.

Dated: October 12, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32186 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following contracts:

S–EU–614, sale to Amersham Buchler Gmbh & Co., West Germany, of 5 milligrams of Thorium, enriched to 80% in Th–230, for production of source standards.

S–EU–615, sale to France of 1,000 milligrams of uranium enriched to greater than 99% U–238, for manufacture of dosimeters.

S–EU–617, sale to Kernforschungsanlage Julich Gmbh, West Germany of 50 micrograms of plutonium, enriched to greater than 99.96% Pu–242, to be used as a tracer for radioactive materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear material will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner that fifteen days after the date of publication of this notice.

Dated: October 12, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32187 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangements" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following sales:

S–EU–618, sale of 455 milligrams of uranium enriched to 98.64% in U–235 to C.E.A. Department de Recherche, Roissy, France, to be used for isotope dilution analysis and mass spectrometry of rock samples for determination of natural radioactivity.

S–EU–619, sale of 2 milligrams of thorium enriched to 99.86% in Th–230 to C.E.A. Department de Recherche, Roissy, France, to be used for isotope dilution analysis and mass spectrometry of rock samples for determination of natural radioactivity.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner that fifteen days after the date of publication of this notice.

Dated: October 12, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32188 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangements" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy, and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Austria, Norway, and Sweden.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following retransfers:

RTD/SW(EU)–106, transfer from Julich, West Germany to Studsvik, Sweden of 5 grams Uranium, containing 4.5 grams U–235, and 45 grams of thorium, contained in four spherical fuel elements for irradiation in the R–2 test reactor.

RTD/NO(SW)–11, transfer from Sweden to Norway of 8,000 grams Uranium, containing 280 grams of U–235 (3.5% U–235) for analysis of uranium content, enrichment, and rare earth metals.

RTD/EU(AT)–11, transfer of 3.0252 grams Uranium, containing 2.5686 grams U–235 (84.907% U–235), and 10.295 grams thorium in the form of fuel sphere fragments for further post irradiation analysis and disposal.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of these retransfers will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: October 12, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32189 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangements" under the Additional Agreement

Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy, and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Austria and Sweden.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following retransfers:

RTD/AT(EU)-53, transfer from West Germany to Austria of 3.085 grams Uranium, containing 0.22 grams U-235 (7.131% U-235) for destructive analysis.

RTD/EU(SW)-47, transfer from Sweden to Belgium of 11,245 grams Uranium, containing 882 grams of U-235, for scrap recovery.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of these retransfers will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner that fifteen days after the date of publication of this notice.

Dated: October 12, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32190 Filed 10-17-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1341-8; OTS 211000]

Granting of Citizen's Petition To Initiate Regulatory Proceedings To Control Asbestos Cement Pipe

AGENCY: Environmental Protection Agency (EPA or the Agency).

ACTION: Granting of Citizen's Petition.

SUMMARY: On June 21, 1979, Mr. Glenn Scott of Louisville, Kentucky filed a citizen's petition under section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620. Mr. Scott requested that EPA initiate a proceeding for the issuance of a rule to prohibit the manufacture and distribution of asbestos cement water pipes under 15 U.S.C. 2605. The Administrator has granted the petition. The Administrator's Decision appears below.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 800-424-9065 [in Washington, D.C., call 554-1404].

Copies of the Administrator's Decision may be obtained from the Industry Assistance Office.

SUPPLEMENTARY INFORMATION: EPA has established a public record for this Decision which is available for inspection in room 447 East Tower, 401 M Street, SW., Washington, D.C. 20460 from 9:00 a.m., to 4:30 p.m., on working days.

The Decision of the Administrator appearing below was sent to Mr. Glenn Scott.

Dated: October 3, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

Environmental Protection Agency

Response to the Citizens Petition from Mr. Glenn Scott of Louisville, Kentucky to initiate a proceeding for the issuance of a rule to prohibit the manufacture and distribution of asbestos cement water pipes.

Decision of the Administrator

The Environmental Protection Agency (EPA) has received a petition, under section 21 of the Toxic Substance Control Act (TSCA), 15 U.S.C. 2620, requesting that the Agency initiate a proceeding to control the future manufacture and distribution of asbestos cement water pipes under section 6 of the Act, 15 U.S.C. 2605. The petition is granted. EPA plans to investigate asbestos cement pipe as part of an ongoing regulatory development program by the Office of Toxic Substances. The objective of this program is to reduce human exposure to asbestos fibers during the use of commercial and industrial products as well as during manufacturing and processing activities.

EPA will initiate a proceeding, as required under section 21, by publishing an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** this fall. The ANPRM will announce EPA's proposed broad regulatory investigation of asbestos under TSCA. It will also request data and invite comments on key issues such as relevant economic considerations and matters related to the health effects associated with asbestos cement pipe.

I. Background

Petition Request

The section 21 petition, filed by Mr. Glenn Scott of Louisville, Kentucky on June 21, 1979 requested that a proceeding be initiated to prohibit further manufacture and distribution of asbestos cement water pipes. The petition did not seek Agency action on pipes already installed around the country.

In his petition, Mr. Scott noted that asbestos is a known carcinogen and outlined his concern that asbestos fibers may leach out of asbestos cement pipe and contaminate water supplies. Mr. Scott indicated that a variety of substitutes for asbestos cement pipe were available and therefore a ban would not significantly impact the economy or impair the efficient operation of water systems.

Agency Action in Response to Section 21 Petition

Under section 21 of TSCA, a citizen may petition the EPA "to *initiate* a proceeding for the issuance, amendment, or repeal of a rule under section 4, 6, or 8 (of TSCA) * * *" (emphasis added), 15 U.S.C. 2620. Upon receipt of such a petition the Agency has 90 days to respond. If the Agency chooses to deny the petition, it must publish in the **Federal Register** its reasons for doing so. If the Agency grants the petition, it must promptly commence an appropriate proceeding. In the usual case a proceeding to issue a rule under section 6 is officially initiated by the publication of an ANPRM in the **Federal Register.** This Notice would indicate the Agency's data needs, raise issues regarding the need to propose a rule, and commit the Agency to investigating the chemical. This investigation must be done in a comprehensive manner in accordance with section 6 to decide what regulatory action, if any, the Agency should take. The comprehensive nature of the analysis necessitates the above interpretation that the Agency's obligation to initiate a proceeding under section 21 is satisfied by the issuance of an ANPRM.

Granting a petition to initiate a proceeding to issue a rule does not mean that EPA will promulgate or even propose a rule. Such a decision will depend on the outcome of the regulatory analysis. The Agency may promulgate a rule under section 6 of TSCA only if it finds that "there is a reasonable basis to conclude that * * * a chemical substance or mixture * * * presents or will present an unreasonable risk of injury to health or the environment," 15 U.S.C. section 2605. The risk presented by a chemical may be considered unreasonable if its potential adverse health and environmental effects outweigh the effects of contemplated regulatory action on the benefits of the substance. An analysis of the health and environmental effects requires

determining the magnitude and severity of a chemical's toxicity and the probability of human and environmental exposure to the chemical. An analysis of the benefits of the substance takes into consideration the loss to society of a chemical's beneficial properties; the cost, performance, and hazards of substitutes; and the adverse effects which regulatory action may have on society, such as economic dislocation and impacts on technological innovation.

If the Administrator makes a finding of unreasonable risk under section 6 he may ban the manufacture of the substance, limit its use, or impose other restrictions as necessary to adequately reduce the health or environmental risks associated with that substance. Alternatively, EPA may refer the problem to another Federal agency or take action under an EPA statute other than TSCA.

If EPA later decides to terminate the rulemaking proceeding, the Agency will notify the public in the **Federal Register** and will notify the petitioner personally by letter. Such notification will give the petitioner or any other person the opportunity to file a petition again under section 21 or to take alternative actions permitted under the law.

II. Current EPA Regulatory Activities With Respect to Drinking Water

Asbestos can enter drinking water supplies through many sources including natural weathering of asbestos-bearing deposits, by leaching from asbestos cement pipe in the presence of aggressive water or by deposition of airborne asbestos. Section 1412 of the Safe Drinking Water Act gives EPA authority to prescribe National Primary Drinking Water Regulations to control drinking water contaminants such as asbestos by establishing maximum contaminant levels or by prescribing appropriate treatment technique requirements. This authority is implemented through EPA's Office of Drinking Water.

Under section 1412, EPA has proposed amendments to the National Interim Primary Drinking Water Regulations which would require public water systems to implement corrosion control programs under State direction. The purpose of these programs would be to prevent leaching of contaminants such as asbestos and heavy metals from system distributor pipes into the drinking water (44 FR 42246, July 19, 1979). The aggressive, or corrosive nature of drinking water can be indirectly estimated through the use of a number of different indices, including the "Langelier," "Ryznar" and "Aggressive" indices. EPA has proposed to establish one or more of these indices as maximum contaminant levels to minimize pipe corrosion. Where asbestos cement pipe is used, the potential for fiber release would be reduced.

In addition, the National Interim Primary Drinking Water Regulations already contain turbidity standards (40 CFR, 141.13, 40 FR 39571 (December 25, 1975)). Filtration systems needed by most surface sources to comply with these standards are additionally effective in reducing the concentration of naturally-occuring asbestos fibers in finished drinking water. Studies have shown that maintaining a turbidity of .1 Turbidity Unit, which can be achieved by efficiently operating filtration systems, virtually eliminates naturally-occuring asbestos fiber in finished drinking water.

In addition to these actions taken under the National Interim Primary Drinking Water Regulations, the Agency is also considering the establishment of Revised National Primary Drinking Water Regulations to control asbestos. Finally, EPA will evaluate asbestos cement pipe as an indirect source of drining water contamination when it is used to carry water during treatment and distribution. EPA will use its authorities under the Safe Drinking Water Act and TSCA to conduct this investigation (see 44 FR 42775, *et. seq.*, July 20, 1979).

III. Reason for the Administrator's Decision

As Mr. Scott pointed out in his petition, asbestos is a known human carcinogen. A large body of scientific evidence demonstrates that exposure to asbestos fibers results in an increased risk of cancer at several anatomical sites including the lungs, pleura, peritoneum, and several organs of the gastrointestinal system.[1] [2]

To protect the public from unreasonable exposure to asbestos, EPA and other Federal agencies have promulgated several regulations. Consistent with their legislative mandates, these regulations have focused on controlling exposure to asbestos relative to specific environmental media, source categories, and population groups.

Despite these regulations, asbestos use is increasing and the amount of asbestos in the biosphere is growing at a rate of about 750,000 tons per year. Large populations are still being exposed to asbestos fibers due to the build-up of asbestos products, wastes, and fugitive releases of asbestos-containing materials. These exposures suggest that additional controls under a more comprehensive authority may be required to protect human health adequately. The Toxic Substances Control Act provides such broad authority.

Therefore, EPA is investigating regulatory controls under TSCA to reduce and prevent human exposure to asbestos fibers from the multitude of processing facilities, commercial products and other sources of asbestos. The investigation, through EPA's Office of Toxic Substances, will encompass major uses of asbestos including asbestos-containing flooring and roofing products, other paper products, asbestos cement procducts (e.g., asbestos cement pipe), textiles, and friction products (e.g., brake and clutch linings.[3]

Because of the complex analysis required to support regulatory action under TSCA, the Agency has decided to conduct regulatory assessments in a systematic manner on all asbestos product categories. Under this approach, EPA may issue rules to reduce health risks from certain sources prior to the completion of an assessment of all fiber emission sources.

The Agency is considering three major regulatory strategies for asbestos. The first option entails developing specific product restrictions. The second would set limits on the amount of asbestos fibers for use in the United States. The third strategy would combine the first two approaches.

To assist the Agency in choosing among these options and to support proposed regulatory action under TSCA, EPA has started an investigation of asbestos-containing products. The Agency is focusing initially on asbestos-containing paper and friction products. These categories were selected because they comprise a large segment of the asbestos market, have a high asbestos fiber content, and have a high potential for fiber release during their life cycles. In addition many products within these categories have reasonable substitutes.

Detailed regulatory investigation of these two product categories is already underway. If EPA were to delay this investigation pending completion of an analysis for asbestos cement pipe, the time necessary to propose the first

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[1] Levine, R. J. (ed.). *Asbestos: An Information Resource*. DHEW Publication Number (NIN) 78-1081. May 1978, page 24.

[2] *IARC Mongraphs on the Evaluation of Carcinogenic Risk of Chemicals to Man*, Volume 14, Asbestos: Lyon, France.

[3] International Agency for Research on Cancer, 1977. EPA has also initiated an independent rulemaking proceeding on asbestos contained in school ceilings. See 44 FR 40900.

regulations may be significantly extended. The Agency does not believe this would be a prudent course of action since it would mean prolonging human exposure to significant sources of asbestos.

Nonethless, much of the background information which the Agency has begun to gather and analyze regarding asbestos will be relevant to possible control of asbestos cement products. A review of the health risk associated with ingested and inhaled asbestos for example, will be part of the support documentation for the first phase of asbestos regulations and all other asbestos regulations under TSCA.

Development of an asbestos cement pipe regulation will also involve an analysis of product substitutes for possible adverse health effects. For example, cast iron pipe, a potential substitute for use in drinking water distribution systems is sometimes lined with coal tar pitch. Because coal tar pitch contains chemicals suspected of being carcinogenic, this substitute may be found to be unacceptable. TSCA also requires analysis of the economic impact of banning or otherwise restricting the use of asbestos cement pipe. In addition, the Administrator will evaluate the Agency's current efforts to reduce the corrosiveness of drinking water so that leaching of asbestos fibers from asbestos cement pipe into public water supplies may be controlled. If contamination of water by asbestos could be effectively prevented, the Administrator may decide that a ban on asbestos cement pipe is not the best alternative to reducing health risk.

These detailed scientific and socioeconomic analyses related to asbestos cement pipe will be completed after the first rules are proposed under TSCA.

In the fall of 1979, an ANPRM will be published in the **Federal Register** to initiate officially the regulatory process. The Notice will announce the Agency's intent to reduce human exposure to asbestos fibers during processing activities as well as during the use of commercial and industrial products. The ANPRM will also contain supplementary material describing the Agency's regulatory approach, basic strategy, informational needs and provide background technical information. Regulations developed from the first phase of investigation are expected to be proposed in early 1980, with a final rule expected in late 1980.

IV. Conclusion

For the reasons discussed above the Administrator is granting the petition to initiate a rulemaking proceeding.

EPA will investigate control options for asbestos cement pipe as part of a comprehensive regulatory program to reduce human exposure to asbestos fibers under TSCA. This investigation will consider risks posed by inhalation and ingestion of asbestos fibers associated with asbestos cement pipe manufacturing, installation, and use. The rulemaking proceeding will be initiated with the publication of an ANPRM in the **Federal Register** in the fall of 1979.

Dated: October 10, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79-32161 Filed 10-17-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1341-6]

Science Advisory Board, Environmental Measurements Committee; Open Meeting

As required by Public Law 92-463, notice is hereby given that a meeting of the Environmental Measurements Committee of the Science Advisory Board will be held beginning at 9:00 a.m., November 13 and 15, 1979, in Room N303 at the main Agency facility in Research Triangle Park, North Carolina. The Committee is meeting to provide a review of measurement progress in the Agency's Environmental Monitoring and Support Laboratory located at Research Triangle Park.

On November 13, the agenda will consist of a series of briefings on the laboratory's programs. There will be no meeting on November 14 as this day will be set aside for a physical inspection of the facilities by the Committee. The Committee will reconvene on November 15 to provide a discussion forum between themselves and laboratory personnel in order to complete their evaluation.

The meeting is open to the public but space is limited. Any member wishing to attend, participate, or obtain information should contact Dr. Douglas B. Seba, Executive Secretary, Environmental Measurements Committee, by November 5, 1979.

Dated: October 12, 1979.

Richard M. Dowd,

Staff Director, Science Advisory Board.

[FR Doc. 79-32163 Filed 10-17-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1341-5]

Science Advisory Board, Executive Committee; Open Meeting

As required by Public Law 923-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 9 AM, November 5 and 6, 1979, in the Administrator's Conference Room (Room 1101 West Tower), EPA Headquarters, 401 M Street, S.W., Washington, D.C. The agenda includes a briefing by the Office of Research and Development on new policies and procedures for the review and award of research grants and cooperative agreements, a discussion of hazardous waste disposal issues, and other issues of member interest. The meeting is open to the public, Any member of the public wishing to attend, participate, or obtain information should contact Dr. Richard M. Dowd, Director, Science Advisory Board, 202-755-0263, by close of business October 29, 1979.

Dated: October 12, 1979.

Joel L. Fisher,

Acting Staff Director, Science Advisory Board.

[FR Doc. 79-32162 Filed 10-17-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1341-1]

Section 110(f) Energy Emergencies: Notice of Open Meetings; Meeting Dates Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of Meeting Dates.

SUMMARY: On Thursday, October 4, 1979 (44 FR 57200) a Notice appeared announcing a series of Clean Air Act Section 110(f) open meetins. In the *Meetings Time and Place* paragraph, at page 57202, the dates for the state environmental and energy agencies and the fuel oil supply and marketing industry meetings were reversed. Lines 4 through 7 should be ". . . fuel oil supply and marketing industry, October 29; state environmental and energy agencies, October 31; . . ."

Dated: October 12, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-32164 Filed 10-17-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 76-63]

American Telephone & Telegraph Co. 1; Order Instituting Hearing

In the Matter of American Telephone and Telegraph Company; [CC Docket No. 79-63], Petition for Modification of Prescribed Rate of Return

Adopted: September 18, 1979

Released: September 26, 1979

By the Commission: Commissioner Fogarty issuing a separate statement; Commissioner Brown concurring in part and dissenting in part and issuing a statement.

1. The Commission has before it for consideration a "Petition for Determination of Fair Rate of Return" (Petition) filed by the American Telephone and Telegraph Company on behalf of itself and its affiliated companies (AT&T) on March 8, 1979, seeking an increase in its prescribed rate of return [1] to a range of at least 11 to 12 percent.[2] It is requested that this increase be allowed, at least in part, forthwith.[3] On March 26, 1979, we issued Public Notice No. 13790, 44 FR 20501 (April 5, 1979), which invited comments on the AT&T petition. Comments were filed by U.S. Office of Consumer Affairs, American Satellite Corp., United States Independent Telephone Association, and the General Services Administration.[4] Reply comments were filed by AT&T.

2. AT&T submits that an increase in its authorized rate of return on interstate operations to the range of at least 11 to 12 percent is mandated by materially changed economic and financial conditions since the issuance of the Commission's Final Decision in Docket No. 20376, *supra*. AT&T alleges that such an adjustment "is essential in order to raise the capital needed in interstate and foreign operations, to continue to provide excellent service, and to preserve the financial integrity of the Bell System." *Petition*, paragraph 7.

3. We are, of course, cognizant of the general changes and trends in the national economy. While such recent and prospective trends in the economy might indicate that AT&T's cost of capital may no longer be as most recently prescribed by this Commission, on the basis of the material presently before us, we are unable to make a complete determination of the extent to which changes may have occurred in AT&T's cost of capital. As the record of our last overall rate of return proceeding for AT&T compellingly indicates, arriving at an allowed rate of return is a complex matter which involves assessments of financial, accounting, economic information and theory, and detailed expert opinion thereon. Accordingly, we are herewith instituting an evidentiary hearing [5] into AT&T's cost of capital. As we have previously stated:

> We wish to stress that our obligation to protect the consumer requires us not only to assure ourselves that excessive rates are not being charged but also that the carrier is financially capable of providing the consumer the needed service. This requires a rate of return sufficient to allow investors to have confidence in the financial integrity of the carrier so that it can maintain its credit and attract needed capital. *F.P.C.* v. *Hope Natural Gas Co.*, 320 U.S. 591, 603 (1944); *F.P.C.* v. *Memphis Light, Gas & Water Div.*, 411 U.S. 458, 465-6 (1973).
>
> —Docket No. 20376, 51 F.C.C. 2d 619 at 626.

In consideration of these consumer interests and the carriers' financial requirements, we believe that an expeditious resolution of the issues attendant to AT&T's rate of return based upon a comprehensive, full and fair record will be in the public interest. Therefore, we are directing that such a hearing be conducted on an expedited basis.[6]

4. From the material [AT&T's Petition, AT&T's filings with the Securities and Exchange Commission, the comments of other parties, and AT&T's reply thereto] before us, we are identifying the following areas of preliminary concern:

a. The manner in which AT&T has treated current liabilities for the purpose of estimating its cost of capital. To be more precise, certain short term sources of funds have not been included in AT&T's measurements of its financial structure and the costs of those sources of funds have not been included in AT&T's measurement of its cost of capital. These sources of funds include: accounts payable, advance billings, accrued taxes, dividends payable, accrued interest, and drafts outstanding. To the extent that these sources of funds are stable [7] in nature, they are as fully available for financing assets as other sources of funds such as long term debt and equity.

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[1] In Docket No. 20376, AT&T Rate of Return, 57 F.C.C. 2d 960 (1976), this Commission most recently prescribed the fair rate of return for AT&T at 9.5% with a .5% range above the prescribed return in order to provide AT&T "an incentive to increase productivity and efficiency." *Id.* at 973.

[2] We note that AT&T's request is not accompanied by any revision to its currently effective tariffs, nor does AT&T "seek authorization to increase its rates. . . . Bell does not intend to seek any general increase in interstate long distance rates in 1979." *Petition*, paragraph 10.

[3] By a companion order which we have adopted today, we are considering, independently of this matter, a related issue: what action this Commission should take with regard to AT&T's revenues which may be in excess of the prescribed rate of return. See, *Notice of Inquiry, In the Matter of AT&T's Earnings on Interstate and Foreign Services During 1978* (CC Docket No. 79-187), released September, 1979. It should be noted, however, that our action in this related order is without prejudice to AT&T's basic position under consideration here.

[4] In addition, on December 20, 1978, the General Service Administration (GSA) had filed a "Petition for Order to Show Cause" which sought the institution of a proceeding to investigate and prescribe a fair rate of return for AT&T under current economic and financial conditions. GSA also requested that it be allowed to present testimony as to its views on AT&T's presently needed earnings levels, in the range of 8.82 to 9.32 percent as asserted by GSA. *Id.*, page 3-4. Our order today with its associated companion order disposes of the GSA petition.

[5] Numerous comments by various parties filed in response to AT&T's petition supported the institution of such a proceeding.

[6] In light of the novelty and complexity of our preliminary concerns expressed in paragraph 4, reasonable expedition should be exercised within the framework of our desire to have a comprehensive, full and fair record developed.

[7] Examination of the composition of liabilities in Annual Reports published by AT&T for the years 1969 through 1978 reveals a high degree of stability in these sources of funds. The table which follows shows the proportions of: accounts payable, accrued taxes, advance billings and customer deposits (aggregated), dividends payable, and accrued interest, to AT&T's total liabilities plus equity (expressed in percent). Drafts outstanding are shown as a percentage of total assets.

	Year									
	1978	1977	1976	1975	1974	1973	1972	1971	1970	1969
Accounts payable	2.9	2.8	2.5	2.4	2.6	2.6	2.7	2.7	3.2	3.1
Accrued taxes	1.3	1.1	1.3	1.1	1.1	1.4	1.0	1.3	1.5	1.7
Advance billing and customer deposits	.9	.9	.9	.9	.9	.9	.9	.9	.9	.9
Dividends payable	.8	.8	.8	.7	.7	.7	.7	.7	.7	.8
Interest accrued	.7	.7	.7	.7	.7	.7	.7	.6	.6	.5
Drafts outstanding	5.3	4.6	3.7	3.7	3.6	4.3	4.5	3.9	4.3	(*)

(*) Not reported.

Note.—These calculations do not reflect the effects of the inclusion of Western Electric data, which was unavailable on a consolidated basis.

b. For the purpose of measurement of AT&T's financial structure, AT&T has apparently chosen to include sources of funds which finance its equity investment in the Western Electric Corporation, but it has not included the amount of debt nor the cost of the debt which has been issued by Western Electric.

c. The treatment which should be accorded to the "ownership interest of others in consolidated subsidiaries".[8] Because the funds which are represented in that balance sheet account title have not been supplied by shareholders of the American Telephone and Telegraph Company, we question the proprietary and manner of AT&T's inclusion of those funds in its equity ratio and the imputation of AT&T's cost of equity to those funds for the purpose of determining the authorized rate of return. It should also be noted that, in at least one instance, the "ownership interest of others in consolidated subsidiaries" consists of preferred stock of an operating company which, in turn, has a lower cost than AT&T's common stock equity.[9] Thus, AT&T appears to have chosen to impute a higher charge to those funds than it is actually paying.

d. The bases of AT&T's existing and proposed financial structures.[10]

We are specifically instructing the separated Trial Staff,[11] which is being made a participant herein pursuant to Section 1.1209 of the Commission's Rules, 47 CFR § 1.1209, to investigate and pursue by discovery[12] these areas of concern. These areas, and other areas which the Trial Staff may deem to be related to the determination of AT&T's fair rate of return, shall be explored formally on the record for resolution under the broad issues of this proceeding.

5. We are unable to grant AT&T the interim relief sought in its March 8, 1979 Petition. We believe that an interim increase in AT&T's allowed rate of return without a hearing of any kind would raise serious legal questions and would appear to be otherwise inappropriate. AT&T has not made the showing of financial need or economic stringency traditionally required for rate relief in the absence of a hearing.

Although AT&T urges that it is entitled to have its rate of return prescription modified on the basis of "known facts"—*viz.*, the change in its cost of debt and debt equity ratio—these "facts" have not yet been fully established. As made clear by our order herein (paragraph 4), questions remain which interested parties might wish to raise and perhaps must be given the opportunity to raise.

6. The particular relief requested by AT&T in its Petition—an interim increase in its allowed rate of return to 10.38%—presents a further problem in that it is based upon a cost of equity of 13% whereas the Commission's order in Docket 20376 allows only 12%. AT&T's use of a 13 percent figure for equity assumes a 10% overall return. The Commission prescribed rate of return in Docket 20376 was 9.5 percent and not 10 percent (See *Nader* v. *FCC* 520 F.2d 182, 204 (D.C. Cir., 1975), and see AT&T Reply Comments in Docket 79–63, pp. 7–8).

7. Although we must deny AT&T interim relief as such, we would agree with AT&T that economic conditions are changing rapidly, that the cost of debt and presumably equity are continuing to increase, and that a new rate of return should be prescribed as soon as practicable. We further believe that it would not in the public interest, and specifically with the need to maintain investor confidence, to subject AT&T indefinitely to the possibility of refunds or other rate actions based on our existing rate of return prescription. This proceeding has already been delayed a number of months and because of the complexity of the issues involved, will probably take the better part of a year to complete, even on an expedited basis. Under these circumstances, we would not consider it equitable and, therefore, do not presently intend to award refunds or take other rate actions for any earnings of AT&T during the pendancy of CC Docket 79–63 so long as AT&T earnings do not yield a rate of

[8] Securities and Exchange Commission Form 10–K (Annual Report) filed by AT&T for the fiscal year ended December 31, 1978, page 29.

[9] In its May 16, 1979, response to a Common Carrier Bureau data request, AT&T showed that, as of April 30, 1979, approximately $518,000,000 of Pacific Telephone and Telegraph preferred stock is held by individuals or institutions outside the Bell System. AT&T further stated that the cost of this preferred stock to the company is 8.98%. Response, Tab. 3. These funds constitute approximately 37% of the total "ownership interest in the 1978 From 10 K Balance Steet, p. 29.

[10] *E.g.*, analysis of the financial structure when total liabilities and equity are considered reveals a very different picture than that portrayed by the comparison of debt and equity as utilized in Docket No. 20376. The following table shows the results of these methods of measuring financial structure (expressed in percent).

	Year									
	1978	1977	1976	1975	1974	1973	1972	1971	1970	1969
Debt (as measured in Debt + Equity Docket No. 20376)	46	47	48	50	50	48	47	46	45	40
Total Liabilities—Total Liabilities + Equity	*57	*57	57	57	56	54	53	50	50	46
Total Liabilities-Investment Tax Credit—Total Liabilities + Equity	*	*54	54	54.5	54.2	52	52	49	49	45

* This ratio incorporates the restated results related to Pacific Telephone and Telegraph Company's revenue refund and potential loss of eligibility for tax benefits.

Source: The Docket No. 20376 ratios are derived from AT&T's December "Bell System Summary of Reports, C.R. 51–No. 1, Sheet 2"; other ratios are derived from AT&T's Annual Reports to its Shareholders.

Note.—These ratios indicate that while the 20376 "definition" shows a decrease in the proportion of debt in AT&T's financial structure, the proportion of equity supporting total assets has remained relatively constant since 1974. This change in AT&T's pattern of financing suggests that AT&T has been using new sources of financing which are not included in AT&T's Docket No. 20376 "debt ratio". In addition, all of the foregoing ratios may understate the total sources of debt financing at AT&T, its consolidated subsidiaries, and its affiliates because neither drafts outstanding nor Western Electric's liabilities are included in the foregoing measurements of debt liabilities.

[11] The Trial Staff has the authorization under the Communications Act and our Rules to utilize all investigatory powers in developing a full and fair record in this proceeding. See Sections 213(e)–(f), 215(a), 218, and 220(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 213(e)–(f), 215(a), 218, and 220(c).

[12] The formal discovery provisions of our Rules are not applicable to a proceeding of this nature. *E.g.*, see our discussion in *Multi-Schedule Private Line*—"MPL" (Docket No. 20814), 62 F.C.C. 2d 35 at 37. As has been the case in recent rate and rate of return cases, information requests may be made on a continuing basis throughout the trial of the case. This allows for the further narrowing of the issues, the updating of material, and the compilation of a full and fair record. The presiding officer of course will exercise his discretion to insure that these discovery procedures are not abused and do not result in a record lacking information which is essential to a decision. However, at the same time, we want to encourage the Administrative Law Judge to exercise his discretion and adopt, where possible, creative approaches during the discovery process to ensure that parties expeditiously produce and are able to analyze the information which is relevant to this proceeding (e.g., submission of quanitative data in computer tape or card format).

return which is above the permanent rate of return to be established herein.[13]

8. Accordingly, It is ordered, That pursuant to the provisions of Sections 4(i)–(j), 201, 204, 205, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)–(j), 201, 204, 205, and 403, an investigation and hearing [14] is instituted into the authorized rate of return of AT&T for interstate and foreign services.[15]

9. It is further ordered, That, without in any way limiting the scope of the investigation, it shall include, but shall not necessarily be limited to, the consideration and determination of the following:

a) the cost of embedded debt;

b) the cost of preferred stock equity;

c) the cost of common stock equity;

d) the cost of other sources of financing, as appropriate (see paragraph 4, *supra*);

e) the weights to be accorded these (items 9a through 9d, above) costs of sources of financing in the financial structure of AT&T;

f) the authorized rate of return.[16]

10. It is further ordered, That included within its Final Decision herein, consideration may be given to what action, if any, should be taken by the Commission to effect such rate adjustments as may be warranted on the basis of the record and such order or orders will issue as may be appropriate to this end.

11. It is further ordered, That the hearings in this investigation should be expedited and held at the Commission's offices in Washington, D.C. at a time to be specified, before an Administative Law Judge to be designated.

12. It is further ordered, That the Administrative Law Judge shall, upon closing of the record, prepare and issue an initial decision including specific findings of fact as indicated in paragraph 9 herein, which shall be subject to the submission of exceptions and requests for oral argument, as provided in Sections 1.276 and 1.277 of the Commission's Rules, 47 CFR §§ 1.276 and 1.277, after which the Commission shall issue its decision as provided in Section 1.282 of those Rules, 47 CFR § 1.282.

13. It is further ordered, That a separated Trial Staff of the Common Carrier Bureau will participate in the above-captioned proceeding. The Chief, Hearing Division and his staff will be separated in accordance with Section 1.1209 of the Commission's Rules, 47 CFR § 1.1209.

14. It is further ordered, That the Petitions [17] and Comments thereto are GRANTED to the extent noted herein and OTHERWISE DENIED.[18]

15. It is further ordered, That the American Telephone and Telegraph Company is named Party Respondent and any other interested party wishing to actively participate in this proceeding shall file a notice of its intention to do so on or before Novmber 19, 1979.

16. It is further ordered, That the Secretary shall send a copy of this order by certified mail, return receipt requested, to the American Telephone and Telegraph Company, and shall cause a copy to be published in the Federal Register.

Federal Communications Commission.*

William J. Tricarico,

Secretary.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: AT&T Petition for Modification of Prescribed Rate of Return.

Although AT&T has not made a sufficient case for grant of an immediate interim rate of return increase, changing economic conditions suggest that the Company is experiencing significant increases in its cost of debt and probably equity which in turn would appear to indicate that an upward revision in the rate of return is warranted.[1] The record required to determine these issues must, of course, be developed in the full evidentiary hearing which the Commission institutes today. However, under these economic circumstances, and given the staleness of the record underlying the existing AT&T rate of return prescription and the regulatory lag already experienced as well as anticipated, it is entirely equitable, fair, and proper for the Commission to indicate a present intention not to award refunds for AT&T earnings during the pendency of this proceeding where those earnings are within the permanent rate of return to be prescribed herein. While the Commission may not set rates or, by implication, rates of return to allow a utility to recoup past rate losses or, by implication, to retain past rate of return overages.[2] It is clear that questions as to the appropriateness of refunds are matters within the sound discretion of the regulatory agency.[3]

Statement of Commissioner Tyrone Brown, Concurring in Part, Dissenting in Part

In Re: (1) AT&T's Request for Immediate Increase in Its Rate of Return; (2) Disposition of AT&T's 1978 Excess Earnings; (3) Modification of AT&T's Rate of Return.

In 1976, after a lengthy proceeding, the Commission authorized AT&T to earn a rate of 9.5 percent on its interstate and foreign investment. In addition, we indicated that revision of AT&T's rates would not be triggered if its rate of return did not exceed 10 percent. This additional .5 percent was not considered a part of the authorized rate of return; *i.e.*, rates charged for AT&T services were to be targeted to achieve an overall 9.5 percent rate of return. Rather, the additional .5 percent was described as an incentive for increased productivity and efficiency.

Of course the Commission has no way of determining whether AT&T's earnings above 9.5 percent since 1976 were attributable to increased productivity and efficiency. We never intended to make such a determination. As a practical matter, provision for the extra .5 percent was simply a concession to the fact that rate-making is not an exact science. Accordingly, earnings which exceeded the authorized rate by not more than 5.26 percent were not to be treated as substantial enough to warrant Commission action. I have described the additional .5 percent above the authorized rate as a "fudge factor." I believe it is a useful device.

In the latter part of 1978, it came to the attention of the Commission that AT&T's earnings appeared to exceed both the authorized rate of return and the described "fudge factor." In 1978 AT&T's rate of return may have been as high as 10.22 percent and it may have charged its customers as much as $100 million more than our 1976 prescription permitted, even taking into account the "fudge factor."

AT&T's response to staff inquiries concerning the apparent overage was to file a request for an increase in its authorized rate of return and for an interim increase in that rate pending completion of a hearing (required by law) on the permanent increase. As justification for the increase, AT&T cites increased cost of capital due to inflation. The issues presented are quite straight forward:

(1) Given that AT&T in 1978 exceeded both the permitted rate of return and the "fudge factor," what should this Commission do about the excess earnings?

(2) Should AT&T's rate of return be revised upward on an interim basis?

(3) Should AT&T's rate of return be revised upward on a permanent basis to take account of alleged increases in the cost of capital?

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[13] All other issues pertaining to refunds will, of course, be considered in our Notice of Inquiry instituted this day. See footnote 3, above.

[14] Parties other than AT&T shall file their responsive cases after cross-examination of AT&T's direct case has been completed.

[15] We are not designating any issue regarding the measurement of AT&T's rate base or the measurement or inclusion of specific elements therein.

[16] A separate proceeding will be initiated shortly to consider an allowance for productivity and efficiency. Accordingly, a determination of such a range for AT&T's authorized rate of return is not at issue in this proceeding, and the Administrative Law Judge should not include such a range in his decision.

[17] As noted in footnote 4, above, this ordering clause is also applicable to GSA's Petition.

[18] Except to the extent addressed in the companion order related to the matter under consideration herein. See footnote 3, above.

*See Separate Statement of Commissioner Joseph R. Fogarty and Statement of Commissioner Tyrone Brown.

[1] The courts have recognized as a "general proposition" that "a prescription cannot remain binding indefinitely without agency reevaluation, especially during periods of rapidly changing economic conditions." *Nader* v. *FCC*, 520 F.2d 182, 205 (D.C. Cir. 1975).

[2] *Nader* v. *FCC*, 520 F.2d at 202.

[3] 47 U.S.C. 204(a) and 4(i); *Cf. Nader* v. *FCC*, 520 F.2d at 203.

On the last point, the Commission correctly has ordered a hearing into the need for an adjustment in AT&T's rate of return. AT&T has presented evidence, impressive on its face, that changed economic circumstances have increased its costs for both debt and equity capital. However, that evidence has not been tested and we cannot grant a permanent increase until a full record is made in a hearing. Considering that the hearing apparently can be limited solely to the cost-of-capital question, I hope and expect that the proceeding can be completed on an expeditious basis.

On the second issue—the question whether AT&T is entitled to an interim rate increase—I agree with the Commission's rejection of the company's request. Interim relief of the sort requested by AT&T, without the benefit of a hearing, should be granted only if the Company's financial posture would otherwise be impaired or under other extraordinary circumstances. That is not the case here. What I disagree with on the interim increase issue is the Commission's decision to, in effect, grant a limited interim increase in AT&T's rate of return under the guise of a promise not to require refunds if AT&T's earnings during this interim period do not exceed the rate of return that we ultimately authorize at the completion of the permanent rate case we order today. I concede that the granting or withholding of refunds is a matter within the discretion of the Commission. However, we do not now have before us a record sufficient to determine whether a permanent increase is in order. I fail to see how we can nonetheless determine at this early stage that under no circumstances will we decide *at a future date, on the basis of a fuller record*, that refunds are in order. Lacking a full record, I would not at this point commit the Commission to a particular course. Therefore, I dissent to the portion of the designation order which puts the Commission on record as making such a commitment.

I also dissent to the Commission's issuance of the Notice of Inquiry with respect to the handling of AT&T's apparent excessive earnings during 1978. In my judgment, this Notice of Inquiry is merely a means of putting off the decision whether or not to require AT&T to disgorge the excessive earnings. Absent the "fudge factor" which I described above, I believe a case could be made that the Commission should not be concerned with earnings that are close to but exceed the authorized rate. Here, AT&T has had the advantage of the authorized rate, the "fudge factor," and some as yet undetermined overage above both.

I would require AT&T to return the overage to its customers, not as a penalty to AT&T, but because the funds rightfully belong to the customers. With respect to the overage, the only matters I would inquire into at this point are the amount of the overcharges and the procedure by which AT&T would be required to make refunds.

[FR Doc. 79-32080 Filed 10-17-79; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee, Citizens Band Radio Communications Subcommittee; Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of the Citizens Band Radio Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held Thursday, November 1, 1979. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street, N.W., Washington, D.C. at 10:00 A.M.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items: 1. Chairman's opening remarks. 2. Old business. 3. Review by the Subcommittee and possible recommendation to the Commission of a Citizens Band Emergency Communications Plan developed by members of the Citizens Band Radio Subcommittee of the National Advisory Committee. 4. New business. 5. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-32079 Filed 10-17-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1491R]

Aero-Nautics Ocean Forwarders, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Aero-Nautics Ocean Forwarders, Inc., P.O. Box 3087, Miami, Florida 33152, FMC No. 1491R, was cancelled effective August 30, 1979.

By letter dated August 1, 1979, Aero-Nautics Ocean Forwarders, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1491R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Aero-Nautics Ocean Forwarders, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1491R was revoked effective August 30, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1491R, issued to Aero-Nautics Ocean Forwarders, Inc., be returned to the Commission;

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Aero-Nautics Ocean Forwarders, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32146 Filed 10-17-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1928]

Front Express, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Front Express, Inc., 8647 Aviation Boulevard, Inglewood, California 90301, FMC No. 1928, was cancelled effective April 18, 1979.

By letter dated March 21, 1979, Front Express, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1928 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Front Express, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 20.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1928 was revoked effective April 18, 1979; and

It is ordered, that Independent Ocean Freight Forwarder license No. 1928, issued to Front Express, Inc. be returned to the Commission;

It is further ordered, that a copy of this Order by published in the **Federal Register** and served upon Front Express, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32153 Filed 10-16-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1934]

Herbert M. Frank; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Herbert M. Frank, 30 Ocean Parkway, Brooklyn, New York 11218, FMC No. 1934, was cancelled effective April 19, 1979.

By letter dated March 21, 1979, Herbert M. Frank was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1934 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Herbert M. Frank has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1934 was revoked effective April 19, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1934, issued to Herbert M. Frank, be returned to the Commission;

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Herbert M. Frank.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32152 Filed 10-17-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1314]

Imperial Forwarding Co., J. E. Smith d.b.a.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Imperial Forwarding Co., J. E. Smith d/b/a, 7700 N.W. 54th Street, Miami, Florida 33166, FMC No. 1314, was cancelled effective October 28, 1978.

By letter dated September 28, 1978, Imperial Forwarding Co., J. E. Smith d/b/a was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1314 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Imperial Forwarding Co., J. E. Smith d/b/a has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1314 was revoked effective October 28, 1978; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1314, issued to Imperial Forwarding Co., J. E. Smith d/b/a be returned to the Commission;

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Imperial Forwarding Co., J. E. Smith d/b/a.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32148 Filed 10-16-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-92]

Matson Navigation Co. (Matson)—Proposed 6.66 Percent Bunker Surcharge Increase in Tariffs FMC-F Nos. 164, 165, 166, and 167; Order of Investigation

On August 31, 1979, Matson filed amendments to its Tariffs FMC-F Nos. 164, 165, 166 and 167, proposing a 6.66 percent bunker surcharge increase, scheduled to become effective October 1, 1979. The proposed 6.66 percent bunker surcharge is the cumulative amount of surcharge to be applied. It represents a net increase of .76 percent over the present 5.90 percent surcharge. The publications all provide for a 120-day expiration date.

A protest to Matson's bunker surcharge was filed by Oscar Mayer & Co. Oscar Mayer requests the suspension and investigation of Matson's proposed bunker surcharge increase. The protest alleges that the surcharge results in unreasonable preference for eastbound shippers over westbound shippers. This essentially represents a challenge to the Commission's use of round voyage accounting in determining whether or not a surcharge is just and reasonable. Oscar Mayer seeks a rulemaking proceeding to change the methodology employed in Form FMC-274 and would have the Commission suspend the surcharge in the meantime. We reject these arguments. The protest challenges the procedure employed by the Commission, not an action taken by Matson. An investigation is not the proper forum for discussion of the merits of Circular Letter 1-79, Form FMC-274 and General Order 11, nor is suspension appropriate pending rulemaking.

The State of Hawaii requests suspension and investigation because (1) since January, 1979, the combined overall rate increases and surcharge increases amount to cumulative increase of 15.54 percent and represent an excessive burden to the economy of the State of Hawaii, (2) Matson's fuel consumption estimates are overstated by as much as 25,000 barrels; (3) Matson's revenue forecast is understated by $1,589,000; and (4) Matson's surcharge revenues are understated by as much as $280,000.

It is the opinion of the Commission's staff that increased fuel costs should be allocated to the tariffs affected by the surcharge on a measurement ton basis; and Matson should make an allocation between trade and non-trade cargo carried between the West Coast and Hawaii.

The issues raised by the State of Hawaii and the staff are presently being considered in *Matson Navigation Company—Proposed Bunker Surcharge in the Hawaii Trade, Docket No. 79–55 (FMC, May 25, 1979)* and *Matson Navigation Company—Proposed Bunker Surcharge in the Hawaii Trade,* Docket No. 79–84 (FMC, August 24, 1979). The decisions in those proceedings will determine the methodology to be used in deciding the reasonableness of this bunker surcharge. While there is no need to relitigate these issues, we believe that a proceeding is necessary in order to give the shipping public a remedy here in the event the methodology issues in Docket Nos. 79–55 and 79–84 are decided in favor of the protestants and the staff.

Accordingly, we will institute a proceeding limited to the issues specified in the second ordering paragraph below in order to determine whether the surcharge is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, but will hold the procedural schedule in abeyance pending final decisions in Docket Nos. 79–55 and 79–84.

Now, therefore, it is ordered, that pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933 (46 U.S.C. sections 817, 821, 845, 845(a)), an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A for the purpose of making such findings as the facts and circumstances warrant;

It is further ordered, that this proceeding be limited to an investigation of the following areas:

1. Is the proposed bunker surcharge unjust, unreasonable or otherwise unlawful in that it will provide Matson with an amount in excess of its increased fuel costs?

2. Should fuel costs be allocated between general cargo and sugar/molasses on the basis of measurement tons carried?

3. Should an allocation be make between trade and non-trade cargo carried between the West Coast and Hawaii?

It is further ordered that Matson Navigation Company be named Respondent in this proceeding;

It is further ordered that Oscar Mayer & Co., and the State of Hawaii be named Protestants in this proceeding;

It is further ordered, that in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), Hearing Counsel shall be a party to this proceeding;

It is further ordered, that this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, that except as provided in this order, the procedural shcedule in this proceeding be held in abeyance pending final decisions in Docket Nos. 79–55 and 79–84;

It is further ordered, that, notwithstanding our order holding the procedural schedule in abeyance, discovery, pursuant to subpart L of the Commission's Rule of Practice and Procedure, shall commence no later than 30 days after the date of publication in the Federal Register of this order;

It is further ordered, that subsequent to the final decisions in Docket Nos. 79–55 and 79–84, the Administrative Law Judge shall, at his direction, direct all parties to consider and make recommendations regarding:

1. Simplification of issues;

2. Identification of issues which can be resolved readily on the basis of documents, admissions of fact, or stipulations;

3. Identification of any issues which require evidentiary hearing;

4. Limitation of witness and areas of cross-examination should an evidentiary hearing be necessary;

5. Requests for subpoenas; and

6. Other matters which may aid in the disposition of hearing.

It is further ordered, that, after considering the procedural recommendations of the parties, the Administrative Law Judge shall limit the issues to the extent possible and establish a procedure for their resolution;

It is further ordered, that during the pendency of this investigation, Respondent will serve the Administrative Law Judge and all parties of record with notice of any tariff changes affecting the material under investigation at the same time such changes are filed with the Commission;

It is further ordered, that notice of this Order be published in the Federal Register, and a copy be served upon all parties of record;

It is further ordered, that any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, that all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, that except as provided in Rules 159 and 201(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.159, 46 CFR 502.201(a)), all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

Matson Navigation Company Freight Tariff No. 1–T, Supplement No. 17 to FMC–F No. 164.

Matson Navigation Company Freight Tariff No. 30–A, Supplement No. 14 to FMC–F No. 165.

Matson Navigation Company Freight Tariff No. 15–C, Supplement No. 14 to FMC–F No. 166.

Matson Navigation Company Freight Tariff No. 14–A, Supplement No. 15 to FMC–F No. 167.

[FR Doc. 79–32145 Filed 10–17–79; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1761]

Natco International, Ltd.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Natco International Ltd., 210 W. Fayette Street, Room 310, Baltimore, Maryland 21201, FMC No. 1761, was cancelled effective April 11, 1979.

By letter dated March 19, 1979, Natco International Ltd. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1761 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Natco International Ltd. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1761 was revoked effective April 11, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1761, issued to Natco International Ltd., be returned to the Commission;

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Natco International Ltd.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32149 Filed 10-17-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1661]

Seaport Shipping & Forwarding, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Seaport Shipping and Forwarding, Inc., 1746 E. Adams Street, Jacksonville, Florida 32206, FMC No. 1661, was cancelled effective June 6, 1979.

By letter dated May 8, 1979, Seaport Shipping and Forwarding, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1661 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Seaport Shipping and Forwarding, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1661 was revoked effective June 6, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1661, issued to Seaport Shipping and Forwarding, Inc. be returned to the Commission;

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Seaport Shipping and Forwarding, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32150 Filed 10-17-79 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1466]

Thompson International Shipping, Ann T. Thompson, d.b.a.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Thompson International Shipping, Ann T. Thompson, d.b.a., 530 W. 6th Street, Suite 1122, Los Angeles, California 90014, FMC No. 1466, was cancelled effective March 7, 1979.

By letter dated February 8, 1979, Thompson International Shipping, Ann T. Thompson, d.b.a. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1466 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Thompson International Shipping, Ann T. Thompson, d.b.a. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1466 was revoked effective March 7, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1466, issued to Thompson International Shipping, Ann T. Thompson, d.b.a., be returned to the Commission;

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Thompson International Shipping, Ann T. Thompson, d.b.a.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32147 Filed 10-17-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 77]

W. D. Wall Traffic Service, W. D. Wall, d.b.a.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of W. D. Wall Traffic Service, W. D. Wall, d.b.a., 998 Park Avenue, San Jose, California 95125, FMC No. 77, was cancelled effective April 18, 1979.

By letter dated March 27, 1979, W. D. Wall Traffic Service, W. D. Wall, d.b.a., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 77 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

W. D. Wall Traffic Service, W. D. Wall, d.b.a., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 77 was revoked effective April 18, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 77, issued to W. D. Wall Traffic Service, W. D. Wall, d.b.a., be returned to the Commission;

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon W. D. Wall Traffic Service, W. D. Wall, d.b.a.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32154 Filed 10-17-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1584]

Winair Freight, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Winair Freight, Inc., 1810 Tonnelle Avenue, North Bergen, New Jersey 07047, FMC No. 1584, was cancelled effective January 18, 1979.

By letter dated December 28, 1978, Winair Freight, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1584 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Winair Freight, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1584 was revoked effective January 18, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1584, issued to Winair Freight, Inc. be returned to the Commission;

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Winair Freight, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32151 Filed 10-17-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Cancellation of Meetings

Pursuant to the provisions of Section 10 of the Federal Advisory Committee Act (Pub. L. 92-463) notice was published in 44 FR 53570 of September 14, 1979, that meetings of the Federal Prevailing Rate Advisory Committee would be held on October 18, 1979, and October 25, 1979. Notice is hereby given that the meetings scheduled for those dates have been cancelled.

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

October 16, 1979.

[FR Doc. 79-32385 Filed 10-17-79; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than November 9, 1979.

A. *Federal Reserve Bank of Philadelphia*, 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. PHILADELPHIA NATIONAL CORPORATION, Philadelphia, Pennsylvania (insurance underwriting activities; Pennsylvania): to engage, through its indirect subsidiaries, Patrick Henry Insurance Company and Patrick Henry Life Insurance Company, in the reinsurance of credit life insurance and credit accident and health insurance underwritten by a nonaffiliated insurance company with respect to installment loans of The Philadelphia National Bank, the bank subsidiary of Philadelphia National Corporation. These activities will be conducted at the branch offices of The Philadelphia National Bank located in and serving the Pennsylvania counties of Philadelphia, Bucks, Chester, Delaware, Montgomery, Lehigh and Berks.

2. PHILADELPHIA NATIONAL CORPORATION, Philadelphia, Pennsylvania (mortgage lending activities; Virginia, West Virginia): to engage, through its subsidiary, Colonial Mortgage Company Associates, Inc., in the oridination of residential mortgage loans. This activity would be conducted from an office in Frederick, Maryland, serving Virginia and West Virginia. This notice is a republication of a previous notice (44 *Fed. Reg.* 57219) published on October 4, 1979. Comments must be received by October 26, 1979.

3. PHILADELPHIA NATIONAL CORPORATION, Philadelphia, Pennsylvania (trust company activities; Washington): to engage, through its subsidiary, CMSC Escrow Company, in escrow agency services involving the receipt, holding, distribution and disbursement of instruments, documents and funds delivered in connection with, and by parties to real estate sales and mortgage loans. These activities would be conducted from an office in Bellevue, Washington, serving the State of Washington.

B. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

UNITED VIRGINIA BANKSHARES INCORPORATED, Richmond, Virginia, (financing and insurance activities; Virginia): to engage, through its subsidiary, United Virginia Mortgage Corporation, in originating loans as agent or principal; servicing loans for nonaffiliated individuals, partnerships and corporations and for affiliates of Applicant; acting as agent for the sale of credit life disability, mortgage redemption and mortgage cancellation insurance in connection with such loans; and such other activities as may be incidental to the business of a mortgage corporation. These activities would be conducted from the cities in which those offices are located and the surrounding areas.

C. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

U.S. Bancorp Portland, Oregon, (financing, leasing and insurance activities; Oregon, California and

Nevada): to engage, through its subsidiary U.S. Bancorp Financial, Inc., Medford, Oregon, in the leasing of personal property and equipment and the making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including but not limited to, commercial and rediscount loans; installment sales contracts and other forms of receivables. These activities would be conducted from an office located in Medford, Oregon and would serve Curry, Josephine, Jackson, Klamath, Lake, Coos and Douglas Counties in southern Oregon and Del Norte, Sisdiyou, Humbolt, Trinity, Modoc, Shasta and Lasser Counties in northern California and all of Nevada. Comments on this application must be received by November 5, 1979.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, October 9, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32103 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

Blakely Investment Co., Commercial Bankshares, Inc.; Acquisition of Bank

Blakely Investment Company, Griffin, Georgia ("Blakely"), has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire through its subsidiary, Commercial Bankshares, Inc., Griffin, Georgia ("Commercial") voting shares of Bank of Hampton, Hampton, Georgia ("Bank"). Blakely will indirectly acquire 34.23 per cent of the voting shares of Bank through the acquisition of 100 per cent of the voting shares of Bank by its subsidiary, Commercial. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 11, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32104 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Addendum to Notice of Meeting of Consumer Advisory Council.

SUMMARY: The Consumer Advisory Council announces that an additional matter concerning Regulation Z, Truth in Lending, will be discussed at its October 22–23, 1979 meeting.

DATES: October 22 and 23, 1979.

ADDRESS: Terrace Room E of the Martin Building, located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Coyne, Assistant to the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452–3204.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Board has invited comments from the Consumer Advisory Council on three amendments to the Truth in Lending Enforcement Guidelines proposed by the five federal enforcement agencies. The October 22–23, 1979 meeting of the Council, notice of which was published at 44 FR 58744 (October 11, 1979), will include consideration of this topic.

Board of Governors, October 12, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-32105 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

Dickey County Bancorp.; Formation of Bank Holding Company

October 11, 1979.

Dickey County Bancorporation, Ellendale, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 98 percent of the voting shares of The First National Bank and Trust Company of Ellendale, Ellendale, North Dakota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 9, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32098 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

Douglas County Bancshares, Inc.; Formation of Bank Holding Company

Douglas County Bancshares, Inc., Ava, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less director's qualifying shares) of Citizens Bank, Ava, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 11, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32101 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

Granbury Bancshares, Inc.; Formation of Bank Holding Company

Granbury Bancshares, Inc., Granbury, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Granbury State Bank, Granbury, Texas. The factors that are considered in acting on

the application are set forth in § 3(c) of the Act (12 U.S.C. § 1312(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 9, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32099 Filed 10-17-79; 8:45am]

BILLING CODE 6210-01-M

Mid-Continental Bancorporation, Inc.; Formation of Bank Holding Company

Mid-Continental Bancorporation, Inc., Milwaukee, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of American Hampton Bank; Continental Bank & Trust Co.; Guardian State Bank; and Mid-American Bank, Milwaukee, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1312(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 10, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32100 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

Ranger Financial Corp.; Formation of Bank Holding Company

Ranger Financial Corporation, Brownwood, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 96.5 per cent or more of the voting shares of First State Bank in Tuscola, Tuscola, Texas, and 100 per cent of the voting shares of Ranger Financial Corporation, Ranger, Texas, thereby acquiring 92 per cent of the voting shares of First State Bank, Ranger, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 10, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32097 Filed 10-17-79; 8:45 am]

BILLING CODE 6210-01-M

Tonganoxie Bankshares, Inc.; Formation of Bank Holding Company

Tonganoxie Bankshares, Inc., Tonganoxie, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Tonganoxie, Tonganoxie, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 11, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32102 Filed 10-17-79; 8:45am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Health Systems Agency Application Information

Correction

In Federal Register Doc. 79-3290, appearing at page 58811 in the issue of Thursday, October 11, 1979. The next to last line in the second complete paragraph of column one, page 58812, should read, "1979, and an application by February 12,"

BILLING CODE 1505-01-M

Office of Human Development Services

[Program Announcement No. 13600-801]

Basic Educational Skills Research Grant Program

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for Basic Educational Skills Research Grant Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for the Basic Educational Skills Research Grant Program under Title V, Part A of the Community Services Act of 1974, as amended.

DATES: Closing date for receipt of all applications under this Program Announcement is December 18, 1979.

SCOPE OF THIS ANNOUNCEMENT: This Program Announcement covers the Head Start Basic Educational Skills Research Grant Program for FY' 80. Applications will be received and competitively reviewed for the award of research grants relating solely to the purposes of this program. Grant support is not available for ongoing programs or services, research which addresses program implementation or service delivery issues or curriculum development projects.

Program Purpose

The purpose of the Basic Educational Skills Research Grant Program is to generate the knowledge necessary to improve the quality and design of child development programs which aim to advance the acquisition of basic educational skills for children in preschool through grade six. Basic educational skills are defined as developmentally appropriate educational sills which are necessary for the later acquisition of skills commonly associated with school readiness and achievement.

Program Goal and Objectives

The overall goal of the Basic Educational Skills Research Grant Program is to support projects which will result in knowledge which will further the acquisition of appropriate educational skills by children from low-income families. ACYF proposes to support this goal by funding single year projects which will result in state-of-the-art papers and multi-year research projects as described below.

Projects To Fund State-of-the-Art Paper

State-of-the-Art Papers

- Address the educational needs of children of low-income families in preschool through grade six;
- If appropriate, summarize findings from all disciplines that can contribute to the issue addressed;
- Be for new efforts not completed or undertaken prior to this program announcement.

Applications for projects shall indicate that the proposed project will result in a state-of-the-art paper which addresses one of the following objectives:

(a) The relationship of parent/child interaction to children's development of basic educational skills including positive learning attitudes, such as self-esteem as a learner, motivation, curiosity, initiative, purposefulness, persistence, task completion and interest in further learning.

(b) Teacher behaviors (both in transmitting the curriculum and other interactions) associated with children's acquisition of basic educational skills including children's development of positive learning attitudes, such as, self-esteem as a learner, motivation, curiosity, initiative, purposefulness, persistence, task completion and interest in further learning. The paper should focus on findings which have applicability to preschool programs for low-income children.

(c) The precursor skills which, if mastered, will enhance children's ability to acquire basic eduational skills in oral language, reading, mathematics, science and problem solving.

A subtopic under this area of interest to ACYF is: the relationship between the provision of experiences designated to develop visual and auditory perception and children's acquistion of basic educational skills.

(d) The qualitative changes which occur in classroom environments as group size increases or decreases. Subtopics of interest to ACYF are the relationship between group size and:

- Teacher's strategies for assisting children to acquire basic educational skills:
- Classroom staffing patterns and roles of aides and other adults in the classroom;
- The teacher's planning and implementation of experiences for individual children;
- Opportunities for child/child interaction;
- Opportunities for child selection of activities and child initiation of activities;
- The frequency of use of different sizes and types of groupings within the classroom;
- The temporary assignment of children to other areas within the school or to other teachers/staff for special services; and
- Other factors which promote children's acquisition of basic educational skills.

(e) Other topics which are relevant to ACYF's objective of increasing the knowledge regarding children's acquisition of basic educational skills.

Research Projects

Research projects funded must:

- Address the educational needs of children in preschool through grade six;
- If appropriate, encourage multidisciplinary research;
- Be for new efforts not completed or undertaken prior to this program announcement.

Applications for research projects shall address one or more of the following objectives:

(a) The parent/child interactions which contribute to low-income children's acquisition of basic educational skills including positive learning attitudes, such as self-esteem as a learner, motivation, curiosity, initiative, purposefulness, persistence, task completion and interest in further learning. A subtopic of interest to ACYF is the factors (including attitudes and beliefs) that promote or discourage low-income parents' involvement in the education of their children.

(b) The teacher behaviors (both in transmitting the curriculum and in other interactions) which contribute to children's acquisition of basic educational skills including children's development of positive learning attitudes such as self-esteem as a learner, motivation, curiosity, initiative, purposefulness, persistence, task completion and interest in further learning. A subtopic of interest to ACYF is the teacher's use of play experiences to promote the acquisition of basic educational skills.

(c) The precursor skills which, if mastered, will enhance the child's ability to acquire basic educational skills in oral language, reading, mathematics, science and problem solving.

A subtopic of interest to ACYF is: The relationship between the child's involvement in experiences designed to develop visual and auditory perception and the acquisition of basic educational skills.

(d) The qualitative changes which occur in classroom environments as group size increases or decreases. Subtopics of interest to ACYF are:

- Teachers' strategies for assisting children to acquire basic educational skills;
- Classroom staffing patterns and roles of aides and other adults in the classroom;
- The teacher's planning and implementation of experiences for individual children;
- Opportunities for child selection and initiation of activities;
- The frequency of use of different sizes and types of groupings within the classroom;
- The teacher's perception of the implementation of his/her role in the classroom;
- The temporary assignment of children to other areas within the school or to other teachers/staff for special services; and
- Other factors which promote children's acquisition of basic educational skills

(e) Other topics related to basic educational skills. The areas listed are of equal interest to ACYF. ACYF recognizes that it will not be possible to fund projects for all areas in FY '80. Interested applicants may submit proposals for projects to develop state-of-the-art papers or research projects or both.

Eligible Applicants

Public, private nonprofit organizations, or institutions of higher learning may apply for grants.

Available Funds

The Administration for Children, Youth and Families expects to award $550,000 for new grants in response to this announcement. It is expected that approximately five to seven grants will be awarded pursuant to this announcement. The range of grant awards is expected to be between $20,000 to $50,000 for projects to develop state-of-the-art papers and between $80,000 to $110,000 for research projects. Research projects for state-of-the-art papers will be supported for a period of one year; and other research projects will be funded for one to three years. Continuation support depends on funds available and the grantees' satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Grantees must share in the costs of research projects; it is generally expected that grantees will provide at least five percent of total project costs. The grantee share may be in cash or in kind but must be project related and allowable under the Department's applicable cost principles and Subpart G published in 45 CFR Part 74.

The Application Process

Availability of Forms

In order to be considered for a grant under the Basic Educational Skills Reserach Grant Program, an application must be submitted on the standard forms supplied and in the manner prescribed by the Administration for Children, Youth and Families. Application kits which include the forms and other information may be obtained by writing to: Administration for Children, Youth and Families, Development and Planning Division, P.O. Box 1182, Washington, D.C. 20013, Attention: Jenni Klein, Telephone (202) 755–7794.

Application Submission

The prescribed application form must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award.

One signed original and two copies of the grant application, including all attachments, must be submitted to the address indicated in the application instructions. The application must clearly identify the program announcement number and the program objective for which the application is to compete.

A–95 Notification Process

This program does not require the A–95 notification process.

Application Consideration

The Commissioner for Children, Youth and Families will make the final decision on each grant application for this program. Applications which are complete and conform to the requirements of this program announcement will be competitively reviewed and evaluated by qualified persons independent of the Administration for Children, Youth and Families. An application for a project to develop a state-of-the-art paper will compete only with other applications for projects to develop state-of-the-art papers; an application for a research project will compete only with other applications for research projects. The results of the review will assist the Commissioner in considering competing applications. The Commissioner's consideration will also take into account the comments of the HEW Regional Offices and the Headquarters ACYF staff. If the Commissioner decides to disapprove or not to fund a competing grant application, the unsuccessful applicant will be notified in writing.

Successful applicants will be notified through the issuance of a Notice of Grant Awarded (NGA), which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Grant Applications

Competing grant applications for projects to develop state-of-the-art papers will be reviewed and evaluated against the following criteria:

1. Estimated cost to the government is reasonable considering anticipated results; (10 points)

2. Proposed objectives for project to develop the state-of-the-art paper are identical with or capable of achieving the specific program purpose and objectives defined in the program announcement and program guidance; (30 points)

3. Proposed methodology or procedures for preparation of state-of-the-art paper are capable of attaining objectives:

a. Plan for review of literature

b. Proposed outline of paper

c. Questions or issues to be addressed

d. Plan for synthesis and application to child development programs; (30 points)

4. Project personnel are or will be well-qualified, and applicant organization has or will have adequate facilities; (20 points)

5. Projected plan for dissemination/use of the project results:

a. Applicant indicates knowledge of appropriate users.

b. Applicant presents an appropriate dissemination plan. (10 points)

Competing grant applications for research projects will be reviewed and evaluated against the following criteria:

1. Estimated cost to the government is reasonable considering anticipated results; (10 points)

2. Project objectives are identical with or capable of achieving the specific program purpose and objectives defined in the program announcement and program guidance; (30 points)

3. Proposed methodology or procedures, if well-executed, are capable of attaining project objectives:

a. Review of literature

b. Innovativeness of approach/design

c. Objectives/hypotheses clearly stated

d. Procedures (sample size: Comparison/control groups; treatment(s); design, measures/instruments; data analysis plan; time schedule; reports); (30 points)

4. Project personnel are or will be well-qualified, and applicant organization has or will have adequate facilities; (20 points)

5. Projected plan for dissemination/use of research findings:

a. Applicant indicates knowledge of appropriate plan

b. Applicant presents an appropriate dissemination plan; (10 points)

In addition to the above criteria, applications will be reviewed to assure:

1. That if subjects are at risk, appropriate safeguards have been taken, and

2. That if formal agreements with cooperating agencies are necessary for the implementation of a research project, they are documented and included with the application.

Closing Date for Review of Applications

The closing date for receipt of all applications under this Program Announcement is December 18, 1979. Applications may be mailed or hand delivered. An application will be considered received on time if:

The application was sent by registered or certified mail not later than December 18, 1979 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

The application is received on or before close of business December 18,

1979 in the DHEW mailroom in Washington, D.C.; or

The application is hand-delivered to the address on the application kit by close of business December 18, 1979. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare. Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13600 Administration for Children, Youth and Families-Head Start)

Dated: October 10, 1979.

Herschel Saucier,

Acting Commissioner for Children, Youth and Families.

Approved: October 11, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-32165 Filed 10-17-79; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

Ethics Advisory Board

Notice is hereby given that the Ethics Advisory Board will hold a meeting on November 15–16, 1979 in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. The meeting will be held on Thursday, November 15, from 7–10 p.m. and Friday, November 16, from 8 a.m.–4 p.m. It will be open to the public subject to limitations of available space.

The agenda for the meeting will include further consideration of possible exemptions to disclosure under the Freedom of Information Act for data relating to: (1) institutions and individuals cooperating with epidemiologic investigations conducted by the Center for Disease Control (CDC); and (2) clinical trials being conducted or supported by the National Institutes of Health (NIH) where the data are incomplete. The Board will also hold preliminary discussion regarding its study of compensation for research-related injuries.

Requests for information should be directed to Ms. Amanda MacKenzie, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Maryland, 20016, telephone 301–496–7526.

Dated: October 10, 1979.

Barbara Mishkin,

Acting Staff Director, Ethics Advisory Board.

[FR Doc. 79-32076 Filed 10-17-79; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

[Docket No. N-79-954]

National Mobile Home Advisory Council Meeting

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

ACTION: Notice of National Mobile Home Advisory Council Meeting.

SUMMARY: This Notice announces a biannual meeting of the National Mobile Home Advisory Council.

FOR FURTHER INFORMATION CONTACT: Jesse C. McElroy, Director, Office of Mobile Home Standards, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, Telephone (202) 755–5595.

SUPPLEMENTARY INFORMATION: The National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of the Housing and Community Development Act of 1974) authorizes the Secretary of the Department of Housing and Urban Development to establish Federal construction and safety standards for mobile homes. It provides for the appointment by the Secretary of a National Mobile Home Advisory Council composed of 24 members. The membership of the Council is selected equally from each of the following categories: (a) consumer organizations, community organizations, and recognized consumer leaders; (b) the mobile home industry and related groups, including at least one representative of small business; and (c) government agencies including Federal, State and local governments. The purpose of the National Mobile Home Advisory Council is to advise the Department to the extent feasible prior to the establishment, amendment or revocation of any mobile home construction and safety standard.

Sections 6 (a) and (b) of the Charter of the National Mobile Home Advisory Council enacted pursuant to Section 9(c) of the Federal Advisory Committee Act stipulates that members are appointed to serve two-year terms which expire on August 21 of the second year of the member's appointment.

In accordance with Section 605 of Title VI of the Housing and Community Development Act of 1974 (Public Law 93–383) and Section 10(a)(2) of the Federal Advisory Committee Act of 1972 (Public Law 92–463) announcement is made of the following meeting: The National Mobile Home Advisory Council will meet on November 14, 15 and 16, 1979. The meetings are open to the public and will convene at 9:00 a.m. on Wednesday, November 14, 1979, at the HUD Building, Room 10233, 451 7th Street, S.W., Washington, D.C. 20410.

Depending on the availability of research conclusions, among other items, the Department plans to discuss and seek recommendations on the following agenda items:

National Mobile Home Advisory Council Agenda—November 14, 15, 16, 1979

November 14—Morning (9:00 a.m.–12:00 p.m.)

Opening remarks, swearing-in of new members, update on standards' involvement, preview of council's presentations—agenda.

Afternoon (1:00 p.m.–5:00 p.m.)

Voucher information: *Transportation, durability, and safety*, committee report, research information, on-site structural durability and safety research—status report, structural adhesives—research and findings.

November 15—Morning (9:00 a.m.–12:00 p.m.)

Fire safety: Committee report, U.S. Fire Administration report and findings, smoke detector research and findings.

Afternoon (1:00 p.m.–5:00 p.m.)

Energy, Heating and Cooling: Committee report, heating/cooling system and thermal envelope research report, indoor air quality (formaldehyde)—research status.

November 16—Morning (8:30 a.m.–12:00 p.m.)

Status of HUD/DOE energy research, applicability of referenced standards' study—status report, report on advance notice of proposed rulemaking (ANPR)—comments, open discussion on ANPR.

Afternoon (1:00 p.m.–3:00 p.m.)

Council's deliberations and recommendations.

Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d) and Section 605, National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5404.

Issued at Washington, D.C. October 11, 1979.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 79-32085 Filed 10-17-79; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Findings for Federal Acknowledgment of Grand Traverse Band of Ottawa and Chippewa Indians as an Indian Tribe

October 5, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.9(f) notice is hereby given that the Assistant Secretary proposes to acknowledge that the Grand Traverse Band of Ottawa and Chippewa Indians, c/o Ardith Harris, Post Office Box 37, Sutton's Bay, Michigan 49682, exists as an Indian tribe. This notice is based on a determination that the group satisfies the criteria set forth in 25 CFR 54.7.

Under § 54.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and other parties upon written request.

Section 54.9(g) of the regulations, provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the report should be addressed to: Assistant Secretary—Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20242, Attention: Federal Acknowledgment Project.

Within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the Federal Register as provided in § 54.9(h).

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-32135 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

New Mexico Off-Road Vehicle Designations

October 9, 1979.

AGENCY: Bureau of Land Management.

ACTION: Notice of Off-Road Vehicle Designation Decisions.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as closed, limited or open to off-road motorized vehicle use.

The area affected by these designations is known as the East Chaves Planning Unit, containing all public lands in Chaves County, New Mexico, that are east of the Pecos River. These designations are a result of land use decisions developed with broad public involvement in the 1976 East Chaves Management Framework Plan. This area contains 425,264 acres of public land.

The areas of East Chaves Planning Unit which are designated as *closed* are:

1. *Comanche Hill Areas A and C.* Comanche Hill is located approximately seven miles east of Roswell, New Mexico. Closure of Area A is necessary to protect scenic quality, prevent disturbance of waterfowl at the adjacent Bitter Lakes National Wildlife Refuge, and to protect raptor nesting habitat in the area. There are approximately 660 acres in Area A. Closure of Area C is necessary to protect the scenic value of this area which is highly visible from the adjacent U.S. Highway 380. Area C contains approximatley 240 acres.

2. *Mathers Natural Area.* The Mathers Natural Area is located approximately 35 miles east of Roswell, New Mexico, and contains 96 acres. Closure to off-road vehicles is necessary to protect a unique climax shinnery oak-bluestem vegetative type.

3. *Mescalero Sands South Dune Area A.* This area is located in the Mescalero Sands Recreation Complex approximately 33 miles east of Roswell, New Mexico. South Dune Area A is fenced and closed to off-road vehicles in order to protect the unique scenic, cultural, biological, and geological values of the area. This area contains approximately 1,512 acres.

The areas of East Chaves Planning Unit which are designated as *limited* are:

1. *Mescalero Sands Recreation Complex.* Vehicle use in the Mescalero Sands Recreation Complex will be restricted to designated roads and trails, which will be marked by appropriate signs and recorded on maps. Until road and trail designations are made, vehicular use in this area is restricted to existing roads and trails. This restriction is necessary to protect the biological and cultural resources of this 19,068 acre area.

The 640 acre North Dune Area within Mescalero Sands Recreation complex is proposed for development as an intensive vehicle use area. Potential impacts to an endangered wildlife species that may inhibit this area must be determined through an inventory effort scheduled for completion during the Spring of 1980. Prior to the completion of that inventory, vehicle use in the North Dunes Area is restricted to existing trails and active sand dunes.

2. *Haystack Mountain Area.* This area is located approximately 20 miles northeast of Roswell, New Mexico. The limited designation is for the purpose of establishing and managing this area for intensive motorcycle use. Legal public access is not available to this area and other resource values are present which require protection prior to promoting or allowing intensive vehicular use. The Bureau of Land Management is in the process of negotiating legal access and providing protection for other resource values to facilitate the proposed intensive recreational use. Until access and protection requirements are completed, vehicular use is restricted to existing roads and trails in this area. Additional public notification will be given when this area is available for the proposed intensive use. Continuing management of this area will be specified in an activity plan, developed with public input, which will prescribe applicable limitations to allow off-road vehicle use and protect natural resources. The area affected by this limited designation contains approximately 3,520 acres.

The remainder of all public lands in East Chaves Planning Unit are designated as open to off-road vehicle use. Open designations for these public lands are made for the following reasons; the majority of off-road vehicle activity will be directed to intensive use areas; concentrated use of these areas does not presently occur; and significant resource values requiring special protection or management have not been identified on these areas. The area affected by this open designation contains approximately 399,528 acres of public land.

These designations become effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the State Director. An environmental assessment record which describes the impacts of these designations is available for inspection.

ADDRESS: For further information about these designations, contact the following BLM office: Roswell District Office, Bureau of Land Management, 1717 W. 2nd Street, P.O. Box 1397, Roswell, New Mexico 88201.

FOR FURTHER INFORMATION CONTACT: James O'Connor, District Manager at the Roswell, New Mexico Address or call (505) 622–7673.

Arthur W. Zimmerman,

State Director.

[FR Doc. 79-32057 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Off-Road Vehicle Designations

October 9, 1979.

AGENCY: Bureau of Land Management.

ACTION: Notice of Off-Road Vehicle Designations Decision.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as closed, limited or open to off-road motorized vehicle use.

The area affected by these designations is known as the East Eddy/Lea Planning Unit, which includes all public lands in Eddy County and Lea County, New Mexico, that are east of the Pecos River. These designations are a result of land use decisions developed with public involvement in the 1979 East Eddy/Lea Management Framework Plan. This area contains 1,174,134 acres.

The areas of East Eddy/Lea Planning Unit which are designated as *closed* are:

1. *Laguna Plata.* Laguna Plata is located approximately 30 miles northeast of Carlsbad, New Mexico. Closure of this area is necessary to protect significant cultural values. Archaeological sites in this area have been determined to be eligible for inclusion in the National Register of Historic Places. An inventory of this 3,360 acre area has recently been completed to identify the geographic extent of sites that comprise an archaeological district. This inventory will provide a basis for preparing a formal nomination of eligible property to the National Register of Historic Places. At the current time prohibitions to off-road vehicle use apply to the entire 3,360 acre area which was inventoried. The closed area may be reduced at a later date in the event that a smaller area is formally nominated to the National Register. Closure boundary modifications in this area will be identified by placement of appropriate signs and distribution of informational maps.

2. *Pierce Canyon.* Pierce Canyon is located approximately seven miles southeast of Malaga, New Mexico. Closure of this area is necessary to protect the relatively undisturbed scenic values. Pierce Canyon contains approximately 1,215 acres.

3. *Pope's Well* and *Campsite #3.* This area is located approximately 22 miles southeast of Malaga, New Mexico, and one mile north of the Texas border. Closure of this area is necessary to preserve the fragile physical evidences of a historical survey expedition. This area contains 40 acres.

The areas of East Eddy/Lea Planning Unit which are designated as *limited* are:

1. *Maroon Cliffs.* The Maroon Cliffs areas is located approximately 20 miles northeast of Carlsbad, New Mexico. Vehicle use in this area will be restricted to designated roads and trails to protect significant cultural values, prevent undue erosion, and minimize conflicts with other resource uses. Indentification and designation of acceptable roads and trails where off-road vehicle use may continue will be determined through detailed inspection. Existing roads and trials may be designated open for a specific type of off-road vehicle, rerouted or closed to reduce impacts to other resource values. Designated roads and trials and use limitations will be indicated with appropriate signs and recorded on informational maps. Until road and trail designations are completed in this area all vehicular use is restricted to existing roads and trials. The area affected by this limited designation contains approximately 12,423 acres.

The remainder of all public lands in East Eddy/Lea Planning Unit are designated as *open* to off-road vehicle use. Open designation was determined to be appropriate for these public lands since off-road vehicle use is an important recreational activity and supports other authorized resource uses. Also, considerable adverse effects of off-road vehicle use upon other resource values and uses have not been identified on these areas of public land. The area affected by this open designation contains approximately 1,157,096 acres of public land.

These designations become effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the State Director. An environmental assessment which describes the impact of these designations is available for inspection.

ADDRESS: For further information about these designations, contact either of the following Bureau of Land Management Offices: Roswell District Office, 1717 W. 2nd Street, P.O Box 1397, Roswell, New Mexico 88201; or Carlsbad Resource Area Headquarters, 114 S. Halagueno, P.O. Box 506, Carlsbad, New Mexico 88220.

FOR FURTHER INFORMATION CONTACT: James O'Connor, District Manager at the Roswell New Mexico address or call (505) 622–7673.

Arthur W. Zimmerman,

State Director.

[FR Doc. 79-32058 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-84-M

Special Project Wilderness Inventory of 9,740 Acres of Public Land in Socorro County, N. Mex.

The Bureau of Land Management's Socorro, New Mexico District Office has completed a special project wilderness inventory of 9,740 acres M/L of public land located approximately six miles northeast of Socorro. The Bureau is tentatively recommending that the area, called Coyote (NM–020–036) be released from further wilderness consideration due to lack of wilderness characteristics.

Public comments on the Bureau's recommendation will be accepted until November 22, 1979. An open house to answer public inquiries and to acquaint them with findings is scheduled for November 7, 1979 between 5 and 9 p.m. at the Masonic Lodge, 912 Leroy Place NW, Socorro, New Mexico.

A summary of the Bureau's findings follow: The Coyote Inventory Unit meets the basic requirement of size, but not solitude and naturalness except for a small, unmanageable 2,000 acre site. The rest of the unit, after considering boundary adjustments due to mining impacts, a road, stock water tank, and a petroleum pipeline right-of-way with a substantially noticeable route, failed to meet outstanding solitude or primitive recreation requirement. The impacts cannot be rehabilitated by hand labor or natural processes in a reasonable period of time, and the boundary cannot be expanded due to defined roads and private lands.

Further information can be obtained from the BLM's Socorro District Office, P.O. Box 1217, Socorro, New Mexico 87801.

Arlen P. Kennedy,

District Manager.

October 10, 1979.

[FR Doc. 79-32128 Filed 10-17-79; 8:45am]

BILLING CODE 4310-84-M

[W-69201]

Wyoming; Application

October 10, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4½ inch O.D. pipeline, a 4' by 6' meter house and related metering and dehydration facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 20 N., R. 95 W.,
Sec. 4, Lot 1, E½SE¼;
T. 21 N., R. 95 W.,
Sec. 36, SE¼SW¼, SW¼SE¼, E¼SE¼.

The proposed pipeline will transport natural gas from the Government-Challenge Pacific (NCT-1) No. 1 Well located in the SE¼ of Sec. 4, T. 20 N., R. 95 W., to a point of connection with an existing pipeline located in the N½SE¼, Sec. 36, T. 21 N., R. 95 W., The proposed 4' by 6' meter house and related metering and dehydration facilities will be located entirely within the 50 foot right-of-way in the SE¼ of Sec. 4, T. 20 N., R. 95 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-32139 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming Amendment 68178]

Wyoming; Application

October 9, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Montana Dakota Utilities Company of Bismarck, North Dakota filed an application to amend an existing right-of-way to contruct a 12 inch pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 50 N., R. 93 W.,
Sec. 28, E½NW¼.

The purpose of this amendment is to construct an additional 12 inch pipeline for the purpose of transporting natural gas to their existing compressor plant located in the NE¼NW¼ of section 28, T. 50 N., R. 93 W., Big Horn County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 119, 1700 Robertson, Worland, Wyoming 82401.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-32140 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Texas; Application

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (37 Stat. 576) (Pub. L. 93-153), Transcontinental Gas Pipe Line Corporation has applied for a 24-inch natural gas pipeline right-of-way across wildlife refuge lands. This pipeline will convey natural gas across 2.6 miles (834 rods) of the Sea Rim Marsh National Wildlife Refuge in Jefferson County, Texas.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions. The Committees on Interior and Insular Affairs of the U.S. Senate and the U.S. House of Representatives shall receive notification of the receipt of this application because their approval is required for all rights-of-way pipelines of 24 inches or more in diameter.

Interested persons desiring to express their views, should do so within thirty (30) days by sending their name, address, and comments to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

October 9, 1979.

W. O. Nelson, Jr.,

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

[FR Doc. 79-32130 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-55-M

Rock Creek Park Horse Centre, Inc.; Intention To Negotiate a Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Rock Creek Park Horse Centre, Inc., authorizing it to continue to provide riding stable concession facilities and services for the public at Rock Creek Park in the District of Columbia for a period of 5 years from the date of execution.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, 1100 Ohio Drive, S.W., Washington, D.C.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing contracts which expired by limitation of time on September 30, 1975, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Rock Creek Park Horse Centre, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract if, thereafter, the offer of Rock Creek

Park Horse Centre, Inc. is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Rock Creek Park, 5000 Glover Road, N.W., Washington, D.C. 20015 (202–426–6833), for information as to the requirements of the proposed contract.

Dated: June 21, 1979.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 79-32055 Filed 10-17-79; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

National Institute of Corrections

Program Solicitation SD–20, "Development of Staff Training Materials"; Reinstatement

This announcement serves to reinstate with modifications Program Solicitation SD–20 "Development of Staff Training Materials," published in the National Institute of Corrections' Annual Program Plan for Fiscal Year 1979.

The Institute is at this time soliciting proposals for development of information and training materials for correctional agencies in the area of fire safety planning and training.

Materials developed by grantee will include:

(1) A perspective on the history of and need for fire safety planning in correctional settings;

(2) Guidance to correctional managers in the area of planning and implementing fire safety programs/activities (includes, but is not limited to, short-range planning, long-range planning, obtaining necessary funds, locating expertise, etc.); and

(3) A training manual with basic curricula (one for line staff and one designed for managerial/supervisory personnel) in fire safety for use by correctional agency trainers.

Maximum funds available for this project are $40,000. Estimated length of project is six months.

Applicants should prepare a concept paper—maximum of five pages (double spaced) one of which contains budget information—titled "Development of Staff Training Material: Fire Safety in Correctional Institutions" and submitted in six copies to: National Institute of Corrections, 320 First Street, N.W., Washington, D.C. 20534.

The deadline for submissions is October 30, 1979. If you need further information, please contact Bill Wilkey or Mary Lou Commiso at 202–724–3106.

Allen F. Breed,

Director.

[FR Doc. 79-32192 Filed 10-17-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

White House Conference on Library and Information Services

AGENCY: National Commission on Libraries and Information Science.

ACTION: Notice.

SUMMARY: The National Commission on Libraries and Information Science proposes the rules of order for the conduct of the White House Conference on Libraries and Information Services. The intent of these rules is to provide for the orderly conduct of the Conference in accordance with the authority vested in the Commission to organize and to convene the Conference.

EFFECTIVE DATE: These rules, and amendments suggested hereto, are effective upon adoption by delegates.

FOR FURTHER INFORMATION CONTACT: Jean-Anne South, Program Coordinator, White House Conference on Library and Information Services, c/o National Commission on Libraries and Information Science, 1717 K Street, NW., Suite 601, Washington, D.C. 20036, telephone 202–634–1527.

Section 1—Definitions of terms used

(a) "Commission" means the National Commission on Libraries and Information Science, established by Pub. L. 91–345, July 20, 1970.

(b) "Advisory Committee" means the Advisory Committee of the White House Conference on Library and Information Services which is composed of 28 members: Three designated by the Chairman of the Commission; five designated by the Speaker of the House of Representatives (with no more than three being members of the House of Representatives); five designated by the President Pro Tempore of the Senate (with no more than three being members of the Senate); and not more than fifteen appointed by the President. The Advisory Committee assists and advises the Commission in planning and conducting the White House Conference on Library and Information Services in accordance with Pub. L. 93–568, December 31, 1974.

(c) "Conference" means the White House Conference on Library and Information Services, to be organized and convened by the Commission in accordance with Pub. L. 93–568.

(d) "Planning committees" means the planning committees in each State and territory designated by the Commission to organize and conduct a pre-White House Conference in each State and territory in preparation for the White House Conference on Library and Information Services.

(e) "States" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, The Trust Territories, Northern Mariana Islands, American Indians on or near Reservations, Federal Librarians, and the Virgin Islands, unless otherwise specified.

(f) "State meetings" means the meeting organized and conducted in each State by the planning committees in preparation for the Conference.

(g) "Act" means Pub. L. 93–568, December 31, 1974.

(h) "General session" refers to the meetings which will be held at the following times:

Session I. November 15, evening.
Session II. November 15, evening (RULES).
Session III. November 16, morning.
Session IV. November 18, afternoon.
Session V. November 19, morning.

(i) "Theme Session" refers to the five concurrent meetings of Delegates assigned to issues within a given theme. These meetings to be held at the following times:

Session I: November 17, evening.
Session II. November 18, morning.

(j) "Small Work Groups" refer to the work sessions of Delegates assigned by issues within the Conference Themes.

(k) "Open Hearings" refer to those sessions during which non-Delegates are invited to present testimony to a panel of the Commission's designation. These Open Hearings to be held at the following times:

I. November 16, afternoon.
II. November 17, morning.
III. November 17, afternoon.

(l) "Delegates" mean

(a) Individuals selected or elected through a process determined by those planning committees in each state and territory designated by the Commission to conduct the State and territory pre-White House Conferences.

(b) Individuals selected as Delegates-at-Large in accordance with Commission policies and procedures.

(m) "Alternates" mean those individuals selected by the "States" as

official alternates to their Delegates. This status does not confer voting and other Delegate rights.

(n) "Official Observers" mean those individuals representing organizations, agencies, or groups, invited to attend the Conference. This status does not confer voting and other delegate rights.

(o) "Observers" mean those individuals who have no official function or role at the Conference but who have come to the Conference and registered as observers.

(p) "Facilitators" mean those individuals who have been invited as disinterested persons to assist the Delegates in their Small Work Groups. These individuals have agreed to participate in special training for facilitating the work of the Delegates in their Small Group Sessions. Facilitators have no voice or vote in the resolution-making process of the Delegates.

(q) "Moderators—General Session" means those non-Delegate/Alternate individuals who have been selected, and who have agreed, to chair the Delegates in their General Session deliberations and voting.

(r) "Moderators—Theme Session" means those non-Delegate/Alternate individuals who have been selected, and who have agreed to chair the Delegates in their Theme Session deliberations and voting.

(s) "Recorders" means those non-Delegate/Alternate individuals who have been assigned as staff to each Delegate Work Group to record that group's deliberations and resolutions.

(t) "Recording Secretaries—Theme Sessions, Open Hearings, and General Sessions" means those individuals assigned to keep track of the proceedings of those sessions, and to provide accurate summaries of those sessions for further use by the Delegates.

(u) "Staff" means the White House Conference staff and the staff to the Conference provided under contract by KAPPA Systems.

(v) "Volunteers" means those individuals who have offered their services to assist in the work of the Conference.

(w) "Dignitaries" means those other individuals who have been invited to attend all or parts of the Conference in recognition of their key roles in the history of the Conference and the future of the Conference recommendations.

(x) "Chair" means the Chairman of the National Commission on Libraries and Information Science who is also Chairman of the White House Conference Advisory Committee.

(y) "Credentials Committee" means those members of the Commission and the Advisory Committee authorized to certify Official Alternates as Delegates in the event that persons from the States previously certified as voting Delegates are unable to participate in the Conference, and to adjudicate any registration difficulties.

(z) "Rules Committee" means those members of the Commission and the Advisory Committee assigned to assist Delegates in interpreting the Conference Rules.

Section 2—Words Importing Gender

As used in these rules, unless the context requires a different meaning, all words importing the masculine gender include both masculine and feminine genders.

Section 3—Conference Process

Proposed Rules

Subparts
- 4.1 Call to Conference.
- 4.2 Voting body.
- 4.3 No proxy voting.
- 4.4 Method of voting.
- 4.5 Identification.
- 4.6 Registration for Conference sessions.
- 4.7 Order of business.
- 4.8 Designated seating.
- 4.9 Quorum.
- 4.10 Adoption of rules.
- 4.11 Discussion and debate.
- 4.12 Making motions.
- 4.13 Credentials Committee.
- 4.14 Timekeepers.
- 4.15 Floor tellers.
- 4.16 Resolutions Committees.
- 4.17 Parliamentary authority.
- 4.18 Rules Committee.
- 4.19 Minutes.
- 4.20 Conference officials.
- 4.21 Committee of the Conference.

4.1 Call to Conference.

The Commission shall determine the time, place, format and the agenda of the Conference and shall issue official notice thereof to the State Library Agency Heads of each State, to all Delegates, and to the general public.

4.2 Voting body.

The voting body of the Conference shall consist of the following voting Delegates:

(a) State Delegates certified as having been duly selected as a part of State or Territorial pre-Conference in accordance with applicable regulations (Reference to *Advisory Memo* Number 1, Delegate Determination).

(b) 105 Additional Delegates-at-Large designated by the Commission as deemed necessary and appropriate to fill the requirements of Pub. L. 93-568, S.J. Res. 40(a)(2), December 31, 1974.

(c) Alternate State Delegates who have been properly certified in one of the following two ways:

(1) If the Commission receives proper notification by November 1, 1979 that a State Delegate is unable to attend, the ranking alternate selected at the State pre-White House Conference will be permanently certified by the Commission as a State Delegate; or

(2) At the Conference, the Chair of the affected State delegation or the Delegate shall notify the Credentials Committee of that Delegate's inability to attend or to continue to participate in one or more sessions. Upon such notification the Credentials Committee will then certify the appropriate ranking alternate Delegate present at the Conference as a Delegate for the State for the appropriate session or sessions.

(3) In implementing the aforementioned rules, the following principles shall be controlling:

(i) In no case shall the two-thirds non-library-related to one-third library-related balance of the Conference delegation be abrogated.

(ii) An alternate has no right to participate as a voting Delegate unless properly certified pursuant to paragraph (c) (1) or (2) of this section.

(iii) A Delegate who has been replaced by an alternate for any session according to procedures in this section, may not return and be recertified as a voting Delegate during that session.

(iv) There shall be no alternate Delegates for Delegates-at-Large to the Conference.

4.3 No proxy voting.

There shall be no proxy voting.

4.4 Method of voting—Theme and general sessions.

No individual shall have more than one vote. The regular method of voting shall be by Voting Credential, Paper Ballot, and automated voting mechanisms. Two-thirds vote of those present and voting shall be required in order to overrule any ruling of the moderator. Secret ballots or roll call votes shall be by a two-thirds vote of the Delegates.

4.5 Identification.

All voting delegates and all alternates shall have identification badges.

4.6 Registration for Conference sessions.

All persons who attend any Conference sessions (including press) must comply with registration requirements, including registration with name, address, identification, and payment of any required fee for meal functions. Upon compliance with registration requirements, each registrant shall be issued an

identification badge as delegate, alternate, official observer, observer, press, staff, facilitator, moderator, or recorder, etc. Badges shall not be transferable and they must be visible at all meetings. Badges altered in any fashion shall be deemed illegal.

4.6–1 Appeals to registration.

All appeals to the above-mentioned registration rules shall be adjudged by the Credentials Committee of the Conference.

4.7 Order of business.

The Commission shall establish the order of business for the Conference when it issues the Call to the Conference according to 4.1, which shall be published in the **Federal Register** as procedurally demanded. New business may be submitted and adopted in accordance with 4.7–1.

4.7–1 New business.

Proposals for the consideration of subject matter not embraced within the established order of business of the Conference may be brought up under the heading of new business at a general voting session of the Delegates (see Definitions), by a petition signed by 100 voting Delegates, presented to the Chair of the Conference 12 hours before the beginning of the final General Session. Any such new business shall also be submitted to the recording secretary in writing at least twelve-hours prior to the beginning of the last General Session. A two-thirds vote of those voting Delegates present shall be required to consider such new business.

4.8 Designated seating.

Separate seating spaces shall be provided and clearly designated as follows (not in order of preference): (a) Current and past Commission members and Advisory Committee members; (b) State Delegates and Delegates-at-large; (c) Alternate State Delegates; (d) Dignitaries; (e) Official observers; (f) Conference staff; (g) Duly registered press; and (h) Duly registered observers to the capacity of the meeting rooms.

Only persons wearing appropriate badges shall be admitted to any session by the Credentials monitors, and only to those designated areas and at designated times in accordance with procedures established by the Commission and the Credentials Committee. Only voting Delegates, authorized media personnel, and authorized Commission, Advisory Committee, or Conference staff shall be admitted to the Delegate arena for general Conference sessions.

4.9 Quorum—Theme and general sessions.

Two-thirds of the duly registered voting Delegates shall constitute a quorum for all general voting sessions.

4.9.1 Two-thirds of the duly registered voting Delegates assigned to Theme Sessions or to Work Group Sessions shall constitute a quorum for these sessions.

4.10 Adoption of rules.

In accordance with 4.9, an affirmative vote by a simple majority of all voting Delegates present shall be required for adoption of Conference rules.

4.10–1 Amendments to rules.

All suggested amendments to the adoption of the proposed rules shall be presented in writing to the Chair of the Conference five hours prior to the first general session of the Conference. A two-thirds majority vote of the Delegates present (who must constitute a quorum) shall be required for an amendment to the Conference rules. All discussion and debate on the adoption of rules shall be governed by the requirements as stated in 4.11.

4.11 Discussion and debate in theme and general sessions (all subject to quorum requirements).

(a) In order to address the Conference, a voting Delegate must address the moderator, await recognition, give name and identification, and state whether speaking in the affirmative or the negative.

(b) Discussion on a motion or agenda topic shall be limited to three minutes for each speaker.

(c) No individual may speak a second time on an issue until all others who wish to speak have had a opportunity to do so.

(d) Debate may be limited or terminated by a majority vote of those voting Delegates present and voting.

(e) By a simple majority vote of Delegates present, a person other than a voting Delegate may be permitted to speak in clarification of an issue during Conference debate.

4.12 Making motions.

(a) Only properly certified voting Delegates may speak to issues, make motions or vote. All motions, on substantive matters, shall be written and signed by the person who makes the motion, the moderators may require such written motions before action is taken.

(b) A two-thirds vote of those authorized voting Delegates who are present and voting shall be required to table, or to postpone indefinitely, or to object to consideration.

4.13 Credentials Committee.

The Credentials Committee shall have the authority and responsibility to resolve any questions of registration, voting rights, or admission to the Conference, and to report registration to the Conference upon request of the Chair. The current list of State Delegates and Alternates and of Delegates-at-large shall be provided to the chair of the Credentials Committee prior to the opening of Conference registration.

(a) No registrant will be permitted to obstruct the view or hearing of any other registrant by any device. Only persons authorized by the Commission shall be permitted to bring any electronic or sonic device (e.g., band radios) into the Conference. Any person violating these rules may be denied all Conference privileges and removed from the Conference.

(b) Any registrant may be requested at any time by the Credentials Committee to provide additional identification. The Credentials Committee may deny any or all Conference privileges to any registrant who lacks appropriate indentification, or abuses any Conference privilege, or obstructs the orderly conduct of the Conference.

(c) The Credentials Committee shall have available sergeants-at-arms and credentials monitors as necessary to assist in the enforcement of the rules of the Conference at any or all of the Conference sessions.

4.14 Timekeepers.

Timekeepers shall serve at all sessions. Their duty shall be to indicate to each speaker an appropriate warning before expiration of the allowed time.

4.15 Floor tellers.

(a) At theme sessions, floor tellers shall be available to count, and report votes. The floor tellers shall be assigned to definite sections of the Conference floor. A record of the vote shall be entered in the minutes. During a vote count, only floor tellers shall be permitted to move about. All other persons except voting Delegates shall leave the voting ares.

4.16 Resolutions Committee.

There shall be Conference Resolutions Committees, whose membership shall consist of Delegate representative elected by each small working group.

4.16.1 Theme Resolutions Committee

The membership of the Resolutions Committee shall be divided into five

theme areas, and each of these five groups shall consist of one elected Delegates from each of the small work groups in that theme. In addition, there shall be a theme moderator. It shall be the duty of each theme moderator to meet with the elected Delegates from each of the small working groups within his/her theme area, to discuss the order of presentation by those Delegates of the priority (five to eight) resolutions from their respective work groups during the first theme session of the Conference. At the theme sessions, which shall be attended by all Delegates to the small working groups in the relevant theme area, all resolutions from the small work groups will be voted on by the Delegates and the top five (5) priority resolutions (for each theme area) from among the small work groups' resolutions will be forwarded to the general voting session for vote.

4.16.2 General Resolutions Committee.

The membership of the General Resolutions Committee shall consist of Delegates elected in the following manner: Two from each of the Theme Resolutions Committees. In addition, there shall be a General Session Moderator to meet with the elected Delegates from each of the Theme Resolutions Committees to discuss the order of presentation by those Delegates of the priority (five to eight) resolutions from each of the Theme Sessions. The General Resolutions Committee will consider all Theme resolutions, and those resolutions which were not voted by the individual theme sessions as top priority, and which were not incorporated into the top priority resolutions—as determined by the full Resolutions Committee—will be placed on a paper ballot for affirmative or negative vote by the entire voting Delegate body.

4.17 Parliamentary authority.

(a) The Commission shall appoint the parliamentarians who shall be advisors to the facilitators of working groups, and moderators of theme sessions, and general sessions. The rules in Roberts' Rules of Order Newly Revised shall govern all sessions of the Conference in all cases not covered by these rules.

(b) Any questions regarding the interpretation of these rules shall be resolved by the Moderator of the Conference session in consultation with Conference Parliamentarian, subject to appeal by Delegated under Robert's Rules.

4.18 Rules Committee.

Any Delegate questions of interpreting the Conference Rules between general sessions shall be handled by the Rules Committee, assisted by an official Conference Parliamentarian.

4.19 Minutes.

The recording secretary(s), who shall be appointed by the Commission, shall be responsibe for the preparation of the official minutes of all theme and general sessions and open hearings. Tape recordings shall be provided for all general session discussions to aid in the preparation of accurate minutes by the designated recorder or recorders. Minutes shall be approved by the moderators of the appropriate Session(s) and by the Chair of the Commission or his designate.

4.20 Conference officials.

At each general session, there shall be in attendance a moderator, Federal officer appointed pursuant to the requirements of the Federal Advisory Committee Act, chair of the Rules Committee or his designee, the chair and co-chair of the Resolutions Committee (as elected by the Delegates), the chair of the Credentials Committee or his designee, an official conference parliamentarian, timekeepers, tellers, recording secretary(s), and credentials monitors. The moderators for general sessions shall be appointed by the Commission.

4.21 Committee of the Conference.

The General Resolutions Committee shall be the Committee of the Conference which will take steps to provide for the accurate reporting of the proceedings and recommendations of the Conference, as well as taking responsibility for any procedures relating to future convening of another White House Conference on Library and Information Services.

Marilyn K. Gell,

Director.

October 15, 1979.

[FR Doc. 79-32202 Filed 10-17-79; 8:45 am]

BILLING CODE 7527-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities; Arts and Artifacts Indemnity Panel; Advisory Committee; Meeting

October 15, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506 in room 1422, from 9:00 a.m. to 5:00 p.m. on November 8, 1979.

The purpose of the meeting is to review applications for certificates of indemnity submitted to the Federal Council on the Arts and the Humanities for exhibits beginning after February 1, 1980.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation, and security measures confidential, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 16, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-32095 Filed 10-17-79; 8:45 am]

BILLING CODE 7536-01-M

Media Arts Panel (Programming in the Arts); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Programming in the Arts) will be held November 5, 1979, from 9:00 a.m. to 5:30 p.m., in the 12th floor screening room, Columbia Plaza, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr.

John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: October 11, 1979.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 79-32132 Filed 10-17-79; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Special Projects Panel, National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Special Projects Panel to the National Council on the Arts will be held on November 8, 1979, from 9:00 a.m.–5:30 p.m.; November 9, 1979, from 9:00 a.m.–5:30 p.m.; and November 10, 1979, from 9:00 a.m.–5:30 p.m.; and November 10, 1979, from 9:00 a.m.–5:30 p.m. in Room 1340 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be "Policy; Guidelines."

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-32138 Filed 10-17-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published September 20, 1979 (44 FR 54558). Those meetings which are definitely scheduled have had, or will have, and individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting.

Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by as asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the November 1979 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EDT before, and EST after, October 28, 1979.

Subcommittee and Working Group Meetings

**La Crosse Water Reactor,* October 26, 1979, Washington, DC. Rescheduled from October 19, 1979. The Subcommittee will consider proposed changes to the existing spent fuel storage pool to accommodate a larger number of spent fuel assemblies. Notice of this meeting was published October 12, 1979.

**Three Mile Island, Unit 2,* October 30, 1979, Washington, DC. The Subcommittee will review the NRC Inspection and Enforcement Report (NUREG–0600) pertaining to the TMI–2 Accident. Notice of this meeting was published October 15, 1979.

**Waste Management,* October 31, 1979, Washington, DC. The Subcommittee will discuss NRC programs on high-level waste, low-level waste, and uranium mill tailings, the objectives and goals of these programs, and the priorities of the research and technical assistance projects to meet these goals. Notice of this meeting was published October 16, 1979.

**Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design,* November 5, 1979, Washington, DC. Rescheduled from November 7, 1979. An Ad Hoc Subcommittee will continue its discussion of the implications of the TMI–2 Accident.

**Metal Components,* November 5, 1979, Washington DC. The Subcommittee will discuss pipe crack with the BWR Owners Group, and will consider unresolved generic issues which are pertinent to its purview, such as inservice inspection and BWR piping.

**Reactor Safety Research,* November 6 (morning) and November 7 (afternoon), 1979, Washington, DC. The Subcommittee will discuss preparation of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program. Notice of this meeting was published September 20, 1979.

**Reliability and Probabilistic Assessment,* November 6 (afternoon) and November 7 (morning), 1979, Washington, DC. The Subcommittee will meet with representatives of the Federal Republic of German Reactor Safety Committee (RFGRSK), the Federal Republic of France Groups Permanent Reactors (FRFGPR), the Electric de France (EDF), and the United Kingdom Atomic Energy Authority (UKAEA) to discuss the development and use of possible quantitative risk assessment criteria for nuclear power reactors.

**Regulatory Activities,* November 7, 1979, Washington, DC. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation. Notice of this meeting was published September 20, 1979.

**Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design,* November 7, 1979, Washington, DC. Rescheduled from November 5, 1979. Notice of this meeting was published September 20, 1979.

**General Electric Test Reactor,* November 14, 1979, San Francisco, CA. The Subcommittee will discuss seismic design requirements that may be imposed as a result of recent geologic investigations. Notice of this meeting was published September 20, 1979.

**Extreme External Phenomena,* November 15–16, 1979, Los Angeles, CA. The Subcommittee will discuss the NRC-sponsored Seismic Safety Margins Research Program. Notice of this meeting was published September 20, 1979.

**Fluid Dynamics,* November 16, 1979, San Francisco, CA. The Subcommittee will meet to continue its review of topics related to the BWR Mark I Containment Long-Term Program and the NRC Acceptance Criteria for the containment structure.

**Floating Nuclear Plant,* November 17, 1979, Los Angeles, CA. The Subcommittee will discuss the proposed design of the core ladle and implications of the TMI–2 Accident on the Floating Nuclear Plant design.

**Advanced Reactors,* November 29–30, 1979, Albuquerque, NM. The

Subcommittee will discuss the NRC-sponsored research at Sandia and LASL on the safety of advanced reactors. Notice of this meeting was published September 20, 1979.

**Reactors Safety Research,* December 4, 1979, Washington, DC. RESCHEDULED TO JANUARY 8, 1980. Notice of this meeting was published September 20, 1979.

**Reliability and Probabilistic Assessment,* December 4, 1979, Washington, DC. The Subcommittee will discuss the role quantitative risk criteria might play in the licensing of nuclear power plants.

**Three Mile Island, Unit 2 Accident—Implication Re Nuclèar Power Plant Design,* December 4, 1979 (Tentative), Washington, DC. An Ad Hoc Subcommittee will continue its discussion of the implications of the TMI–2 Accident.

**Regulatory Activities,* December 5, 1979, Washington, DC. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation.

**Power and Electrical Systems,* December 13, 1979, Washington, DC. The Subcommittee will discuss several miscellaneous items with regard to electrical power, instrumentation, control, and protection systems in nuclear power plants.

**Reactor Safety Research,* January 8, 1980, RESCHEDULED FROM DECEMBER 4, 1979, Washington, DC. The Subcommittee will continue its discussion of preparation of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program.

ACRS Full Committee Meetings

November 8–10, 1979

A. **Diablo Canyon Nuclear Power Station, Units 1 & 2*—Operating License.

B. **Sequoyah Nuclear Plant*—Operating License.

C. **McGuire Nuclear Station, Units 1 & 2*—Operating License.

D. **Nuclear Regulatory Process*—Adequacy of process including implementation of ACRS recommendations.

E. **NRC Inspection and Enforcement Investigation into the March 28, 1979 Three Mile Island Accident (NUREG–0600)*—Evaluation of accident sequence/causes.

F. **Salem Nuclear Generating Station, Unit 1—Evaluation of high pressure-high temperature line failure outside containment of this type of nuclear plant.*

G. **Proposed Changed in NRC Regulatory Guides*—Adequacy of proposed changes.

H. **Resolution of Generic Safety Issues Applicable to Light-Water Reactors*—Proposed plan of action/ACRS involvement in resolution of generic safety issues.

December 6–8,1979—Agenda to be announced.

January 10–12, 1980—Agenda to be announced.

Dated: October 15, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79–32111 Filed 10–17–79; 8:45 am]

BILLING CODE 7590–01–M

Study of Nuclear Power Plant Construction During Adjudication

The next meeting of the Nuclear Regulatory Commission's advisory committee on nuclear power plant construction during adjudication, will be held at 9:00 a.m. Friday, October 19, 1979, in Room 415, East West Towers, 4350 East West Highway, Bethesda, Maryland. This meeting may be continued for more than one day, but each day's session will begin at the same time and place. At this meeting the group will continue drafting its final report to the Commission.

Members of the public are invited to attend the group's meetings and there will be a limited amount of time available during each meeting for members of the public to make oral statements to the study group. Written comments, addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Docketing and Service Branch, will be accepted for one week after each meeting. The Chairman of the study group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the group's work, including, if necessary, continuing or rescheduling meetings to another day.

A file of documents relevant to the group's work, including a complete transcript of each meeting, memoranda exchanged between group members, public comments and other documents, is available for inspection and copying at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC, 20555. The Secretary of the NRC maintains a mailing list for persons interested in receiving notices of the group's meetings and actions. Anyone wishing to be on that list should write to: Secretary of the Commission, Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Docketing and Service Branch.

The study group will provide its final report to the Commission by November 1, 1979. For further information on the study group's mission, please call Stephen S. Ostrach, Office of the General Counsel, Nuclear Regulatory Commission, 202/634–3224.

Dated at Washington, DC, this 15th day of October 1979.

Gary Milhollin,

Chairman.

[FR Doc. 79–32110 Filed 10–17–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–522 and 50–523]

Puget Sound Power & Light Co., et al. (Skagit Nuclear Power Project Units 1 and 2); Change in Place of Scheduled Hearings

The place of hearings scheduled on October 25 through October 27, 1979 and on October 29 through November 2, 1979 is changed from Room 3086 to the North Auditorium (4th floor), New Federal Building, 915—Second Avenue, Seattle, Washington.

Done this 11th day of October 1979 at Washington, D.C.

Valentine B. Deale,

Atomic Safety and Licensing Board.

[FR Doc. 79–32123 Filed 10–17–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–155]

Consumers Power Co. (Big Rock Point Nuclear Plant); Order Setting Special Prehearing Conference

On July 23, 1979, the Nuclear Regulatory Commission published in the **Federal Register** a notice of a proposed issuance of an amendment to Facility Operating License No. DPR–6 that had been issued to Consumers Power Company (the licensee) for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. 44 FR 43126. The proposed amendment would allow the addition of 3 racks with a close center-to-center spacing of spent fuel assemblies to the facility's spent fuel pool which would allow an increase in storage capacity from 193 to 441 fuel assemblies.

By Memorandum and Order, dated September 25, 1979, the Board made certain preliminary determinations on petitions to intervene and directed the petitioners, licensee and staff to consult with each other with regard to the petitions and the contentions to be filed 15 days prior to the special prehearing conference.

Pursuant to the provisions of 10 CFR 2.751(a) the Board will conduct a special

prehearing conference beginning at 9:30 a.m. on November 14, 1979, and continuing to November 15, 1979, if necessary, at the City Council Chambers, 200 Division Street, Petoskey, Michigan 49770.[1]

The parties to this proceeding, or their respective counsel are directed to attend. At the special prehearing conference the Board will consider all intervention petitions, discuss specific issues to be considered at the evidentiary hearing, and will consider a schedule for further actions in the proceeding.

The public is invited to attend the prehearing conference.[1] Depending upon space and time limitations the Board will try to afford an opportunity for members of the public who are not parties to the proceeding to make oral limited appearance statements on the first day (November 14, 1979) of the prehearing conference including that evening, if necessary. Additional opportunities for limited appearance statements may be afforded at subsequent evidentiary hearings. Any person may request permission to make a limited appearance pursuant to provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Persons desiring to make limited appearance statements are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, giving their preferences as to the morning or evening of November 14, 1979. Written limited appearance statements may be mailed to the Secretary or presented to the Board at the special prehearing conference or at any subsequent sessions of the evidentiary hearing.

By order of the Board.

Dated at Bethesda, Md., this 11th day of October 1979.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman.

[FR Doc. 79-32121 Filed 10-17-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-33, Amendment No. 48 to Facility Operating License No. DPR-52 and Amendment No. 25 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to (1) allow the count rate in the Source Range Monitor channels to drop below 3 counts per second when the entire reactor core is being removed or replaced and (2) delete the sections on respiratory protective equipment which are no longer applicable due to the Commission's amendment of § 20.103 of 10 CFR 20.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 20, 1979, (2) Amendment No. 53 to License No. DPR-33, Amendment No. 48 to License No. DPR-52, and Amendment No. 25 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of October 1079.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc. 79-32122 Filed 10-17-79; 8:45 am]

BILLING CODE 7590-01-M

United Nuclear Corp.; Order Conditioning License

I

United Nuclear Corporation (Licensee), owner-operator of the Church Rock Uranium Mill holds a general license under 10 CFR 40.26 from the Nuclear Regulatory Commission for the receipt of title to, ownership of, or possession of byproduct material (uranium mill tailings) as defined in § 11e.(2) of the Atomic Energy Act of 1954, as amended by the Uranium Mill Tailings Radiation Control Act of 1978. This general license is issued pursuant to all the conditions in 10 CFR 40.26, including § 40.26(c)(2), which provides that the general license is subject to "* * * any additional requirements the Commission may by order deem necessary." Although the Church Rock Uranium Mill also holds a specific license from the State of New Mexico pursuant to the State's agreement with the Nuclear Regulatory Commission under section 274 of the Atomic Energy Act of 1954, the Uranium Mill Tailings Radiation Control Act of 1978 requires that the NRC assume authority over uranium mill tailings in non-Agreement and Agreement States. See 44 FR 47192 (1979) "Implementation of the Uranium Mill Tailings Radiation Control Act of 1978."

II

On July 16, 1979, a breach occurred in the United Nuclear Corporation's Church Rock Uranium Mill Tailings Dam releasing to the environment about 100 million gallons of acidic tailings solution and 11 hundred tons of tailings solids. Subsequent evaluations of the probable cause of this accident indicate a large differential settlement of the dam causing cracking to occur. Internal erosion then occurred through the cracks with subsequent breaching of the dam. The NRC believes that a full evaluation of the remaining portions of the embankment for similar deficiencies is required before operations resume to assure there will not be a recurrence of this failure and the associated potential public health and environmental impacts. To perform this evaluation several requests for information were transmitted to the State with copies to the Licensee. Sufficient data to complete this evaluation has not yet been

[1] Persons attending the special prehearing conference should use the Lake Street entrance to the City Council Chambers.

received. A list of the required information has been transmitted to the State and United Nuclear Corporation.

During the course of numerous telephone conversations with various officials of the State of New Mexico and of United Nuclear Corporation on October 12, 1979, the Nuclear Regulatory Commission received varying and inconsistent reports as to whether immediate resumption of operation of the Church Rock Mill was contemplated. The NRC is presently unable to conclude that operation of the mill (and consequent discharge of tailings) could be conducted with reasonable assurance of protection for the public health and safety.

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 40, IT IS HEREBY ORDERED THAT United Nuclear Corporation's use of the general license set forth in 10 CFR 40.26 be conditioned as follows: United Nuclear shall not generate additional byproduct material (tailings) at its Church Rock Mill until such time as the Director of Waste Management, Office of Nuclear Materials Safety and Safeguards makes, and confirms in writing, a conclusion that the embankment is stable, thereby assuring containment of the uranium tailings.

In light of the factors discussed in Part II, above, the Director of Waste Management has determined that the public health, safety or interest require that this action be effective immediately.

The Licensee or any interested person may (within twenty days of the date of this Order) file a request for a hearing with respect to all or any part of the condition imposed by this Order.

In the event a hearing is requested, the issues to be considered at such hearing shall be:

(1) Whether the facts set forth in Part II of this Order are true.

(2) Whether this Order shall be sustained.

Any request for a hearing will not stay the immediate effectiveness of this Order.

Dated at Silver Spring, Maryland, this 12th day of October 1979.

For the Nuclear Regulatory Commission.

John B. Martin,

Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 79-32215 Filed 10-17-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-42]

Accident Reports, Safety Recommendation Letters and Responses; Availability

Accident Reports

Aircraft: *Allegheny Airlines, Inc., Nord 262, Mohawk/Frakes 298, N29824, Benedum Airport, Clarksburg, West Virginia, February 12, 1979* (NTSB-AAR-79-12).—Now available are copies of the National Transportation Safety Board's formal report on investigation into this accident which killed two and injured eight of the 25 persons aboard the aircraft. The aircraft crashed 14 seconds after liftoff from Benedum Airport, bound for National Airport, Washington, D.C. The official weather at the time of departure was: Sky—partial obscuration, 1,000 ft overcast; visibility—⅝ mi in snow; wind—calm; altimeter—29.89 inHg.

The Safety Board determined that the probable cause of the accident was the captain's decision to take off with snow on the aircraft's wing and empennage surfaces which resulted in a loss of lateral control and a loss of lift as the aircraft ascended out of ground effect.

The report shows that the captain could remember nothing of the accident, but eyewitnesses said that after a normal takeoff roll and lift-off, the aircraft rolled both to the right and to the left before the right wing struck the runway. The Safety Board concluded that snow which had adhered to the outboard surfaces of the wing, in addition to reducing lift, had rendered the ailerons "at least partially ineffective" after the plane climbed out of "ground effect"—the cushioning effect which increases lift and reduces drag when an aircraft is airborn but still close to the ground.

Highway: *Multiple Vehicle Collision and Fire, State Route 2, near Cleveland, Ohio, May 6, 1979* (NTSB-HAR-79-7).—Also now available are copies of the Safety Board's investigation report concerning this accident. Investigation showed that about 3:05 a.m. last May 6 in Willowick, Ohio, near Cleveland, an eastbound 1976 Dodge van crossed the median and collided with a westbound 1971 Ford LTD. The van then proceeded a short distance and collided with a westbound 1976 Oldsmobile. In this collision, gasoline spilled from a ruptured fuel tank and the van and the Oldsmobile were engulfed in flames. Five of the six occupants in the Ford were killed instantly; the sixth occupant died on May 13. The van driver was ejected from his vehicle and injured seriously; the two occupants of the Oldsmobile escaped with minor injuries.

The probable cause of this accident, as determined by the Safety Board, was the loss of control by the driver of the van for unknown reasons. Contributing to the fatal injuries of the occupants of the Ford was their failure to wear the available occupant restraints.

Investigation showed that the van was travelling about 50 miles an hour before it left the roadway. There were no traffic conflicts to cause the driver to lose control, nor were the brakes applied when the van crossed the median. The driver of the van was in a coma for 10 days following the accident. When he regained consciousness, he stated that he had no recollection of the accident, or of his activities prior to the accident.

As a result of its investigation of this accident, the Safety Board on September 26 recommended that the National Highway Traffic Safety Administration expedite the development of a Federal Motor Vehicle Safety Standard on motor vehicle fuel systems to include a performance standard for non-metallic fuel tanks. (Recommendation No. H-79-41) In addition, the Board recommended that the comtemplated revision of Federal Motor Vehicle Safety Standard 301-75, Fuel System Integrity, include: A definition of what constitutes the makeup of a fuel system (H-79-42); performance requirement for each of the components of the fuel system (H-79-43); requirements for rearend impact tests with both vehicles in a braking attitude (H-79-44); and the requirement for rearend collision tests at angles from straight ahead to 90 degrees (H-79-45). The Board also made two recommendations to the State of Ohio: Install a median barrier in the segment of State Route 2 within Wickliffe, Willowick, and Eastlakes (H-79-46); and conduct an engineering study of a 60-foot median segment of Route 2 through Willoughby and install median barriers in those locations where there is an adverse history of across-the-median accidents (H-79-47). (See 44 FR 57244, October 4, 1979.)

Safety Recommendation Letters

Aviation

A-79-73 and 74 to the Federal Aviation Administration.—Safety Board investigation of the midair collision involving a Pacific Southwest Airlines Boeing 727 and a Cessna 172 at San Diego, Calif., September 25, 1978, revealed that the air carrier's flightcrew probably was not aware of the full extent of its responsibility after

accepting a maintain-visual-separation clearance. Because of the cooperative nature of the air traffic control (ATC) system, the Board is concerned that pilots may not understand the relationship of their responsibility and the air traffic controller's responsibility when a pilot accepts a maintain-visual-separation clearance.

Although the Airman's Information Manual (AIM) adequately describes the interrelationship of pilot and controller roles and responsibilities, the board believes that all pilots should be tested recurrently on pilot/controller interrelationships and responsibilities as outlined in the AIM. The Safety Board states that a way to address this issue might be for the requirements of 14 CFR 61.57, "Recent Flight Experience: Pilot in Command" to be expanded expressly to include a review of ATC procedures, and for 14 CFR Part 121, "Appendix F—Proficiency Check Requirements," to be expanded expressly to include a similar review.

Therefore, on October 4 the Safety Board recommended that FAA:

Prescribe an appropriate method to do so and require all air carrier companies and commercial operators to test their pilots recurrently on ATC radar procedures, radar services, pilot/controller relationships, and ATC clearances. (A-79-73)

Prescribe a method to insure that all general aviation pilots are tested periodically on ATC radar procedures, radar services, pilot/controller relationships, and ATC clearances as appropriate to their operations. (A-79-74)

A-79-76 through 78 to the Federal Aviation Administration.—In another letter forwarded October 4, the Safety Board states that the violent decelerative forces generated in an aircraft accident cause the upper torso of passengers who are restrained solely by seatbelts to swing forward and strike other objects. This reaction often results in serious or fatal injuries in otherwise survivable crashes. An FAA document ("General Aviation Structures Directly Responsible for Trauma in Crash Deceleration," J. J. Swearingen, FAA CAMI, Oklahoma City, Okla., FAA Report AM-71-3, January 1971) suggests the upper torso of passengers restrained solely by seatbelts will jackknife forward if decelerative forces exceed 1.5 to 2.0 g's.

This premise was illustrated dramatically in a recent crash landing of a New York Airways Sikorsky S-61L helicopter on April 18, 1979, at Newark Airport, N.J. Fifteen passengers and three crewmembers were on board. Three passengers received fatal crash injuries, and 10 passengers and all three crewmembers were injured seriously. Two male passengers, who reportedly took a brace position before the crash, were seated in the forward cabin where all of the fatalities and most of the severe injuries occurred; yet, both individuals received only minimal head or chest trauma. The flight attendant had prewarned the passengers to expect a hard landing; however, she did not direct them to assume any kind of a brace position because there was not enough time after the tail rotor separated. There was no specific requirement in the flight manual to give such a directive; moreover, there was no instruction on the passenger briefing cards telling them to take a brace position.

In its letter to FAA, the Board cites data from three other recent aircraft accidents which also suggest that passengers who lean forward or assume a brace position before a crash receive significantly less trauma than do other passengers. These accidents involved an Atlantic City Airlines DeHavilland DHC-6 Twin Otter commuter aircraft which crashed while on an approach to Cape May County Airport, N.J., on December 12, 1976; a Rocky Mountain Airlines DeHavilland DHC-6 Twin Otter which crashed into snow-covered mountainous terrain near Steamboat Springs, Colo., on December 4, 1978; and a Downeast Airlines Dehavilland DHC-6 Twin Otter commuter aircraft which crashed on May 30, 1979, during an approach to Knox County Regional Airport near Rockland, Maine.

The Safety Board notes that there are a number of important factors to consider in choosing an appropriate brace position: (1) various types of seat designs, such as short versus high backs and fixed versus folding backs; (2) various seating arrangements, such as forward versus aft-facing and side-facing units; and (3) differences in seat pitch.

In view of the above, the Safety Board recommended that FAA:

Establish a research project to determine the optimal brace position for various seat designs and seating configurations on aircraft used in passenger-carrying operations. (A-79-76)

Issue an Air Carrier Operations Bulletin requesting principal operations inspectors to insure that the training of crewmembers includes information on the appropriate passenger brace position for specific aircraft configurations during potential crash landings. (A-79-77)

Issue an Air Carrier Operations Bulletin requiring principal operations inspectors to instruct their assigned air carriers to describe the appropriate emergency brace position on the passenger briefing card and to require that preflight briefings including a reference to the proper brace position. (A-79-78)

All of the above aviation safety recommendations are designated "Class II, Priority Action."

Marine

M-79-100 and 101 to the Geological Survey, U.S. Department of the Interior.—On October 25, 1978, the U.S. Geological Survey research vessel (R/V) DON J. MILLER II, inbound to Seattle, Wash., was overtaking the fishing vessel (F/V) WELCOME in Admiralty Inlet. The MILLER's master slowed his vessel to allow the WELCOME to clear ahead, after which he increased the MILLER's speed. The MILLER's master then left the pilothouse, leaving the vessel's helm control on autopilot. During his absence, the WELCOME changed course across the MILLER's bow and the vessels collided, causing the fishing vessel to sink shortly thereafter at a position below buoy "SC" near the Hood Canal entrance. The MILLER's damage was negligible but the WELCOME was a total loss, estimated at about $300,000.

Investigation showed that the MILLER had been on a survey operations from 1030 in the San Juan Islands and had completed its survey work for the day at Burrows Bay, Fidalgo Island. Because it was participating in the Vessel Traffic Services (VTS), as required, the MILLER entered the VTS traffic lanes southbound off Lawson Reef at 1900 bound for Seattle. The MILLER's master informed VTS by radio that his estimated time for arrival at Shilshole Approach Buoy would be midnight—a scheduling which shows that the MILLER's master would have been on duty for over 13 hours by time of arrival. Although the MILLER carried 14 scientists, the vessel had only a four-man crew. The Board feels that the crew manning of the vessel did not allow for a regular navigation watch relief for the master while the MILLER was on extended cruising, and questions whether the vessel's crew complement was adequate for the safety of the vessel and its embarked scientists in an emergency.

The WELCOME, following the movements of another fishing vessel, preceded the MILLER into Admiralty Inlet. Although the WELCOME was not participating in the VTS and was not required to, the vessel entered the traffic lanes and crossed the path of the MILLER. The MILLER's master slowed his vessel and allowed the WELCOME to proceed ahead, as required by the rules of the road. The MILLER's master then increased the speed and left the pilothouse and went to the galley, leaving the helm unattended on autopilot and without posting a lookout. During his absence, the WELCOME

altered its course across the MILLER's bow. The WELCOME's helmsmen did not check the location of the MILLER prior to altering course nor did the WELCOME have a proper lookout. Although both vessels were equipped with VHF/FM radio transceivers, neither attempted to communicate its maneuvering intentions to the other.

Although vessels of the Geological Survey and other U.S. Government agencies are not required by law to be inspected by the U.S. Coast Guard whenever such vessels become involved in accidents which are caused by inadequate or improper equipment, poor maintenance procedures, or unsafe operation because of inadequate manning or training, this is a matter of concern to the Safety Board. Accordingly, on October 4, the Safety board recommended that the Geological Survey:

Arrange with the U.S. Coast Guard for an examination of the R/V DON J. MILLER II to determine the extent to which she conforms to the minimum manning and other regulations applicable to privately operated vessels of the same type and size engaged in similar oceanographic operations with embarked scientists, and if necessary, consider taking action to bring the vessel into reasonable conformance with the standards prescribed by regulations for privately operated research vessels. (Class II, Priority Action) (M-79-100)

Enter into an agreement with the U.S. Coast Guard to have USCG vessels regularly examined by the Coast Guard to determine if they meet the standards prescribed by regulations for privately operated research vessels of similar type and service, and initiate a program to bring the vessels into reasonable conformance with these standards. (Class III, Longer Term Action) (M-79-101)

Pipeline

P-79-28 to Lone Star Gas Company.—As a result of its investigation of the January 19, 1979, pipeline accident at North Richland Hills, Texas, the Safety Board on October 4 forwarded a letter to the Lone Star Gas Company of Dallas containing the following recommendation:

Determine through sample inspections, the extent of the problem of circumferential cracking on its service line/gas main connections similar to that at the accident locations. Take appropriate action to reduce the probability of the recurrence of similar accidents. (Class I, Urgent Action) (P-79-28)

A similar letter containing comparable recommendation P-79-27 was forwarded to the Research and Special Programs Administration, U.S. Department of Transportation, on September 6. (For background information on this accident at North Richland Hills and similar pipeline accidents occurring earlier on the Lone Star System, see 44 FR 52064, September 6, 1979.)

P-79-29 to the American Gas Association.—At 3:05 p.m. last May 11, two almost simultaneous explosions and an ensuing fire destroyed three buildings near the intersection of Tacony and Margaret Streets in Philadelphia, Pa. Seven persons, including a Philadelphia Gas Works employee, were killed; 19 persons were injured and several adjacent rowhouses were damaged. The explosions also caused a section of Margaret Street to collapse, exposing a large cavern underneath the paved surface.

Safety Board investigation showed that natural gas which had leaked from a broken, 8-inch, cast-iron gas main under Margaret Street had migrated through a damaged 8-inch sewer lateral and into the basement of the building where it was ignited by an undetermined source. The soil which had supported the gas main had eroded over an extended period of time and contributed to the collapse of the pipe.

The Board noted that the prompt arrival of the gas company and the fire department at the site after the explosion and fire, and their coordinated evacuation of adjacent residences, together with the expeditious "greasing off" of the gas main, probably prevented secondary explosions and additional fatalities and injuries.

In light of its investigation, the Safety Board on October 4 recommended that the American Gas Association:

Advise its member companies of the circumstances of this accident and of the prompt and effective coordination between the gas company and the fire department and urge them to review their emergency practices and procedures, particularly those concerning evacuation and liaison with fire and police departments to insure that coordination is planned adequately for similar accidents. (Class II, Priority Action) (P-79-29)

P-79-30 to the Secretary, U.S. Department of Transportation.—Since its establishment in April 1967, the Safety Board has been concerned that certain safety problems of national significance have not been addressed as rapidly as possible, even though needed improvements were known, feasible, and timely. One such problem is the risk of catastrophic accidents involving pipelines transporting highly volatile liquids. Therefore, in fiscal year 1979 the Safety Board adopted as a safety objective the improvement of safety standards for those pipelines. (For additional information see the Board's soon-to-be-released "Safety Report on the Progress of Improvements in Pipeline Transportation of Highly Volatile Liquids.")

The Safety Board first formally identified the need to establish separate, more stringent safety standards for pipelines which transport highly volatile liquids in 1972 in its report on a propane gas explosion and fire in Franklin County, Mo. Four recommendations were directed to the Federal Railroad Administration (FRA) which then had administrative responsibility for the safety standards governing those pipelines.

Since the Franklin County accident, the Safety Board has investigated an reported on seven additional serious pipeline accidents involving the release of propane, natural gas liquids, anhydrous ammonia, and other highly volatile liquids. Analysis of these accidents led the Safety Board to issue 14 additional recommendations for improving liquid pipeline safety standards. The recommendations were directed to FRA, to the Office of Pipeline Safety, to the Materials Transportation Bureau (MTB), and to other offices within the Department of Transportation as the administrative responsibility for liquid pipeline safety was reassigned over the years. Another recommendation, made in the Safety Board's special study, "Safe Service Life for Liquid Petroleum Pipelines," asked MTB to expedite its rulemaking schedule.

The Board notes that only two of the 19 recommendations have been fully implemented, and there is rulemaking currently in progress which addresses 14 Board recommendations. In respect to the latter, the Board was advised on several occasions, as early as the first quarter of 1975, that proposals for regulatory changes would be issued by a specific date; subsequent deadlines for the proposed rulemaking notices have also slipped.

Following Safety Board testimony before committees of the U.S. Congress and staff meetings with MTB, the first proposed rulemaking for the transportation of highly volatile liquids by pipeline was issued on August 3, 1978. A second proposed rulemaking was issued on August 28, 1978, twenty-three days after a major highly volatile liquid pipeline accident in Donnellson, Iowa, which killed three persons and critically injured two others.

During the Safety Board's hearing on the Donnellson, Iowa, accident, MTB witnesses acknowledged delays in developing safety standards. Later, MTB made a written commitment to the Safety Board that the development of strengthened safety standards for highly

volatile liquid pipelines would be MTB's number one priority and that all previous Safety Board recommendations would be reevaluated for possible inclusion in the ongoing rulemaking activities.

The Safety Board has followed closely the increased MTB activity in developing these standards and has commented on the three notices of proposed rulemaking, suggesting improvements in the proposed standards and consideration of safety concerns not included within the proposals. While the Board is pleased with the present increased activity to correct the longstanding identified problems, the Board would like to see the pending rulemaking completed at an early date. Further, the Board's review of the three proposals and past accident data in the context of this report has identified two major areas where additional action is needed.

First, MTB has not proposed a requirement that existing pipelines meet the same minimum safety standards as those proposed for new pipelines. That will result in a double standard of safety for new and for existing highly volatile liquid pipelines, since many of those pipelines were constructed in areas that were originally rural but which have become more densely populated as urban centers have expanded. This same population growth pattern affects the growth in exposure to hazards associated with natural gas pipelines. (See MTB's "Minimum Federal Safety Standards for Gas Lines.")

Second, the MTB has not proposed any performance standards for the prompt detection and rapid isolation of failed sections of highly volatile liquid pipelines, although response time for detecting product release and the timely isolation of the release point is critical to effectively limiting the severity of the accident.

The Safety Board reiterates its recommendations that MTB expedite present rulemaking actions and establish population-based requirements to minimize losses due to inadvertent releases of product from highly volatile liquid pipelines. Also, evaluation of current rulemaking actions and past accident data indicates the need for additional safety standards to minimize remaining risks to the public. Accordingly, on October 4 the Safety Board recommended that the Secretary of Transportation:

Establish minimum performance standards for the prompt detection and rapid isolation of failed sections of highly volatile liquid pipelines. (Class II, Priority Action) (P-79-30)

Responses to Safety Recommendations

Aviation

A-76-9 through 100.—The Federal Aviation Administration on October 3 provided information supplementing its August 17, 1977, response. The subject recommendations were issued July 29, 1976, as a result of the Safety Board's concern about the number of accidents which involve light twin-engine aircraft that fail to recover from apparently unintentional spins. FAA's October 3 letter states that proposed criteria for establishing V_{mc} being developed by the General Aviation Manufacturers Association (GAMA) and FAA is nearing completion. V_{mc} is scheduled to be included in Revision Number 1, GMMA Specification Number 1, Pilot's Operating Handbook and is one of several items to be included in Revision Number 1. FAA says the effort to complete the revision is proceeding as rapidly as possible.

A-77-63.—FAA's letter of October 3 is in response to the Safety Board's letter dated August 8, 1979, concerning a "Class II, Priority Followup" recommendation which asked FAA to: Expedite the development and implementation of an aviation weather subsystem for both en route and terminal area environments, which is capable of providing a real-time display of either precipitation or turbulence, or both, and which includes a multiple-intensity classification scheme; transmit this information to pilots either via the controller as a safety advisory or via an electronic data link.

The Board's August 8 letter notes that FAA, in responding to this recommendation, reported that in August 1975 the Air Traffic Service initiated an R&D effort requesting (a) en route and terminal radars be evaluated to ascertain their capabilities to detect and display weather, (b) a comparison of ARSR/ASR and National Weather Service radar dection capabilities, (c) identification of modifications to improve ATC radars, and (d) improve radar weather detection without derogation in aircraft detection. The Safety Board classified FAA's response as acceptable action but has been holding the recommendation in open status.

Further, the Safety Board noted that on August 26, 1978, a PA-28-200 broke up in flight after encountering turbulence associated with a severe thunderstorm over Bolton, N.C. The pilot and his passenger were killed in the crash. During investigation of this accident the Safety Board learned that weather information displayed to controllers on the NAS stage A en route radar display was not consistent with the meteorological environment actually being experienced by flightcrews in the area.

The Board expressed concern about FAA's plans to phase out all existing broad band radar systems which presently serve as a backup to the newer narrow band radar, especially since it is the only source of primary radar intelligence available to en route controllers from which raw weather information can be derived. The Board believes there is a continuing need for primary radar in the en route system to aid in the detection and mapping of hazardous weather conditions.

In view of continuing occurrences of fatal aircraft accidents where severe weather is involved, the Safety Board believes that the present ARTCC radar systems do not adequately meet the needs of users of the national airspace system with regard to reliable severe weather avoidance operational requirements. The Board notes that the R&D effort cited in FAA's response to recommendation A-77-63 was initiated in August 1975, which predates the recommendation, issued September 27, 1977. The Board's August 8 letter asks to be apprised of current radar weather detection improvement efforts and future plans.

In response to the Safety Board's letter, FAA notes that the mode settings for air traffic control radars are intended to provide the controller with the maximum strength in aircraft return with the least amount of distortion from all other sources, ground clutter, weather, and anomalous propagation. FAA's present program involves the remoting of 75 National Weather Service (NWS) radars to air route traffic control centers (ARTCC) and En Route Flight Advisory Service (EFAS) locations. An FY-80 budget item will provide each ARTCC controller with direct access to a color weather radar display showing real-time weather with multiple-intensity levels. This program will be implemented in 1981 and completed sometime in 1982. FAA notes that a large part of the Western United States, including Alaska and Hawaii, does not have NWS radar installations. FAA primary radar from sites in these areas will be equipped with a weather intensity decoding device, remoted to ARTCC's, and depicted on a separate display in color. Once the weather radar system is installed, using dedicated communications, the primary radar will be relegated to a less significant role in weather detection and display.

FAA reports that future plans call for replacement of NWS radars with a doppler weather radar sometime in the

mid-1980's. The doppler weather radar or next generation weather radar will be a joint NWS/FAA Air Weather Service Program. The next generation radar requirements and a program development office are expected to be established in the new future. This system will in all probability be remoted and displayed in the same manner as the forthcoming color weather radar remoting and display system, FAA stated.

FAA's October 3 letter also provides a brief summary of its R&D efforts and future plans and assures that all weather enhancement activities will be continued until FAA is satisfied that it has the best weather detection and display system possible within the state-of-the-art.

Marine

M–79–81 through 87.—Letter of September 24 from the University of Hawaii is in response to recommendations issued September 6 during investigation of the disappearance last December 9 of the motor vessel HOLOHOLO while on a research expedition off the shores of Hawaii. The HOLOHOLO was under bareboat charter contract to the Research Corporation of the University of Hawaii, and the recommendations dealt with the safety of research vessel operations. (See 44 FR 52602, September 6, 1979.)

With reference to recommendations M–79–81 through M–79–85, the response letter notes that University of Hawaii-owned and -operated vessels have operated under the University-National Oceanographic Laboratory System (UNOLS) guidelines since UNOLS was established as a charter member. Also, since January 1979, the University's Research Corporation has been requested to adhere to and to apply the same procedures applicable to the operation of University-owned vessels; i.e., the Research Corporation has been requested to comply with said procedures in the charter of any vessel for the University's use, pursuant to a service order request. Further, the University states that a review will be made to determine whether adequate procedures are in place to meet the recommendations contained in M–79–87.

Finally, the response states that although the University of Hawaii was not a named party in interest at the Coast Guard proceedings, the University does not concur that the evidence uncovered to date supports all of the Safety Board's statements regarding the loss of the HOLOHOLO—especially to the extent that those findings involve the University of Hawaii, its agents or its employees.

Railroad

R–75–29.—Letter of September 28 from the Federal Railroad Administration responds to the Safety Board's inquiry of last March 5 as to the results of the "slippery wheel detector" research project referenced in FRA's response of May 20, 1976. The recommendation was issued following investigation of a hazardous material switching accident at Houston, Texas, on September 21, 1974, and asked FRA to cooperate with the Association of American Railroads in doing necessary research and development of minimum performance standards for retarding systems in gravity switching yards.

FRA's response indicates that the slippery wheel detector project proved unworkable and was eventually terminated by the initiating carrier (Southern Pacific Company). FRA reports that West Virginia University in a program sponsored by the Association of American Railroads has developed a laboratory simulator for determining the friction characteristics of a railroad hump yard retarder. The simulator is used to evaluate the friction force at the interface between the car wheel and retarder brakeshoe when foreign substances coat the surfaces. The purpose of the simulator is to obtain a better understanding of retarder characteristics so that their performance can be improved under contaminated conditions. FRA says that the present simulator is a geometrically "one-eighth" scaled model of the car wheel retarder brakeshoe components. The simulator duplicates the correct relative motion between wheel and shoe. Initial use of the simulator has yielded some significant findings, according to FRA. FRA states that once this research is completed, the need for performance standards can be better evaluated.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(49 U.S.C. 1903(a)(2), 1906.)

Dated: October 15, 1979.

Margaret L. Fisher,

Federal Register Liaison Officer.

[FR Doc. 79-32166 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

October 15, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

Revisions

Agricultural Stabilization and Conservation Service
*Application for approval of warehouse (peanuts)
CCC–1029
On Occasion
Cold storage warehouses; 40 Responses; 8 hours
Charles A. Filett, 395–5080

Agricultural Stabilization and Conservation Service
*Request for long-term agreement—ACP
RE–310
On occasion
Farmers; 10,000 responses; 5,000 hours
Charles A. Ellett, 395–5080

Agricultural Stabilization and Conservation Service
*Contract for tank storage
CCC–32m 32–1, & 32–2
On occasion
Operators of tank farms; 25 responses; 6 hours

Charles A. Ellett, 395–5080
Agricultural Stabilization and Conservation Service
Application for approval of tank farm
CCC–513
On occasion
Operators of tank farms; 25 responses; 13 hours

Charles A. Ellett, 395–5080

Extensions

Agricultural Stabilization and Conservation Service
*Application for duplicate marketing card or marketing certificate (for producers)
MQ–117
On occasion
Farm operators who need marketing cards replaced; 3,000 responses; 300 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

Bureau of the Census
Stocks of wool and related fibers in the United States
MA–22M
Single time
Companies and warehouses holding wool stocks; 350 responses; 88 hours
Office of Federal Statistical Policy and Standard, 673–7974

Revisions

Bureau of the Census
Office furniture (manufacturers' shipments)
MA–25H
Annually
Office furniture manufacturers; 250 responses; 250 hours
Office of Federal Statistical Policy and Standard, 673–7974

Extensions

Bureau of the Census
Survey of Assessed Values
GP–33
Single time
State Officials in charge of assessed values; 51 responses; 153 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245–7488

New Forms

Public Health Service
National Ambulatory Medical Care Survey—1980
Complement survey
PHS–6105 A, B, C, and D
Single time
Physicians providing office-based care; 17,000 responses, 617 hours
Office of Federal Statistical Policy and Standard, 673–7974

Revisions

National Institutes of Health
Implementation of the Hospice Concept
Other (see SF–83)
Significant others, Hospice staff and volunteers; 2,186 responses; 1,629 hours
Richard Eisinger, 395–3214

Public Health Service
1980 Health Interview Survey/ Reinterview Questionires
Other (see SF–83)
Sample Hsehlds. Rep. the Civ. Noninstit. Pop. of the United States; 40,000 responses; 30,659 hours
Office of Federal Statistical Policy and Standard, 673–7974

Reinstatements

Center for Disease Control
Influenza Immunization Grant Activity
CDC–1030–5, 6
Monthly
Influenza Immunization grant awarders; 312 responses; 559 hours
Richard Eisinger 395–3214

Health Resources Administration
Application to Participate in the Health Professions
Capitation Grant Program
Annually
Health professions school; 350 responses; 1,050 hours
Richard Eisinger, 395–3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masafsky—755–5184

New Forms

Policy Development and Research
Minority and Women-owned Research Contractors Survey
Single time
Minority and women-owned businesses; 1,000 responses; 165 hours
Arnold Strasser, 395–5080

Revisions

Policy Development and Research
Annual Housing Survey—SMSA Sample Group CC–1
Questionnaire and Control Card
AHS–51, 52, 53, 54D1, 54D2, 54D(SP), 56L
Other (see SF–83)
Households in 15 SMSA's; 117,000 responses; 73,710 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

New Forms

Bureau of Mines
The use of Timber in Mining
6–PI–15
Single time

Coal mining companies and metal mining companies; 373 responses; 187 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

Revisions

National Highway Traffic Safety Administration
Fatal Accident Reporting System (FARS)
HS–214, 214A, and 214B
On occasion
States; 45,000 responses; 96,750 hours
Office of Federal Statistical Policy and Standard, 673–7974

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—566–1164

Reinstatements

*Statement of Personal History (security questionnaire)
GSA 176
On occasion
Contract employees; 10,000 responses; 5,000 hours
Laverne V. Collins, 395–3214

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

U.S. Fishermens' Questionnaire (certain groundfish)
Single time
Fishing vessel owners; 100 responses; 800 hours
Susan B. Geiger, 395–5867

Importers Questionnaire (certain groundfish)
Single time
Medium sized importers; 30 responses; 480 hours
Susan B. Geiger, 395–5867

Fish Processors' Questionnaire (certain groundfish)
Single time
The leading processing firms; 20 responses; 320 hours
Susan B. Geiger, 395–5867

Purchasers' Questionnaire (certain groundfish)
Single time
The largest fish block purchasers; 10 responses; 120 hours
Susan B. Geiger, 395–5867

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

New Forms

Phase II—Survey of Public Attitudes Toward Vietnam
ERA Veterans
Single time
Description not furnished by agency; 6,700 responses; 6,405 hours
Office of Federal Statistical Policy and Standard, 673–7974

Extensions

*Request for Status of Loan Account—Foreclosure of Other II Quidation
FL–26–567
On occasion
Loan holder; 25,200 responses; 4,200 hours
Richard Eisinger, 395–3214

Reinstatements

*Application on the Death of Veteran by the Immediate Family for Accrued Benefits Witheld During Treatment or Care 21–551
On occasion
Veteran's dependents; 3,000 responses; 1,000 hours
Richard Eisinger, 395–3214

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–32177 Filed 10–17–79; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Policy Committee Solicitation of Public Views: Market Disruption Case Involving Anhydrous Ammonia From the U.S.S.R.

Pursuant to Section 406 of the Trade Act of 1974 and Executive Order No. 11947, on October 11, 1979, the Special Representative for Trade Negotiations received for the President a report from the U.S. International Trade Commission (USITC) on the case of anhydrous ammonia being imported from the Union of Soviet Socialist Republics (USSR) (Investigation No. TA–406–5). The Commission's report contained an affirmative determination that market disruption exists with respect to imports from the USSR into the United States of anhydrous ammonia, provided for in items 417.22 and 480.65 of the Tariff Schedules of the United States (TSUS). The USITC found that such imports are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to a domestic industry producing a like or directly competitive product.

The USITC split by a three to two vote on the question of determination of market disruption. The three Commissioners who found affirmatively, recommended that to prevent the material injury threatened, it would be necessary to establish a quota for anhydrous ammonia from the USSR as follows:

Quota Period and Quota Quantity

Jan. 1, 1980–Dec. 31, 1980, 1 million short tons;
Jan. 1, 1981–Dec. 31, 1981, 1.1 million short tons;
Jan. 1, 1982–Dec. 31, 1982, 1.3 million short tons.

Within 60 days of receiving a report from the USITC containing an affirmative determination, the President must determine what method and amount of import relief he will provide or determine that the provision of relief is not in the national economic interest, and whether he will direct expeditious consideration of adjustment assistance petitions.

In determining whether to provide import relief and, if relief is provided, what method and amount of import relief to provide, the President must take into account, in addition to other considerations he may deem relevant, the following factors:

1. The probable effectiveness of the import relief as a means of promoting adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

2. The effect of import relief on consumers and on competition in the domestic market for the product;

3. The effect of import relief on the international economic interest of the United States;

4. The impact on U.S. industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

5. The geographic concentration of imported products marketed in the United States;

6. The extent to which the U.S. market is a focal point for exports of such articles by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

7. The economic and social costs which would be incurred by taxpayers,

communities and workers if import relief were or were not provided.

The Office of the Special Representative for Trade Negotiations chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action he should take on reports submitted by the USITC under section 406. In order to assist the Trade Policy Staff Committee in developing recommendations to the President as to what action to take under Section 406 and sections 202 and 203 of the Trade Act of 1974, the Committee welcomes briefs from interested parties on the above listed subjects. (Additional information on this case is available in USITC report No. TA–406–5).

Briefs should be submitted in conformance with 15 CFR 2003 to: Secretary, Trade Policy Staff Committee, Room 728, Office of the Special Representative for Trade Negotiations, 1800 G Street N.W., Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received in the Office of the Special Representative for Trade Negotiations as soon as possible, but in any event not later than the close of business Friday, November 2, 1979.

For further information contact Richard Heimlich or March Schweitzer at 202–395–7203.

William B. Kelly, Jr.,

Associate Special Trade Representative.

[FR Doc. 79–32108 Filed 10–17–79 8:45 am]

BILLING CODE 3190–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0292]

Great Northern Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On August 22, 1979, a Notice was published in the **Federal Register** (44 FR 50666) stating that Great Northern Capital Corporation, 97A Exchange Place, Portland, Maine 04111, had filed an application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)), for a License to operate as a Small Business Investment Company.

Interested persons were given until the close of business on September 13, 1979, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received and, having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01/01–0292 on September 28, 1979, to Great Northern Capital Corporation pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Programs 59.011, Small Business Investment Companies)

Dated: October 5, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79–32062 Filed 10–16–79; 8:45 am]

BILLING CODE 8025–01–M

[License No. 02/02–5369]

Ibero American Investors Corp.; Issuance of a License To Operate as a Small Business Investment Company

On September 29, 1979, a notice was published in the **Federal Register** (44 FR 54611), stating that Ibero American Investors Corporation, located at 954 Clifford Avenue, Rochester, New York 14621, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on October 5, 1979, and no significant comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 02/02–5369 to Ibero American Investors Corporation.

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

Dated: October 11, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79–32061 Filed 10–16–79; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

New York Harbor Vessel Traffic Service Advisory Committee; Open Meeting

The New York Harbor Vessel Traffic Service Advisory Committee will conduct an open meeting on Wednesday, November 21, 1979, in the Community Center, Building 301, Governors Island, New York. The meeting is scheduled to begin at 10:00 am. The agenda for this meeting of the New York Harbor Vessel Traffic Service Advisory Committee is as follows:

1. Discuss the implementation of the New York Vessel Traffic Service.

2. Comments and questions from the floor.

3. Tour of the Vessel Traffic Center.

The New York Harbor Vessel Traffic Service Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and operations of a vessel traffic service for New York harbor. Members of the committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to: Commander W. P. Leahy, Jr., USCG, commanding officer, precommissioning detail, Governors Island, New York, New York 10004, or by calling (212) 668–7954.

This notice is issued under section 10(a) of the Federal Advisory Committee Act (P.L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1).

Dated: October 10, 1979.

L. L. Zumstein,

Rear Admiral, U.S. Coast Guard, Chief, Office of Public and International Affairs.

[FR Doc 32093 Filed 10–17–79; 8:45 am]

BILLING CODE 4910–14–M

[CGD 79–145]

Coast Guard Academy Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Coast Goard Academy Avisory Committee to be held at the U.S. Coast Guard Academy, New London, CT, on Wednesday and Thursday, October 24–25, 1979. The session on Wednesday will begin at 1:00 and adjourn at 4:00 p.m. An open session will also be held on Thursday from 8:45 to 10:55 a.m. and from 2:45 to 3:45 p.m.

The agenda for this meeting is as follows: (a) faculty, (b) curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75–38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend or present oral statements at the hearing should notify, not later than the day before the meeting: CAPT Roderick M. White, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 443–8463.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on September 28, 1979.

J. B. Hayes,

Admiral U.S. Coast Guard Commandant.

[FR Doc. 79-32198 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 134—Electronic Test Equipment for General Application; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 134 on Electronic Test Equipment for General Application to be held November 8-9, 1979, in Conference Rooms 5A-B, DOT/Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C. commencing at 9:00 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Meeting held September 13-14, 1979; (3) Review of All Issue Papers Completed to Date and Preparation of Final Changes; (4) Assignment of Tasks to Complete the Committee Report; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on October 5, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-31799 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-79-24]

Summary of Exemption Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petitions or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: November 5, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on October 5, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19629	Curtis Ciancetta	14 CFR § 69.91(c)(1)	To permit the petitioner to take the required examinations for an inspection authorization without 3 years of mechanic experience.
Amdt. 39-3224	United Airlines	14 CFR § 39.13	To allow petitioner an eight-month extension of compliance time, March 1, 1980, to November 1, 1980, to accomplish blue-etch anodize inspection of PWA JT3D first stage fan blades.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19428	Metro Airlines	14 CFR 135.171	To allow petitioner to operate their aircraft without the shoulder harnesses required by section 135.171. *Petition withdrawn 8/8/79.*
19473	Central Michigan Aviation, Inc	14 CFR § 135.149(c)	To permit petitioner to operate its two Cessna Citations without a third attitude gyroscopic bank-and-pitch indicator until July 1, 1980. *Granted 10/2/79.*
19605	Albuquerque International Balloon Fiesta, Inc	14 CFR §§ 61.3 and 91.27	To allow foreign balloon pilots and foreign balloons to participate in the 1979 Albuquerque International Balloon Festival at Albuquerque, New Mexico without complying with the pilot certification and airworthiness requirements of those sections. *Granted 10/2/79.*
19590	Key Airlines	14 CFR § 121.291	To permit petitioner to operate their Convair 440 configured with 50 passenger seats without having to demonstrate a full seating capacity emergency evacuation. *Granted 9/24/79.*
19307	Federal Express Corp	14 CFR Part 121, Appendix E	To permit the petitioner's pilots to meet the requirements for one night takeoff and landing for Initial Trainees during the required operating experience. *Denied 9/28/79.*
19345	Pope Valley Parachute Center	14 CFR § 105.43(a)(1)	To allow foreign nationals to use their equipment at the Pope Valley Parachute Center without complying with the equipment and packing requirements of Section 105.43. *Denied 9/28/79.*

[FR Doc. 79-31798 Filed 10-17-79; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statements; Notice of Intent

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public that a decision has been made to prepare environmental impact statements for highway projects in Orange County, California; San Diego County, California; Great Falls, Montana; Biloxi, Mississippi; Montgomery County, Maryland; Kalamazoo, Michigan; and Fairfax County, Virginia.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500–1508), and the Department of Transportation's procedures for considering environmental impacts (DOT Order 5610.1C), the FHWA hereby gives notice that environmental impact statements (EIS's) will be prepared for the following proposed Federal-aid highway projects:

Orange County, Calif.—City of Irvine

The FHWA in cooperation with the California Department of Transportation (CALTRANS) will be preparing an EIS on a proposal to construct a new interchange (Alton Parkway) on the Santa Ana Freeway (I–5) between I–405 and Route 133, to modify an existing interchange (Irvine Center Drive) on the San Diego Freeway (I–405), and to make related future changes to existing facilities.

Probable environmental effects of the proposed project include induced growth and urbanization, increased traffic on Interstate Routes 5 and 405, the taking of agricultural land, and increased water runoff due to larger pavement area.

Possible alternatives to this proposal include the construction of a new overcrossing at Alton Parkway with no interchange improvements and the "do nothing" alternative.

The FHWA and CALTRANS will coordinate the proposed project with the city of Irvine and consult with other government agencies on their areas of responsibility. These agencies include the Soil Conservation Service, Orange County, State Department of Fish and Game, and U.S. Environmental Protection Agency. A scoping meeting will not be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and other persons interested in submitting comments or questions should contact: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone (916) 440–2804.

Orange County, Calif.—Tustin and Santa Ana

The FHWA in cooperation with the California Department of Transportation (CALTRANS) will be preparing an EIS on a proposal to modify the existing interchange at Interstate Route 5 (Santa Ana Freeway) and State Route 55 (Newport-Costa Mesa Freeway) in the cities of Tustin and Santa Ana. The proposed project would include construction of elevated direct connectors, auxiliary lanes, and sound walls and the relocation of ramps. Also, the project may be coordinated with freeway modifications approaching or leaving the interchange to improve traffic flow.

The proposed project is intended to improve trafic conditions at the interchange by eliminating inadequate facilities. Freeway capacity will probably be increased. The project may require the use of additional land and may have an adverse effect on noise and air quality.

Alternatives under consideration for this project include (1) a complete modification of the interchange with direct connectors provided for all traffic movements, along with freeway and ramp modifications; (2) a lesser version consisting of new connectors for major traffic movements only, along with freeway and ramp modifications; and (3) the "do nothing" alternative.

The FHWA and CALTRANS will consult with other government agencies on their areas of responsibility. The details of the scoping process have not been determined at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and other persons interested in submitting comments or questions should contact: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone (916) 440–2804.

San Diego County, Calif.

The Federal Highway Administration, Department of Transportation, and the Public Buildings Service, General Services Administration, give notice as coordinating agencies that an Environmental Impact Statement will be prepared for: (1) the proposed development of an interim access to a proposed second international border crossing; and (2) the proposed construction of the required Border Station facilities in the county of San Diego, California.

The proposed project is located on lands under the jurisdiction of the city of San Diego and the county of San Diego. The city of San Diego will be the local project director and the local agency responsible for preparation of the joint Environmental Impact Statement/Environmental Impact Report in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code, Section 21000 et. seq.) and the National Environmental Policy Act of 1969 (Section 102(2)(c)).

The primary purpose of construction of a second Border Station at the International Port of Entry in San Diego County is to establish a main commercial inspection station for San Diego which would also have primary and secondary inspection capability for passenger vehicles. The proposed second crossing would further serve to facilitate both commercial and passenger vehicle crossing of the international border by providing an alternative to the existing San Diego Border Station, which requires all traffic to pass through the central business district of Tijuana, B.C. It is anticipated that the existing commercial crossing at Virginia Street, one-half mile west of the existing San Diego Border Station in San Ysidro, will remain open for local commercial traffic, and that the San Diego Border Station will continue as the main crossing for passenger vehicles and pedestrians. Alternative sites to be examined for the second Border Station location include:

(1) Otay Mesa/Mesa De Otay, about eight miles east of the San Diego Border Station, at the junction of Harvest Road and the International Border.

(2) About five miles west of the San Diego Border Station, at a point where traffic may connect directly with the Ensenada Toll Way (Mexican Highway 1–D).

(3) Expansion of the existing Virginia Street commercial crossing. The access alternatives to be examined include:

(1) Improvement of an interim access route to the proposed Otay Mesa/Mesa De Otay border crossing from a point about one mile east of Interstate Highway 805 and terminating on a southerly extension of Harvest Road at the International Border, a total distance of about six miles.

(2) Construction of an access route to the proposed Western or Ocean Border Crossing from Interstate Highway 5 to a point where traffic may connect directly with the Ensenada Toll Way (Mexican Highway 1–D), a total distance of about six miles.

(3) Potential improvement of existing access to the Virginia Street commercial crossing, a total distance of about one mile.

It is anticipated that Phase I construction of the access route to the proposed international border crossing will commence in the summer of 1981. Contingent upon funding, the new Border Staton and associated roadway system could be completed in 1983. The no action alternative for both the Border Station and roadway system will also be examined.

A preliminary scoping document identifying project purpose, alternatives and major issues of concern has been developed by the city of San Diego and county of San Diego, with input from the Federal Highway Administration, General Services Administration and other affected agencies. This document will be made available to responsible agencies and other organizations which might have an interest in the proposed action to solicit their involvement in the scoping process. The Federal Highway Administration and General Services Administration invite participation of agencies and individuals to comment on the scope of this Environmental Impact Statement. Scoping meetings will be held in San Diego and San Ysidro from October 31 through November 1, 1979.

It is anticipated that a Draft Environmental Impact Statement will be available in August 1980. Comments and questions regarding the proposed action, the scoping meetings, and the Environmental Impact Statement should be referred to: C. G. Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809; or Mary E. Brant, Regional Facilities Planner, Operational Planning Staff, GSA–PBS M/S 30A, 525 Market Street, San Francisco, California 92105.

Great Falls, Mont.

The FHWA in cooperation with the Montana Department of Highways will be preparing an EIS on a proposal to construct a south arterial highway in Great Falls, Montana. The proposed action, referred to as the Great Falls South Arterial, would include a structure crossing the Missouri River.

Several alternatives are under study including doing nothing. Additional alternatives include degree of control of access, possible stage construction of only two lanes initially, need for interchanges, etc. The proposed work will develop an appropriate location and right-of-way width for a south arterial that will be compatible with the present and future growth of Great Falls and allow for orderly planning of new subdivisions, utilities, etc.

All affected Federal, State and local agencies and any interested persons are invited to participate in the scoping process for this EIS. A public information meeting was held April 5, 1979, to obtain input from interested agencies and individuals. Also various Federal and State agencies have been contacted regarding the proposed action and have already provided input as to the scope of the EIS.

Based on information collected and comments received to date, the following issues related to the proposed action have been identified and will be addressed in the EIS.

Major Issues

Relocation of residents and businesses
Compatibility with present and future land use
Possible impacts on or taking of park lands
Flood Plain impacts

Minor Issues

Historic (impact on Lewis & Clark Great Falls Portage)
Wetlands
Air quality
Water quality
Highway noise
Rare and endangered species
Visual impacts

Another public involvement meeting to discuss progress to date and to further refine the scope of the proposed EIS will be held in the near future. The date, time, and location of this meeting will be announced through the local news media in Great Falls, Montana, and by direct mail to all agencies that have indicated interest in the project to date. Oral statements regarding the scope of issues to be addressed in the environmental impact statement may be presented at this meeting.

To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

Written statements and requests for additional information should be directed to: William Dunbar, U.S. Department of Transportation, Federal Highway Administration, Federal Office Building, 301 South Park Avenue, Helena, Montana 59601, Telephone (406) 449–5310.

Biloxi, Miss.

The FHWA in cooperation with the Mississippi Highway Department will be preparing an EIS on a proposal to complete Interstate 110 from the existing Chartres Street Interchange south to an interchange with U.S. Highway 90 in Biloxi, Mississippi, a distance of 1.5 miles. Interstate 110 (I–110) is a controlled access, 4-lane spur segment of the Interstate Highway System. The completed facility will connect Interstate 10 (I–10) with the city of Biloxi and U.S. Highway 90, providing access to Biloxi and Keesler Air Force Base. The highway will distribute local traffic to the central business district and Keesler. Regional traffic will be distributed to the beach front areas of U.S. Highway 90.

An existing 2.5-mile segment of I–110 from I–10 south to Chartres Street is completed and open to traffic. The remaining urban segment, which is the subject of this notice, received location and design approval from the FHWA in the early 1970's. Land was acquired for the proposed facility at that time. No EIS was required. Due to changes in design standards and the need to improve previously designed urban highway segments, it is planned to redesign the remainder of this route. It is estimated that this new design will require approximately 10 percent more land. Impacts on the beach area at the interchange of I–110 and U.S. 90 may result from this proposal. A number of alternatives were previously considered. Substantive alternatives to be considered include the "do nothing" or "no build" alternative and the proposed design.

This proposal has an extensive history of coordination with the public, City officials, and State and Federal agencies. The last meeting on this proposal was held on April 3, 1979. It is expected that coordination will continue throughout project development. No additional scoping meetings are planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues

identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Charles Dick, Federal Highway Administration, 666 North Street, Suite 105, Jackson, Mississippi 39202, Telephone (601) 969–4222.

Kalamazoo, Mich.

The FHWA in cooperation with the Michigan Department of State Highways and Transportation and the city of Kalamazoo will be preparing an EIS for the consolidation of the railroad corridors in the city of Kalamazoo. This proposed improvement will include a grade separation at the intersection of existing Michigan Avenue and Kalamazoo Avenue, which are both on the Federal-aid highway system. Other related Federal-aid highway improvements will include the removal of a number of existing at-grade railroad crossings on other city streets where the existing railroad corridor is abandoned and improvements to those crossings where the railroads are consolidated in another corridor.

It is anticipated that by consolidating the rail corridors into a more efficient arrangement, the citizens of Kalamazoo would benefit from fewer rail/auto conflicts, develop a more cohesive community and expand the commercial/industrial base in a logical manner. The proposed improvements to the at-grade crossings and grade separation in conjunction with the proposed railroad consolidation are expected to reduce the potential for accidents at rail/street crossings and improve traffic circulation and reduce delays in the Kalamazoo Central Business District.

Alternatives to the grade separation being considered are the "do nothing" alternative and an underpass or overpass with or without service roads. These alternatives will have varying effects on the need for land, commercial and residential relocations, and connections to or reconstruction of the existing street system.

A scoping meeting was held in the city of Kalamazoo on Tuesday, October 2, 1979, for all interested Federal State and local agencies. The purpose of the meeting was to involve review agencies and other interested parties early in the project study in a working session to identify central project issues as well as issues of lesser importance to be addressed in the EIS.

At this time no other Federal agencies have been identified as having an interest in the project to be designated a cooperating agency. The Michigan Department of Transportation is a State cooperating agency. No local agencies have requested to be a cooperating agency. Agencies having such an interest may request such designation to assist in the preparation of the environmental document. The FHWA and city of Kalamazoo are considered the joint lead agencies for this action. A summary of the scoping meeting will be included in the draft EIS when circulated.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact:

Mr. R. H. Jones, Staff Specialist for Environment; or Mr. K. L. Barkema, District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, MI 48901.

Ms. Sheryl L. Sculley, Railroad Consolidation Project Manager, Assistant to the City Manager, 241 W. South Street, Kalamazoo, MI. 49007.

Montgomery County, Md.

The FHWA in cooperation with the Maryland State Highway Administration will be preparing an EIS on a proposal to widen Layhill Road (Maryland Route 182) from Georgia Avenue (Maryland Route 97) to Argyle Club Road in Montgomery County, Maryland. The proposed action would address the safety and adequacy of the existing two-lane road. Possible alternative improvements would include upgrading Route 182 to a four-lane highway with traffic signals and bike lanes. The total length of the proposed project is 2.7 miles. Major design features would include access to the proposed Glenmont Metro Station which is planned for construction between Georgia Avenue and Glenallen Road.

A number of parks and recreation facilities lie in close proximity to Maryland Route 182. They range from small neighborhood playgrounds to large regional parks, both public and private. Twelve historic sites have been identified in close proximity to Maryland Route 182 between Norbeck Road and Georgia Avenue. The corridor also has the potential for a minimal involvement with the 100-year floodplain. There are no wetlands affected by the proposed action.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. No formal scoping meetings will be held on this proposed action. Agencies, organizations, and individuals who wish to be involved as the study develops should contact:

Mr. Hal Kassoff, Director, Office of Planning and Preliminary Engineering, Maryland State Highway Administration, 300 West Preston Street, Baltimore, Maryland 21201.

The FHWA contact for this project is: Mr. Roy D. Gingrich, District Engineer, The Rotunda, Suite 220, 711 West 40th Street, Baltimore, Maryland 21211, Telephone (301) 962–4011.

Fairfax County, Va.

The FHWA In cooperation with the Virginia Department of Highways and Transportation will be preparing an EIS on a proposal to construct a bypass highway (Springfield Bypass) in Fairfax County, Virginia. The proposed Springfield Bypass would extend from U.S. Route 1 (south of Alexandria) to Virginia Route 7 (in the vicinity north of Herndon and Reston) for a distance of approximately 30 miles.

The proposed project is intended to achieve the following goals: (a) improve the circulation of traffic in the present Springfield interchange area with I–95, (b) provide a connection to the proposed Franconia Metro Station, and (c) improve cross county transportation. The proposed environmental study includes the analysis of four types of alternatives to meet the transportation requirements along the project corridor: no build; improve existing facilities; mass transit alternative; and several alternative highway location routes within the corridor.

The FHWA and the Virginia Department of Highways and Transportation will follow current procedures for contacting other government agencies. There are currently no plans to hold a formal scoping meeting on this proposal.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues indentified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Robert B. Welton, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240. Telephone, (804) 782–2805.

Issued on October 10, 1979.

Karl S. Bowers,

Federal Highway Administrator.

[FR Doc. 79–31944 Filed 10–17–79; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Biomechanics Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. I), notice is hereby given of a meeting of the Biomechanics Advisory Committee to be held on November 7 and 8, 1979, in Department of Transportation Headquarters Building, 400 Seventh Street, SW, Washington, DC.

On November 7 the Committee will meet in room 3328 and on November 8 the Committee will meet in room 8348. Meetings will start at 9:00 a.m. on both days. The agenda will consist of the following:

(1) Review of last meeting of Biomechanics Advisory Committee; 2) Review of changes to NHTSA Order 700–1, "Protection of the Rights and Welfare of Human Subjects Involved in NHTSA-Sponsored Experiments," and NHTSA Order 700–2, "Biomechanics Advisory Committee"; 3) Summary and discussion of projects reviewed by the Human Use Review Committee; and 4) Review of selected research projects being considered by NHTSA.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, SW, Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, DC on: October 12, 1979.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 79-32167 Filed 10-17-79; 8:45 am]

BILLING Code 4910-59-M

[Docket No. IP 79-13, Notice 1]

Fiat Motors of North America, Inc.; Receipt of Petition for Determination of Inconsequential Defect

Fiat Motors of North America, Inc. has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (the Act) (15 U.S.C. 1381 *et seq.*) for an apparent safety-related defect involving the susceptibility of critical components to weakening and failure due to rust or corrosion. The basis of Fiat's petition is that the defect is inconsequential as it related to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417).

On August 22, 1979, the NHTSA informed Fiat pursuant to section 152(a) of the Act (15 U.S.C. 1412(a) that it was reinstating its initial determination of January 16, 1979, that Fiat model 124 for model years 1970–1974 contains a safety-related defect resulting from a susceptibility to failure from rust and corrosion. The NHTSA further informed Fiat that a public processing on this matter was scheduled for September 26, 1979 (44 FR 50945). That hearing was rescheduled and held October 3, 1979 (44 FR 56420). Within 30 days of receipt of the August 22 notice, Fiat filed a petition for inconsequentiality under 49 CFR 556.4(c).

The NHTSA reinstated its initial determination on the model 124 in response to a large number of consumer complaints. The model 124 determination has been suspended by the NHTSA following an agreement between the agency and Fiat wherein Fiat would recall the 1970–1971 model 850 and the agency would suspend its earlier model 124 defect determination. Fiat has assured the agency that the problem was concentrated among the 1970–1971 model 850 vehicles. The NHTSA's investigation indicates that the underbody assemblies of the model 124 vehicles are subject to weakening and failure of critical structural components which can result in accidents, injuries, deaths, and property damage. Fiat's petition challenges the NHTSA's finding, stating that no collisions, accidents, or injuries have resulted from failure of components due to weakening caused by corrosion. Further, Fiat claims that: "each owner of a Subject Vehicle knows or, with the exercise of due diligence, should know of the existence of the alleged 'defect' in his/her vehicle."

Because there has been a previous opportunity for public comment on the issue of inconsequentiality during the comment period established in the agency's notice of March 8, 1979, 44 FR 127793, the comment period on this petition will be 15 days. The March 8 notice was issued in connection with a petition for inconsequentiality filed by Fiat for the model 124 when the January 16 initial determination was originally pending. No further action was taken on the earlier petition after the NHTSA and Fiat reached an agreement to suspend the model 124 investigation and to recall the 1970–1971 model 850.

In addition, opportunity for the public comment on the safety relationship of the apparent defect was afforded at the October 3 hearing. The hearing involved the issue of whether or not a defect which related to motor vehicle safety existed in the model 124 vehicles. Notice of the hearing was published in the **Federal Register** and interested persons were invited to submit data, views and arguments both orally and in writing (44 FR 56920). The petition of inconsequentiality was made a part of the record at the hearing. The manufacturer and other interested persons were given a two-week extension following the hearing to submit any additional comments on the hearing's issues.

Interested persons are invited to submit written data, views, and arguments on the Fiat petition described above to the Office of Defects Investigation, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comment received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date November 2, 1979.

(Sec. 102, Pub. L. 93–493, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on October 17, 1979.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 79-32451 Filed 10-17-79; 12:13 pm]

BILLING CODE 4910-59-M

[Docket No. IP78-1; Notice 3]

The Goodyear Tire & Rubber Co.; Final Notice on Petition for Determination of Inconsequential Noncompliance

This notice announces that Goodyear Tire & Rubber Company intends to bring certain passenger car tires into compliance with Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires*, thus mooting its petition that a noncompliance with the standard be deemed inconsequential as it relates to motor vehicle safety.

On April 17, 1978, notice was published in the **Federal Register** (43 FR 16234) that Goodyear had petitioned that a labeling error on 2600 tires intended as original equipment on Chevrolet Corvettes be judged to have an inconsequential effect upon safety. Each tire was labeled as having five plies including one nylon cord, when, in reality, there was no nylon cord ply and only four plies. Although the tire met all performance requirements of Standard No. 109 and no comments were received on the petition, the agency announced on August 18, 1979 (44 FR 48022) that it considered the primary issue in the case to be one of the adequacy of labeling information rather than one of safety. Accordingly, Goodyear was offered the option of affixing a label to each tire pointing out the error (in which event Goodyear's petition would be granted), or of buffing off the incorrect description, thereby achieving compliance with Standard No. 109. The agency also announced that it would issue a final notice of disposition when Goodyear had informed it of a decision.

On September 4, 1979, Goodyear wrote the agency that it had decided to buff off the incorrect description on the sidewall and restamping the "5" with a "4" thus bringing the tires into compliance. The petition for a determination of inconsequentiality is now moot and the docket is closed.

(Sec. 102, Pub. L. 93–492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 9, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc 79–31834 Filed 10–17–79; 8:45 am]

BILLING CODE 4910–59–M

Wagner Electric Corp.; Denial of Petition for Rulemaking

This notice sets forth the reasons of the National Highway Traffic Safety Administration (NHTSA) for denying a petition by Wagner Electric Corporation to amend Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, to allow an alternative headlighting system. The agency is publishing this notice in accordance with section 124(d) of the National Traffic and Motor Vehicle Safety Act, (15 U.S.C. 1410) which provides that the agency must grant or deny rulemaking petitions within 120 days and publish the reasons for any denials in the **Federal Register.**

Wagner Electric Corporation has petitioned to amend paragraph S4.1.1.21 of Standard No. 108 to incorporate a two lamp headlamp system that it has been developing. The lamps are rectangular in shape and possesses the photometric equivalent of today's larger two lamp rectangular headlamp system while the dimensions of the lamps are identical with those found in the four-lamp headlamp system. The agency denied the petition on the basis that it would lead to a further proliferation of headlamp types creating possible difficulties in obtaining replacements, while providing no safety benefit not otherwise obtainable through use of current headlighting systems.

Wagner's petition did raise the possibility, however, that use of smaller headlamp systems could contribute to improved fuel economy through reduction in weight and a more efficient aerodynamic vehicle design. The NHTSA is interested in exploring this possibility further and intends to issue an ANPRM before the end of the year soliciting comments on alternative headlighting systems, photometrics of such systems and market proliferation. Wagner's petition will be considered as a comment in that rulemaking action.

(Sec. 103, 119 Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1410a); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on October 9, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79–31773 Filed 10–17–79; 8:45 am]

BILLING CODE 4910–59–M

WATER RESOURCES COUNCIL

Establish of Performance Review Board Senior Executive Service

AGENCY: U.S. Water Resources Council.

SUBJECT: Notice of Establishment of Performance Review Board, Senior Executive Service.

ACTION: Notice.

DATE EFFECTIVE: October 12, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Phyllis A. Smith, Director, Management Services Division, U.S. Water Resources Council, 2120 L Street, N.W., Washington, DC 20037, Phone: (202) 254–6448.

Pursuant to the Civil Service Reform Act, (4134)(c)(4) requires the appointment of Performance Review Board members be published in the **Federal Register.**

The following persons will serve on the Performance Review Board, which overseas the utilization and evaluation of the U.S. Water Resources Council's Senior Executive Service:

Performance Review Board

Gerald D. Seinwill, Chair and Executive Secretary, Lewis D. Walker and Richard N. Vannoy

Dated: October 12, 1979.

Leo M. Eisel,

Director.

[FR Doc. 79–32141 Filed 10–17–79; 8:45 am]

BILLING CODE 8410–01–M

VETERANS ADMINISTRATION

Clinical Addition; VAMC, Tucson, Ariz.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a Clinical Addition at the Veterans Administration Medical Center (VAMC), Tucson, Arizona.

The project proposes construction of a two story addition of 80–85,000 square feet adjacent and connected to buildings Nos. 2 and 38, renovation of space vacated in buildings Nos. 2, 30, and 38 and construction of a 70 space parking area. Services to be located in the new construction include supply processing and distribution, prosthetics, dental, surgery, surgical intensive care unit, hemodialysis and radiology.

Development of the project will have minimal impacts on the human and natural environment as it affects soil stability, erosion and vegetation. In addition, construction noise, dust, fumes and visual impacts will exist during the construction phase. The addition must also be compatible with the surrounding architectural style.

Mitigation of the project impacts include: erosion and sedimentation control, onsite noise abatement measures, dust and fume emission controls, use of compatible architectural materials, and building emissions design and operation in accordance with applicable Federal, State and local air quality standards.

Findings conclude the proposed action will not cause a significant effect on the physical and human environment and, therefore, does not require preparation of an Environmental Impact Statement. The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of

the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: October 12, 1979.

By direction of the Administrator:

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79–32127 Filed 10–17–79; 8:45am]

BILLING CODE 8320–01–M

Development of 15 Acres; Houston National Cemetery, Houston, Tex.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts of the 15 Acre Development at the Houston National Cemetery, Houston, Texas.

The 15 acre development will include access roadways, landscaping, fencing, irrigation and development of 9,000 gravesites. This action will allow the cemetery to remain open until 1990, an additional 8.6 years past the current closing date.

Development of the project will have impacts on the human and natural environment as it affects soil stability, water drainage, erosion, vehicular circulation, vegetation and noise levels. During the construction phase, additional noise, fumes, odors, sedimentation, traffic and visual impacts will exist. Mitigating actions include implementation of thorough erosion and sedimentation controls, onsite noise abatement techniques, landscaping, dust and fume emission controls and compatible open space design.

A "Finding of No Significant Impact" was concluded based on the information presented in this assessment. The project development will not cause significant adverse effects on the human and physical environments

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420 (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: October 11, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79–32124 Filed 10–17–79; 8:45 am]

BILLING CODE 8320–01–M

120-Bed Nursing Home Care Unit; VAMC, Temple, Tex.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a 120-Bed Nursing Home Care Unit at the Veterans Administration Medical Center (VAMC) Temple, Texas.

The project proposes to contruct a 120-Bed Nursing Home Care Unit on the site at building no. 3. This building will be demolished as part of the overall project action. The new construction will have a one-story 120-Bed NHCU of approximately 52,000 gross square feet.

Development of the proposed project will have impacts on the environment as they affect existing vegetation, soil stability and noise levels.

The mitigation of the project impacts on the environment include implementation of erosion and sedimentation controls, onsite noise abatement measures and building emissions design in accordance with Federal, state, local air quality standards. Short term impacts of dust and fumes associated with the project construction phase will be minimized by control measures outlined in construction contract documents.

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: October 11, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79–32125 Filed 10–17–79; 8:45 am]

BILLING CODE 8320–01–M

New Clinical Building; VAMC, Lincoln, Nebr.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a New Clinical Building at the Veterans Administration Center (VAMC), Lincoln, Nebraska.

The project proposes construction of a two-story clinical building between buildings Nos. 1, 2 and 3. The proposed structure will provide approximately 25,500 gross square feet for the relocation of ambulatory care, pharmacy and supply processing and distribution. Vacated space in the existing buildings will be used for the expansion of radiology, laboratory and surgery.

Development of the project will have minimal impacts on the human and natural environment as it affects topography and erosion. In addition, temporary impacts from construction noise, dust and fumes will occur. The historic character of the station will be somewhat affected.

Mitigation of the project impacts include: soil erosion and sedimentation control, noise abatement measures and control of construction dust and fumes. The building design will be developed to achieve compatibility between the existing architecture and the proposed structure. The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202–389–2526). Questions or requests for single copies

of the Environmental Assessment may be addressed to the above office.

Dated: October 12, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-32127 Filed 10-17-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241, Rule 19, 71st Rev. Exemption No. 90]

Aberdeen & Rockfish Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator
Reporting Marks: AA
Apalachicola Northern Railroad Company
Reporting Marks: AN
Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Berlin Mills Railway Inc.
Reporting Marks: BMS
Cadiz Railroad Company
Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company
Reporting Marks: CPLT
City of Prineville
Reporting Marks: COP
The Clarendon and Pittsford Railroad Company
Reporting Marks: CLP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Delta Valley & Southern Railway Company
Reporting Marks: DVS
Duluth, Missabe and Iron Range Railway Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Galveston Wharves
Reporting Marks: GWF
Genessee and Wyoming Railway Company
Reporting Marks: GNWR
Greenville and Northern Railway Company
Reporting Marks: GRN
The Hutchinson and Northern Railway Company
Reporting Marks: HN
Helena Southwestern Railroad Company
Reporting Marks: HSW
Illinois Terminal Railroad Company
Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc. D/B/A The Hoosier Connection
Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad Company
Reporting Marks: LEF
Lake Superior & Ishpeming Railroad Company
Reporting Marks: LSI
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Longview, Portland & Northern Railway Company
Reporting Marks: LPN
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Delaware Railroad Company
Reporting Marks: MDDE
Middletown and New Jersey Railway Company, Inc.
Reporting Marks: MNJ
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT-BKTY
Moscow, Camden & San Augustine Railroad
Reporting Marks: MCSA
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company
Reporting Marks: NYSW
Octararo Railway, Inc.
Reporting Marks: OCTR
Oregon & Northwestern Railroad Co.
Reporting Marks: ONW
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Port Huron and Detroit Railroad Company
Reporting Marks: PHD
Port of Tillamook Bay Railroad
Reporting Marks: POTB
Providence And Worcester Company
Reporting Marks: PW
Raritan River Rail Road Company
Reporting Marks: RR
Sacramento Northern Railway
Reporting Marks: SN
St. Lawrence Railroad
Reporting Marks: NSL
*St. Louis Southwestern Railway Company
Reporting Marks: SSW
St. Marys Railroad Company
Reporting Marks: SM
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
Southern Pacific Transportation Company
Reporting Marks: SP
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
Tidewater Southern Railway Company
Reporting Marks: TS
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
Union Railroad of Oregon
Reporting Marks: UO
Vermont Railway, Inc.
Reporting Marks: VTR
Virginia & Maryland Railroad
Reporting Marks: VAMD
Wabash Valley Railroad Company
Reporting Marks: WVRC
WCTU Railway Company
Reporting Marks: WCTR
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

Effective October 1, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 27, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-32091 Filed 10-17-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-23840 appearing at page 45527 in the issue for Thursday, August 2, 1979, on page 45536, in the second column, in the third paragraph, with the heading "MC 103798 (Sub-32F)", application of "Martin Transport, Ltd., in the 18th line, "NM" should read "MN".

BILLING CODE 1505-01-M

*Addition.

Sunshine Act Meetings

Federal Register
Vol. 44, No. 203
Thursday, October 18, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

[M-252, Amdt. 4; Oct. 15, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the October 16, 1979, meeting.

TIME AND DATE: 9:30 a.m., October 16, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 7a. Docket 36618; Delta's petition for review of staff action requiring submission of fuel purchase invoices and United's motion for exemption from public disclosure. (Memo 9213, 9213–A, BDA, OEA, BCP, OG)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Item 7a involves a request by staff for fuel-cost related information which is not being honored by all carriers. Staff believes that further delay in reviewing the information would be undesirable. Action by the Board on this item should facilitate receipt of this urgently needed information. Accordingly, the following Members have voted that Item 7a be added to the October 16, 1979 agenda and that no earlier announcement was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S–2039–79 Filed 10–16–79; 3:33 pm]

BILLING CODE 6320–01–M

2

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, October 22, 1979; 1 p.m. to 5 p.m.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to public.

MATTTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of last meeting.
III. Staff Director's report:
A. Status of funds.
B. Personal report.
C. Office Directors' reports.
D. Correspondence:
1. Letter from OMB on Alabama Committee report.
2. Letters and responses to members of Congress re study of Congressional exemption from Federal EEO laws and provisions.
E. Commission Calendar for FY 1980.
IV. Memo re Congressional exemption from Federal EEO laws.
V. Report on civil rights developments in Mid-Atlantic region.
VI. Action re Indiana Advisory Committee report on Fort Wayne school desegregation.
VII. Action re South Carolina Advisory Committee report on municipal services in Mullins.
VIII. Action re North Carolina Advisory Committee report entitled, "Where Mules Outrate Men".
IX. Transmittal of Rocky Mountain Advisory Committee's proceedings on energy resource development.
X. Response to West Virginia Advisory Committee Chairperson McIntyre.
XI. Status report on Census efforts to count Hispanics in 1980.
XII. Action re Title VII and the handicapped.
XIII. Briefing memo on Chicago public school desegregation.
XIV. Status report on religious discrimination enforcement efforts.
XV. Memo re desk monitoring strategy.
XVI. Memo re Affirmative Action monitoring.
XVII. Review of National Immigration report.

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division, (202) 254–6697.

[S–2037–79 Filed 10–16–79; 1:52 pm]

BILLING CODE 6335–01–M

3

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: Thursday, October 25, 1979; 11:30 a.m.

PLACE: Conference Room, 722 Jackson Place, N.W., Washington, D.C. 20006.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Old Business:
2. Report on the Economic Commission for Europe Seminar on Environmental Impact Assessment.
3. Briefing on the Status of Transportation Initiatives Set Forth in the President's Second Environmental Message to Congress.
4. Briefing on the Status of Agencies' NEPA Procedures.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea III (202) 395–4616.

[S–2033 Filed 10–16–79; 10:28 am]

BILLING CODE 3125–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 7:30 p.m. on Friday, October 12, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in American National Bank, Houston, Texas, which was closed by the Comptroller of the Currency as of the close of business at 7:00 p.m. (EDT) on October 12, 1979; (2) accept the bid for the transaction submitted by the newly-chartered American Bank, Houston, Texas; (3) approve a resulting application of American Bank, Houston, Texas, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay deposits made in the closed bank; (4) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (5) appoint a liquidator for such of the assets of the closed bank as were not purchased by American Bank.

The Board reconvened the meeting at 8:35 p.m. to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Livingston State Bank, Livingston, New Jersey, which was

closed by the Commissioner of Banking of the State of New Jersey as of the close of business at 8:00 p.m. (EDT) on October 12, 1979; (2) accept the bid for the transaction submitted by Fidelity Union Trust Company, Newark, New Jersey, a State bank member of the Federal Reserve System; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by Fidelity Union Trust Company.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation, pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matters in a meeting open to public observation.

Dated: October 15, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2034-79 Filed 10-16-79; 11:32 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, October 15, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding rental of storage space for the New York Regional Office.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: October 15, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2035-79 Filed 10-16-79; 11:32 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, October 15, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Issac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding the liquidation of assets acquired by the Corporation from Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico (Case No. 44,092-L).

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(9)(B) and (c)(10)).

Dated: October 15, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2036-79 Filed 10-16-79; 11:32 am]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, October 23, 1979, at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This hearing will be open to the public.

MATTERS TO BE CONSIDERED: Hearing on the proposed regulations for funding of Federal candidate debates (11 CFR Parts 100, 110, and 114).

DATE AND TIME: Tuesday, October 23, 1979, following hearing on candidate debates.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance and Personnel.

DATE AND TIME: Thursday, October 25, 1979, at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory Opinions:
Draft AO 1979-52—Jeffery M. Koopersmith, Director, Committee to Elect Ed Howard.
Draft AO 1979-53—Phyllis M. Sanders, Treasurer, Ownership Campaign.
Draft AO 1979-45—Robert Moore, Executive Director National Republican Senatorial Committee.
1980 elections and related matters.
consultant's report on audit process (continued).
Ernst & Whinney Consultant's Report on Statistical Sampling.
Appropriations and budget.
Pending legislaton.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-2041-79 Filed 10-16-79; 3:41 pm]

BILLING CODE 6715-01-M

8

[USITC SE-79-40]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, November 1, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Pump-top insulated containers (Inv. 337-TA-59)—briefing (in the morning session) and vote (at 2:00 p.m.).
6. Titanium dioxide from Belgium, France, the United Kingdom, and the Federal

Republic of Germany (Inv. AA1921 -206, -207, -208, and -209)—briefing (in the morning session) and vote (at 2:00 p.m.).

7. Copper rod (Inv. 337-TA-52)—briefing (in the morning session) and vote (at 2:00 p.m.).

8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-2038-79 Filed 10-16-79; 1:52 pm]

BILLING Code 7020-02-M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C. 0**PREVIOUSLY ANNOUNCED DATE:** Wednesday October 10, 1979.

CHANGES IN THE MEETING: Rescheduling.

The following items scheduled for consideration at a closed meeting on Tuesday, October 16, 1979, immediately following the 10:00 a.m. open meeting has been rescheduled for Tuesday, October 23, 1979, at 10 a.m.:

Institution of administrative proceeding of an enforcement nature.

Chairman Williams and Commissioners Loomis and Evans determined that Commission business required the above Change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2568.

October 16, 1979.

[S-2040-79 Filed 10-16-79; 3:33 pm]

BILLING CODE 8010-01-M

federal register

Thursday
October 18, 1979

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent Regulatory Program; Petitions To Amend Sediment Control Performance Standards and the Regulations Governing Approved State Programs

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Petition To Amend Sediment Control Performance Standards

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Consideration of petition to amend 30 CFR Chapter VII, Subchapter K, concerning Performance Standards.

SUMMARY: OSM seeks public comment on whether to grant a petition for certain amendments to regulations found in 30 CFR Subchapter K concerning sediment control in surface mining and reclamation operations. If OSM grants the petition, rulemaking will be initiated to consider appropriate amendments to OSM's regulations.

DATES: Comments must be received by November 19, 1979, at the address below by not later than 5:00 p.m. A public hearing will be held on October 30, 1979, and can be extended to October 31, 1979, if necessary. Representatives of OSM will be available to meet with interested persons upon request between October 18, 1979 and November 19, 1979.

ADDRESSES: Written comments must be mailed or hand delivered to Office of Surface Mining, U.S. Department of the Interior, Room 135, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. The public hearing will be held in the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C. 20240. Persons wishing to testify at the hearing should contact the person listed below under "For further information contact". Summaries of meetings with representatives of OSM will be prepared and made available for public review in Room 135 of the Interior South Building.

FOR FURTHER INFORMATION CONTACT: Jose R. del Rio, Civil Engineer, Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; (202) 343–4022.

SUPPLEMENTARY INFORMATION: On March 13, 1979, OSM issued permanent program regulations which include sediment control performance standards in Subchapter K (44 FR 15398, 15400–15401, 15424–15425, and 15426–15428). A petition of September 21, 1979, to amend Subchapter K has been submitted to OSM by the Joint National Coal Association/American Mining Congress (NCA/AMC) Committee on Surface Mining Regulations (a copy of this petition is at Appendix A hereto). The petition seeks to amend certain requirements for sediment control performance standards set forth in 30 CFR Subchapter K. It contends that 30 CFR 816.42(a)(7), 817.42(a)(7), 816.46, and 817.46 should be repealed and reconsidered primarily upon the basis of two new studies done by the engineering firms Skelly and Loy and D'Appolonia. The petition says that the studies show that the effluent limitations imposed on total suspended solids cannot be met during substantial rainstorm events, if the mine operator utilize a sediment pond designed according to OSM's design criteria at 30 CFR 816.46 and 817.46.[1]

OSM notes that the matters covered in the instant petition are related to the U.S. Environmental Protection Agency (EPA) regulations (40 CFR 434) covering the coal industry under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act, 33 U.S.C. 1251 *et seq.* On April 26, 1977, EPA promulgated final regulations establishing effluent limitation guidelines based on best practicable control technology currently available (BPT) for existing sources in the coal mining point source category 42 FR 21380. On January 12, 1979, EPA promulgated standards of performance for new sources (NSPS) within the coal mining category based on the best available demonstrated control technology. 44 FR 2586. Both sets of EPA regulations on numerical effluent limitations for discharges of total suspended solids are similar to those promulgated by OSM at 30 CFR 816.42(a)(7) and 817.42(a)(7).

After having previously revised its catastrophic rainfall exemption for the BPT regulations to conform to the corresponding provision in its NSPS regulations, EPA revised the exemption provision for both the BPT and NSPS rules on July 6, 1979. 44 FR 39391–39392. At that time EPA solicited public comment on what type of final revised rainfall exemption should be adopted at 40 CFR 434. Following the publication of the Skelly and Loy and D'Appolonia reports described above, EPA supplemented its request for comments to include consideration of those reports. 44 FR 47595 (August 14, 1979). On September 25, 1979, EPA extended this public comment period from a deadline of October 1, 1979, to October 19, 1979. 44 FR 55223.

OSM plans to consult with EPA on what actions EPA will take in response to the public comments submitted to EPA, when OSM itself begins review of materials submitted to it in response to the NCA/AMC petition.

Public comment on the NCA/AMC petition may consider the entire OSM administrative record relevant to the question of regulation of sedimentation from coal mining including, but not limited to, the technical and other materials identified in the preamble to 30 CFR 816.41–816.42, 817.41–817.42, 816.45–816.46, 817.45–817.46, the Environmental Impact Statement, the Regulatory Analysis, the petition and its accompanying material, all material referenced by EPA in its **Federal Register** Notice, and comments submitted to EPA by the October 19, 1979 deadline.

OSM hereby requests that comments specifically address the following issues:

1. Whether the EPA and OSM effluent limits for total suspended solids should be revised, and, if so, what alternatives should be considered.

2. Whether OSM's design criteria for sediment ponds should be revised and, if so, what alternatives should be considered.

3. Whether there are relevant differences in the requirements of the Clean Water Act and Surface Mining Control and Reclamation Act that justify the establishment of different regulations for sediment control between EPA and OSM.

In response to the comments, OSM may decide to propose revision to its permanent program regulations. It may also decide to propose revision to its regulations covering sediment control under the initial regulatory program, 30 CFR 715.17 and 717.17. OSM reserves the right to make appropriate modifications of its rules during the public-comment period.

OSM seeks public comment as to whether this petition should be granted in whole or in part. Publication of this petition for public consideration and comment should in no way be construed to affect the effectiveness or enforceability of the existing regulations in Subchapter K.

Public Hearing

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving

[1] The present OSM regulations require that an operator achieve effluent limitations for total suspended solids under 30 CFR 816.42(a)(7) and 817.42(a)(7), unless the operator satisfies the demonstration required by 30 CFR 816.42(b) and 817.42(b).

oral testimony would be helpful and facilitate the job of the court reporter. Submission of written statements to the person identified under "For further information contact," in advance of the hearing date whenever possible, would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person testifying. The administrative record will remain open for receipt of additional written comments until November 19, 1979.

Persons in the audience who have not been scheduled to speak and wish to do so will be heard after the scheduled speakers. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned if they are not present when all scheduled speakers conclude.

The hearing shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:15 p.m.

Public Meetings

Representatives of OSM will be available to meet between October 18, 1979 and November 19, 1979 at the request of members of the public, State representatives, industry officials, labor representatives, and environmental organizations, to receive their advice and recommendations concerning the content of the proposed regulations.

Persons wishing to meet the representatives of OSM during this time period may request to meet with OSM officials at the Washington office. OSM will be available for such meetings from 9:00 a.m. to noon and 1:00 p.m. to 4 p.m., local time, Monday through Friday, excluding holidays, at this location. Summaries of meetings will be prepared and made available for public review in Room 135 of the Interior South Building.

Public Comment Period

The comment period on the petition will extend until November 19, 1979. All written comments must be received at the OSM Headquarters, Department of the Interior, South Building, Room 135, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, by 5:00 p.m., November 19, 1979. Comments received after that hour will not be considered or included in the administrative record on this petition.

OSM cannot ensure that written comments received at or delivered to any location other than specified above will be considered and included in the administrative record on this petition.

Availability of Copies

Copies of the petition published here as Appendix A, and copies of 30 CFR Chapter VII Subchapter K, are available for inspection and may be obtained at the following offices:

OSM Headquarters, Department of the Interior, South Building, Room 135, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; (202) 343–4728.
OSM Region I, First Floor, Thomas Hill Building, 950 Kanawha Boulevard, East Charleston, W. Va. 25301; (304) 342–8125.
OSM Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tenn. 37902; (615) 637–8060.
OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Ind. 46204; (317) 331–2609.
OSM Region IV, 818 Grant Avenue, Scarritt Building, 5th Floor, Kansas City, Mo. 64106; (816) 758–2193.
OSM Region V, Post Office Building, 1823 Stout Street, Denver, Colo. 80202; (303) 837–5511.

Copies of materials in the administrative record (except comments submitted to EPA) are available at OSM's Headquarters office. Comments submitted to EPA are available at EPA's office at 401 M Street, S.W., Washington, D.C. 20460; (202) 426–2726.

Dated: October 15, 1979.

Walter N. Heine,

Director, Office of Surface Mining Reclamation and Enforcement.

Appendix A—Petition of NCA/AMC Committee on Surface Mining Regulations

The purpose of this letter is to petition the Director of OSM, pursuant to Section 201(g) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211(g), to immediately suspend certain hydrologic balance provisions of the permanent program regulations, and to initiate a proceeding for repeal of those regulations. The National Coal Association and the American Mining Congress ("NCA/AMC"), on behalf of themselves and their member companies, hereby petition for suspension and repeal of the effluent limitations for total suspended solids (TSS) in §§ 816.42(a)(7) and 817.42(a)(7), and the design criteria in §§ 816.46 and 817.46 of the permanent program regulations.

As grounds for the Petition, NCA/AMC state that new technical studies conclusively establish that sedimentation ponds built to OSM design criteria cannot meet the effluent limitations for TSS established by the regulations, and cannot be constructed economically or safely in many parts of the country. NCA/AMC hereby petition for an immediate suspension of these regulations in light of the new technical studies, and request the Director to initiate a proceeding to repeal the effluent limitations and design criteria for sedimentation ponds within 90 days.

Section 201(g) of the Act provides that any person may petition the Director of OSM to initiate a proceeding for the repeal of regulations promulgated pursuant to Section 501 of the Act. The Secretary's implementing regulations further provide at 40 CFR 700.12 that a petition shall contain

> a concise statement of facts, technical justification, and law which require . . . repeal of a regulation under the Act and shall indicate whether the petitioner desires a public hearing.

The facts, technical justification, and legal basis for NCA/AMC's petition for repeal are set forth below. NCA/AMC request that notice of its petition be published in the **Federal Register**, that public comments be received, and that a public hearing be held on its petition as provided in § 700.12. The petition must be acted upon within 90 days. In the interim the regulations should be suspended.

Background

NCA/AMC have a grave concern that the hydrologic balance regulations lack a sound policy and legal basis, are economically and practically infeasible, and are environmentally unsound. This petition focuses on only two areas of concern. NCA/AMC have maintained from the time the regulations were proposed that the TSS effluent limitations applicable to the entire area disturbed by mining and reclamation operations could not be met by sedimentation ponds built to OSM design criteria. NCA/AMC also stated in its comments on the proposed regulations that effluent limitations were developed for normal conditions and were never intended to be applied during rainfall. NCA/AMC's comments were either ignored by OSM, or prompted changes which only served to compound the technical problems of the regulations. The technical inadequacies of the regulations have also been set forth in the complaint in *National Coal Association and American Mining Congress* v. *Environmental Protection Agency*, Civ. Action No. 79–2406, a copy of which is attached hereto as Exhibit A.

New Facts and Technical Justification for Repeal of Regulations

EPA has authorized two specific new studies to "assess the feasibility of the current storm provisions in light of the BPT and NSPS requirements governing discharges of total suspended solids (TSS)." 44 FR at 39392 (July 6, 1979). The new studies were commissioned to determine whether effluent limitations could be met by sedimentation ponds during any rainfall event. On August 14, 1979, EPA published a notice that it had received and was making available to the public these new technical reports. 44 FR 47595.

These reports, which NCA/AMC have reviewed, conclusively demonstrate that OSM's effluent limitations cannot be met, even by ponds built specifically to OSM criteria. The first significant study was prepared by Skelly and Loy Consulting Engineers entitled "Evaluation of Performance Capability of Surface Mine Sediment Basins." A copy of this report is attached as Exhibit B. The purpose of the study was to determine the ability of "surface mine sedimentation basins to meet the current effluent limitations for suspended solids." Report at p. iii. The Skelly and Loy report concludes that all sedimentation ponds

studied "were unable to meet the maximum 24-hour TSS limitations during the five-year and ten-year, 24-hour precipitation events." Report at p. 4. The best effluent limitations that could be met by any pond during the design rainfall event was 400 mg/1, and the majority of the ponds discharged effluent above 2,000 mg/1 during 5-year and 10-year storms.[2] Report at p. 24.

The Skelly and Loy report assessed the sediment removal efficiency of 11 ponds at 6 Appalachian coal mines during the hypothetical occurrence of five-year and ten-year, 24-hour storms. All ponds were designed in accordance with design criteria established by OSM. Report at p. 3. Skelly and Loy used computer modeling techniques to evaluate the performance of these representative sediment ponds. A number of assumptions incorporated in the computer model favored the result that ponds could meet effluent limitations. For example, a hypothetical pond location was postulated as close to the disturbed area as possible as a counterpart to each actual location. The ponds were actually located downstream from the mining site where construction was not restricted by severe topographic constraints.

It was also assumed that drainage from above the mining area was diverted around the ponds. The computer model used a "plug-flow" concept that assumed no mixing between plugs and an outflow on a first-in, first-out basis. The ponds were assumed to have no dead storage area, and to exhibit no short circuiting. It was also assumed that the ponds were new or recently cleaned of sediment and thus the full sediment storage volume was available. In other words, "the results represent the pond's performance at its peak sediment removal efficiency." Report at p. 17.

Despite the bias of the model, the results indicated that "none of the sediment ponds (including the hypothetical locations) meets the daily maximum effluent limitations for suspended solids, 70 mg/1" during the five-year and ten-year, 24-hour precipitation events. In fact, the data demonstrated that suspended sediment in the influent was frequently in the 125,000 mg/l to 165,000 mg/l range. No pond met an effluent limitation better than 400 mg/l. The results were orders of magnitude away from the 70/35 TSS effluent limitations imposed by the OSM regulations, and are a dramatic demonstration that ponds cannot meet the effluent limitations during rainfall.

The second major study was prepared by D'Appolonia Consulting Engineers entitled "Evaluation of Sedimentation Pond Design Relative To Capacity and Effluent Discharge." A copy of the report is attached as Exhibit C. The purpose of the D'Appolonia study was "to assess the impact of multiple storm occurrences on the (OSM) design requirements for sedimentation ponds for surface mine facilities." Report at p. 1. Three representative surface mines in northern and southern Appalachian regions were studied. The study evaluated whether the cost to design ponds which would treat sedimentation from a number of small storms would be greater than the cost to design for a 10-year storm for which effluent limitations do not have to be met.

The D'Appolonia study concluded that "[w]hen overflow occurs from a multiple storm event . . . the effluent limitations will not be met." Report at p. 9. The report noted that increasing pond size to retain runoff from multiple storm events is not the solution. As pond size is increased, "large incremental cost increases are anticipated for decreasing increments of protection." The report concluded further:

Without regulations which recognize the probability of extreme events in terms of numerical values, there is no event for which the probability is zero so that a penalty would always be levied for multiple storm events even if a 10-year storm does not occur. This makes interpretation of a design criteria difficult or impractical. (*Id.*)

This study highlights the fact that a series of small storms, the entire runoff from which must be contained in an OSM pond, presents difficulties even greater than those created by a 10-year storm.

These studies demonstrate beyond doubt that the OSM effluent limitations are unsound. They also demonstrate that the OSM design criteria for sedimentation ponds will not achieve the effluent limitations and are technically unsupportable. In addition, NCA/AMC has initiated certain studies to evaluate these reports and their application to the OSM regulations. NCA/AMC intends to submit these studies during the comment period as a supplement to its petition.

Discussion of Legal Authority

There is a long line of authority that establishes that an agency should reconsider its regulations in light of newly discovered evidence. The line of cases begins with *Portland Cement Association* v. *Ruckelshaus*, 486 F. 2d 375 (D.C. Cir. 1973), where the court stated:

In order that rulemaking proceedings to determine standards be conducted in orderly fashion, . . . information that is material to the subject at hand should be disclosed as it becomes available, and comments received, even though subsequent to issuance of the rule—with court authorization where necessary. (486 F. 2d at 394).

The Court of Appeals for the District of Columbia Circuit remanded regulations to an agency with directions to consider amending them in light of new studies in *Environmental Defense Fund, Inc.* v. *Costle*, —— F. 2d ——, 11 ERC 1209, 1215 (D.C. Cir. 1978). Plaintiffs challenged EPA's interim regulations controlling contaminates in drinking water. A new study came to light that brought the Agency's original support for its regulations into question. The court enjoined and remanded the regulations with a direction to EPA to reconsider them

and to advise the court of its determinations—as of the time of the report—as to whether it plans to propose amended interim regulations in light of newly acquired data. (11 ERC at 1215.)

The District Court for the District of Columbia followed these cases during the challenge to OSM's interim program regulations when the court remanded the valley and head-of-hollow fill regulations with instructions to reconsider them in light of a new Skelley and Loy report. *In Re Surface Mining Regulation Litigation*, 456 F. Supp. 1301, 1131 (D.D.C. 1978).

Thus, there is ample legal support for NCA/AMC's request that the hydrology regulations be repealed and reconsidered in light of the new Skelly and Loy and D'Appolonia studies.

Request for Relief

For the foregoing reasons, NCA/AMC request that §§ 816.42(a)(7), 817.42(a)(7), 816.46, and 817.46 be immediately suspended. The regulations should be suspended pending full reconsideration because new evidence clearly demonstrates their technical unsoundness. NCA/AMC request that their petition for repeal be noticed in the **Federal Register** so that public comments may be received and a public hearing held within the statutory 90-day period. On or before the 90th day following receipt of their petition, NCA/AMC request that the regulations be repealed and a rulemaking commenced to develop technically sound and achievable regulations.

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BILLING CODE 4310-05-M

[2] The report follows an earlier Skelly and Loy study prepared for the Buffalo Mining Company entitled "Comparative Analysis of Sediment Pond Design Requirements—Current Practice Versus Federal Interim Regulations" (January 18, 1978). The Comparative Analysis establishes that construction of a sedimentation pond to OSM design requirements at a mine site located in Logan County, West Virginia would be "physically impossible." An excavated type pond would have to be approximately 2,500 feet long, 300 feet wide and 13 feet deep; would result in the disturbance of 77 acres and the "permanent and irreparable alteration of the landscape"; and would cost $16 million. An embankment type pond would have to be 246 feet high; would require more than 5,700,000 cubic yards of material; and would cost $5.7 million.

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30 CFR Chapter VII

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program

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

ACTION: Petition to Amend 30 CFR Part 732.17 Concerning Procedures, Time Schedules and Criteria for an Alteration or Amendment of an Approved State Program.

SUMMARY: OSM seeks public comment on a petition for certain amendments to regulations found in 30 CFR Part 732.17 relating to the procedures, time schedules and criteria for an alteration or amendment of an approved State program. The petition proposes regulation changes that would allow OSM Regional Directors to approve within 60 days State programs amendments in response to any changes in provisions of the Surface Mining Act or any of OSM's regulations.

DATES: Comments must be received by November 19, 1979 at the address below by no later than 5 p.m.

ADDRESSES: Written comments must be mailed to: Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20044; or be hand delivered to: Office of Surface Mining, Room 135, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director for State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–4225.

SUPPLEMENTARY INFORMATION: On March 13, 1979, OSM published final rules setting forth procedures and criteria for approval or disapproval of State program submissions (44 FR 15326). A petition to amend Part 732.17 has been submitted to OSM by Ed Herschler personally and as Governor on behalf of the State of Wyoming. A copy of this petition is appended to this notice as Appendix A. The petition published herein seeks to amend procedures, time schedules and criteria for alteration or amendment of an approved State program set forth in 30 CFR Section 732.17.

The basic position of the petitioner is that existing procedures for amending State programs focus on changes in the Act or regulations which result in more stringent Federal requirements but do not address changes which make the Act or regulations less stringent. When this type of change is contemplated the petitioner believes that the current procedure and time schedule are burdensome, the criteria for approval are of little relevancy, and the authority for approving such changes should rest with the Regional Director. The petitioner states that the present regulations are contrary to the recognition of State primacy in implementing the surface mining reclamation and control program and specifically argues that present regulations violate Section 505(a) of the Surface Mining Control and Reclamation Act of 1977. The petitioner proposes amending § 732.17(g) to address the concerns cited. OSM seeks public comment as to whether the changes requested in this petition should be granted in whole or part.

Public Comment Period

The comment period on the petition will extend until November 19, 1979. All written comments must be received at the addresses given above by 5 p.m. on November 19, 1979. Comments received after that hour will not be considered or included in the administrative record on this petition. The Office cannot insure that written comments received or delivered during the comment period to any other locations than specified above will be considered and included in the administrative record on this petition.

Availability of Copies

In addition to its publication here as Appendix A, copies of the petition and copies of 30 CFR Part 732.17 are available for inspection and may be obtained at the following offices:

OSM Headquarters, Department of the Interior, South Building Room 135, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; (202) 343–4728.
OSM Region I, First Floor, Thomas Hill Building, 950 Kanawha Boulevard, East Charleston, WV 25301; (304) 432–8125.
OSM Region II, 530 Gay Street, S.W., Suite 500, Knoxville, TN 37902; (615) 637–8060.
OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, IN 46204; (317) 269–2609.
OSM Region IV, 818 Grand Avenue, Scarritt Building, 5th Floor Kansas City, MO 64106; 913–758–2193.
OSM Region V, Post Office Building, 1823 Stout Street, Denver, CO 80202; (303) 837–5511.

Dated: October 11, 1979.

Walter N. Heine,

Director, Office of Surface Mining.

Appendix A—U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement

Ed Herschler Personally and on Behalf of the State of Wyoming, Petitioner. Petition To Initiate Rulemaking

Petition

Pursuant to the provisions of 201(g) of the Surface Mining Control and Reclamation Act of 1977 (hereinafter, the Act), 30 U.S.C. Sec. 1201 *et. seq.*, (Supp. 1978) and the requirements of 30 CFR Sec. 700.12, I, Ed Herschler, personally and on behalf of the State of Wyoming, petition the Director of the Office of Surface Mining Reclamation and Enforcement to initiate a proceeding for the amendment of regulations found at 30 CFR Sec. 732.17 related to the procedures, time schedules and criteria for an alteration or "amendment" of an approved State program. This petition summarizes the object of the proposed rulemaking proceeding and provides a reasonable basis on facts and law for amendment of the regulation.

The Proposed Amendment

The proposed amendment would provide in subsection 732.17(g) that if or when any provision of the Act or any regulation promulgated pursuant thereto is repealed or amended, declared invalid or set aside, the Regional Director shall be authorized to approve or disapprove any proposed State program amendment containing analogous changes to State laws or regulations.

(i) The decision shall be made after notice of the proposed amendment is published in the **Federal Register,** all interested persons are provided an opportunity to participate through submission of written comments, and the Regional Director has considered the relevant matter presented. The decision by the Regional Director constitutes the final decision by the Department.

(ii) The criteria for the decision shall be shether the amended State program demonstrates a State law and regulations in accordance with and consistent with the Act and, if necessary, the regulations, as they are written at the time of the decision.

(iii) The Regional Director shall either approve or disapprove the State program amendment within 60 days from the date of its submission and publish that decision and reasons for the decision in the **Federal Register.** The amended State program becomes effective on the date of the publication approving the State program amendment.

Reasons Why This Petition Should Be Granted

1. Congress declared that a primary purpose of the Act was to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Sec. 102(a). The purpose of this nationwide program is to provide for effective and reasonable regulation of surface coal mining operations through a cooperative effort between the States and the Federal Government. Sec. 101(e) and (k).

2. Even though the Act establishes a Federal-State cooperative regulatory effort, it looks to the States to take the lead as the primary governmental entity responsible for implementing the national program. Sec. 101(f). This primacy is obtained through the submission and approval of a State program which demonstrates the State's capability of carrying out the provisions of the Act and meeting its purposes. This demonstration includes the requirements for a State law that is in accordance with the requirements of the Act and State rules and regulations consistent with the regulations issued by the Secretary pursuant to the Act. Sec. 503(a).

3. Even though the Act provides no specific authority for State program amendments, OSM's regulations include a provision addressing actual changes in the approved State program submissions which may affect implementation, administration or enforcement of that program. See 44 FR 14967 (March 13, 1979). This resulted in 30 CFR 732.17 describing State program amendments and the procedures for their approval.

4. Section 732.17 provides that amendments are available so that an approved State program may be adjusted to meet changes in the Act or regulations. However, by the terms of the section and OSM's explanation in the **Register,** it is clear that the section only contemplates changes in the Act or regulations which result in more stringent federal requirements. If this occurs, an approved State program may no longer be adequate. This petition does not address this

occurrence. Rather, it addresses changes which make the Act or regulations less stringent.

5. By the terms of the Section, the procedures, time schedule and criteria for the State program amendment are the same as that for approval of the initial State program submittal. 30 CFR 732.17(f)(2).

6. The procedure and time schedule for a decision on a State program submittal are burdensome. It entails a two-month period for notice and hearing on the completeness of the submittal; a one-month opportunity to make a revised submittal; a three-month period for notice, hearing and substantive review of the contents of the submittal; and a four-month period for notice, hearing and substantive review of any resubmittal. See 30 CFR 732.11, 732.12, and 732.13. With the exception of the completeness determination procedures, this is also the required procedure for State program amendments.

7. The criteria for a decision on the State program are also applicable to State program amendments. However, this has little relevancy to any proposal for changes in State laws or regulations in response to Congress or court-caused deletions of requirements in the Federal law. Section 732.15 by rule establishes nineteen factors for consideration in approving the submittal. This is in contrast to the one criteria proposed by this petition and envisioned by the Act as sufficient for the decision. See Section 503(a).

8. The State program amendment section makes it clear that, with regard to changes in State program authority, an amendment is always required. 30 CFR 732.17(d). This requirement is specifically set out in § 732.17(g), a new section that was not published as proposed rules. The subsection was first published in the Final Environmental Statement (OSM-EIS-1) as part of the preferred alternative final rules in January 1979. I submitted comments on the final EIS to the Secretary on February 15, 1979. None of the comments addressed the issue raised in this petition. Furthermore, from OSM's summary of the comments received on the EIS and the fact that the section was not changed between the release of the EIS and promulgation of the final rules, it appears that the issue which this petition raises has not been considered by the Secretary or the Office.

9. The rules which this petition proposes are necessary. Subsection 732.17(g) provides that any changes to the approved State program are not enforceable by the State until also approved by the Office as part of the state program. Due to the cumbersome procedures and unnecessarily long timetable, Wyoming's legislative and administrative bodies are unjustifiably foreclosed from making rapid changes in the State's laws and regulations in response to changes in the Federal laws or regulations. This is contrary to the spirit of a nationwide program for the reasonable and effective regulation of surface coal mining operations. This is also contrary to the spirit of the Act's recognition of State primacy in implementing the program. However, more importantly, this is contrary to Section 505(a) of the Act which states, "No State law or regulation . . . which may become effective [after the date of enactment of this Act] shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act."

10. Since taking office as Governor of the State of Wyoming I have fought to make Wyoming's environmental quality program the finest in the nation. This program is fully adequate to protect, preserve and enhance the air, land and water resources of the State. I brought my efforts and experience to the national level when I supported federal surface mining legislation which clearly recognized the role of a strong and independent State regulatory authority. From the time of the Act's passage until not I have pursued State primacy over surface coal mining on both Federal and non-Federal lands, including submittal of a State program and a request to continue regulating on Federal lands. Both the Attorney General for the State of Wyoming and I believe that the submittal and request are sufficient to obtain State primacy under the Act. This primacy should not be undercut by procedural burdens and obstacles that restrict a State response to changes initiated on the national level.

11. The amendment proposed by this petition is timely in light of the extensive litigation which is occurring on both the interim and final programs set out in the Act and regulations. In addition, S.B. 1403 brings reality to the issue of amendments to the Surface Mining Act.

12. The amendment proposed by this petition is reasonable. The lesser procedural safeguards which allow for quick implementation by the State of national changes are not of such a nature that the described review may adversely affect the health or safety of the public or cause significant environmental harm to land, air or water resources.

Dated this 19th day of September 1979.

Respectfully submitted,
Ed Herschler,
On behalf of the State of Wyoming.

[FR Doc. 79-32203 Filed 10-17-79; 8:45 am]
BILLING CODE 4310-05-M

federal register

Thursday
October 18, 1979

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

State Permanent Regulatory Program Submissions; Procedures for Approval or Disapproval

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 732

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM proposes amending § 732.12(a)(1) of the final permanent regulatory program regulations as published in the **Federal Register** on March 13, 1979 (44 FR 15323), relating to procedures for approval or disapproval of State permanent regulatory program submissions by the Secretary of the Department of the Interior. The proposed action is to amend § 732.12(a)(1) of Subchapter C, Title VII to delete the requirement to publish the complete text of the State statutes and regulations in the **Federal Register** along with notice announcing the beginning of the public comment period on the substance of the program submission. The action would also require both OSM and the State agency responsible for the program submission to make copies of the complete text of the statutes and regulations available at reasonable cost.

DATES: A public hearing on the proposed amendment will be held on November 21, 1979, at 9:30 a.m. Comments must be received at the address below on or before November 21, 1979, by no later than 5 p.m.

ADDRESS: Written comments must be mailed or hand delivered to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 135, 1951 Constitution Avenue NW., Washington, DC 20240.

HEARING LOCATION: Department of the Interior Auditorium, 18th and C Street NW., Washington, DC

All comments will be available for review at: Office of Surface Mining, U.S. Department of the Interior, South Bldg., Room 135, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, DC 20240, 202–343–4225.

SUPPLEMENTARY INFORMATION: OSM's final permanent regulations (44 FR 15323 *et seq.*, March 13, 1979), require OSM to publish the complete text of State statutes and regulations in the **Federal Register** at the time of publication of a notice announcing a public hearing on a State's proposed program for regulation of surface coal mining and reclamation operations. The requirement for publishing the complete text is in § 732.12(a)(1).

OSM's reason for requiring publication of the full text of proposed State statutes and regulations was to facilitate effective public involvement in the review process. It was thought that such publication would ensure widespread availability to the public of the State statutes and regulations which would form the basis of a proposed State program.

Since the promulgation of the final regulations, OSM has become aware of the overwhelming burden that such a requirement would put on the Government Printing Office (GPO). OSM has also become concerned over the high cost of such publication in comparison to the expected benefits and the misleading effect of publishing proposed State statutes and regulations which may change substantially during State program review.

OSM projects that a complete text of statutes and regulations would amount to 150 or more **Federal Register** pages for each of 25 to 30 State program submissions. OSM's present regulations would require printing the complete text for each State during a short time period. Preparation and actual printing for each State within such short time frame would severely burden both OSM and GPO and may be impossible to accomplish.

In addition, OSM believes that full text publication may lead to confusion in the permanent program. If a State's program is initially disapproved and subsequently revised, the full text of different versions of the provision would be published in the **Federal Register** at different times in the approval process. This might lead to confusion about which publication contained the definitive version of the programs by which the industry and public will be bound after approval.

The amendment being proposed today will allow OSM to accomplish wide dissemination of the complete text of State statutes and regulations without unnecessary expense or confusion to the public. With the amendment OSM proposes to make copies of the State statutes and regulations available to the public, at the reasonable cost, to the fullest extent possible for each State submission. The reasonable cost, which OSM expects to be $10 for most States, is not likely to preclude acquisition by any interested person or group. If $10 is too much for any would-be analyst of the program, he or she can examine these materials at no cost at various State or Federal offices set forth in § 732.12(a)(1).

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14, 43 FR 58292, *et seq.* (December 13, 1978).

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared.

Statement of authorship: The primary author of this document was James Fulton, State Programs Division, Office of Surface Mining.

§ 732.12 [Amended]

Proposed rule: It is proposed that the last sentence of § 732.12(a)(1) would be amended as follows: In addition, the notice in the **Federal Register** shall indicate that copies of the complete text of the State's statutes and regulations are available at reasonable cost at the regional office, at OSM's Washington, D.C. Office and at the central office and each field office of the State agency responsible for the submission.

Dated: October 11, 1979.

Joan M. Davenport,

Assistant Secretary for Energy and Minerals.

[FR Doc. 79-32183 Filed 10-17-79; 8:45 am]

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federal register

Thursday
October 18, 1979

Part IV

Department of Energy

Economic Regulatory Administration

Solar Energy and Renewable Resources Respecting the Federal Standards Under the Public Utility Regulatory Policies Act of 1978; Proposed Voluntary Guideline and Public Hearings

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-79-46]

Voluntary Guideline for Solar Energy and Renewable Resources Respecting the Federal Standards Under the Public Utility Regulatory Policies Act of 1978; Proposed Guideline and Public Hearings

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed voluntary guideline and public hearings.

SUMMARY: On June 20, 1979, the President directed the Department of Energy (DOE) to develop and publish within 120 days a voluntary guideline, applying specifically to solar energy and renewable resources, for the ratemaking and other regulatory policy standards established under Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA). Appendix A to this Notice contains the proposed vuluntary guideline for solar energy and renewable resources. Written comments will be received and two public hearings will be held with respect to the proposed guideline.

DATES: Comments by December 10, 1979. Requests to speak by November 15, 1979, 4:30 p.m. Hearing dates: Washington, D.C. hearing—December 4, 1979, 9:30 a.m.; Kansas City, Missouri hearing—November 29, 1979, 9:30 a.m.

ADDRESSES: All comments addressed to: Department of Energy, Office of Public Hearings Management, Docket No. ERA-R-79-46, 2000 M Street, NW., Room 2313, Washington, D.C. 20461. Requests to speak addressed to: Department of Energy, Office of Public Hearings Management, Docket No. ERA-R-79-46, 2000 M Street, NW., Room 2313, Washington, D.C. 20461, telephone (202) 254-5201. Hearing locations: Washington, D.C. hearing: 2000 M Street, NW., Room 2105, Washington, D.C. 20461; Kansas City, Missouri hearing: 601 East 12th Street, Room 140, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen S. Skjei, Division of Regulatory Assistance, Office of Utility Systems, Economic Regulatory Adminstration, Department of Energy, 2000 M Street, NW., Room 4016D, Washington, D.C. 20461, telephone (202) 254-8209. William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, telephone (202) 634-2170. Mary Ann Masterson, Office of General Counsel, Department of Energy, 20 Massachusetts Avenue, NW., Room 3228, Washington, D.C. 20461, telephone (202) 376-9469.

SUPPLEMENTARY INFORMATION:

I. Background

On June 20, 1979, the President directed DOE to develop and publish within 120 days a voluntary guideline, applying specifically to solar energy and renewable resources, for the 11 standards established in the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*). The 11 standards, specified in detail by sections 111(d) and 113(b) of PURPA, are summarized as follows:

(1) *Cost-of-Service Standard:* Rates to each class of consumers shall be designed to the maximum extent practicable to reflect the costs of providing service to that class;

(2) *Declining Block Rates Standard:* Declining block energy charges that are not cost-based shall be eliminated;

(3) *Time-of-Day Rates Standard:* Time-of-day rates shall be established, if cost-effective, where costs vary by time of day;

(4) *Seasonal Rates Standard:* Seasonal rates shall be established where costs vary by season;

(5) *Interruptible Rates Standard:* Interruptible rates based on the costs of providing interruptible service shall be offered to commercial and industrial customers;

(6) *Load Management Techniques Standard:* Load management techniques shall be offered to consumers where practicable, cost-effective, reliable and useful to the utility for energy or capacity management;

(7) *Master Metering Standard:* Master metering shall be prohibited or restricted for new buildings to the extent necessary to carry out the purposes of Title I of PURPA;

(8) *Automatic Adjustment Clauses Standard:* Automatic adjustment clauses shall not be allowed unless they provide efficiency incentives and are reviewed in a timely manner;

(9) *Consumer Information Standard:* All consumers shall receive a clear and concise explanation of applicable and proposed rate schedules, and annual consumption, upon request;

(10) *Procedures for Termination of Service Standard:* Service shall not be terminated except pursuant to certain enumerated procedures; and

(11) *Advertising Standard:* Political or promotional advertising shall not be charged to ratepayers.

PURPA requires each State regulatory authority, with respect to each utility for which it has ratemaking authority and certain nonregulated electric utilities, to consider the standards within the time frames, procedures and other requirements established by PURPA and to make a specific determination with respect to the implementation or adoption of each standard.

Section 131 of PURPA gives the Secretary of Energy the authority to prescribe voluntary guidelines respecting consideration of the standards. Congress intended that, in formulating these guidelines, the Secretary utilize a procedure involving significant input from concerned persons.

On August 20, 1979, DOE issued a Notice of Intent (44 FR 49998, August 24, 1979) setting forth, among other things, its intentions with respect to the exercise of its authority under PURPA to promulgate voluntary guidelines for the standards. On August 24, 1979, DOE issued a Notice of Inquiry (44 FR 50635, August 29, 1979) to solicit public comments for consideration by DOE in developing a guideline for applying the PURPA standards to solar energy and renewable resources. DOE received and considered 33 written comments in response to the Notice of Inquiry. These comments, DOE's response to them, and the proposed guideline are discussed below.

II. Discussion of Comments and DOE's Response.

The following is a discussion of comments received and DOE's response to these comments. The discussion is organized according to the general areas of concern expressed by the commenters.

A. Definition of Solar Energy and Renewable Resources

The majority of the commenters agreed with DOE's definition of solar energy and renewable resources. A number of them felt, however, that (1) "biomass" might be loosely interpreted to include oil, gas and coal; (2) energy stored in the atmosphere, wave action and ocean currents which appeared to be excluded from the definition should be included; and/or (3) solar energy and renewable resource were not synonomous.

DOE did not intend to have biomass interpreted to include oil, natural gas and coal. The expanse of time needed to regenerate these resources is significant and not comparable to that required for wood and other traditional biomass types. Therefore, oil, natural gas and coal are not considered renewable in the

DOE's sense of the definition. DOE considers energy stored in the atmosphere to be included within the meaning of the proposed definition.

DOE agrees that solar energy and renewable resources are not synonomous. In the proposed guideline, DOE has decided to use the terms "solar energy and renewable resources" to make it clear that the guideline includes both concepts. Furthermore, DOE has restricted the definition to dispersed (on-site) technologies for which solar energy and renewable resource systems provide only a portion of end-use requirements, the remainder being provided through retail purchases of utility generated electricity.

B. Factors To Consider in Cost-of-Service Determination

The majority of commenters felt that the factors considered in the determination of cost of service for customers using solar energy and renewable resource systems should be consistent with the factors considered in cost-of-service determination for other customer classes (basically energy, customer and demand-related costs.) DOE agrees that in determining cost of service, solar energy and renewable resource customers should not be treated differently than other customers. However, the proposed guideline does not identify precise factors to be considered for cost-of-service considerations but addresses more general cost-of-service issues.

C. Treatment of Solar Energy and Renewable Resources as a Separate Tariff Class

Many commenters agreed that if solar energy and renewable resource customers impose costs and demands similar to others in an existing class, then a separate tariff class is not warranted. However, several commenters made the observation that if rates are structured on a time-differentiated basis, there is no need for a separate tariff class. A few commenters insisted that solar energy and renewable resource customers be placed on a separate tariff.

DOE agrees that a separate tariff class for solar energy and renewable resources may be justified under certain circumstances and has structured the guideline accordingly.

D. Factors To Consider in Assessment of Impact of Time-of-Day, Seasonal, Interruptible and Declining Block Rates on Solar Energy and Renewable Resource Customers

Commenters provided both general and specific factors they felt should be considered in assessing the impact of alternative rate designs on solar energy and renewable resources. These factors ranged from customer load shapes and storage capacity to meteorological conditions.

DOE agrees with many of the factors presented by various commenters. However, in most cases the factors raised by commenters were generally applicable and were not specifically related to solar energy and renewable resource systems. In this guideline DOE chose to emphasize the relationship between various rate designs and the use of solar energy and renewable resource systems. For this reason the factors which would be generally applicable in making a PURPA determination on a rate design are not addressed here.

E. Factors To Consider in Assessing Use of Solar Energy and Renewable Resources as Load Management Devices

Commenters suggested several factors which should be considered in assessing the usefulness of solar energy and renewable resources as load management devices.

DOE agrees with some of the factors provided by the commenters and has included them in the guideline. Other factors suggested by commenters were determined to be generally applicable to assessing load management capability, and not specifically related to solar energy and renewable resources. Therefore, these factors are not addressed in this guideline. In the guideline DOE has suggested that a solar energy and renewable resource system, suitably configured, may provide load management benefits consistent with the definition of "load management techniques" in Title I of PURPA. However, DOE cautions that not all solar energy and renewable resource systems can provide useful load management advantages. Whether solar energy and renewable resource systems can act as load management devices should be determined on a case basis.

F. Factors To Consider in Assessing Impact of Master Metering on Solar Energy and Renewable Resources

Some commenters felt that the cost-benefit assessment of master metering in multi-unit dwellings would be the same with solar energy and renewable resource systems as it would without these systems. Others felt that master metering is necessary if energy conservation is to accrue from the use of solar energy and renewable resource devices in multi-unit dwellings.

The proposed guidelines suggests that the master metering standard be evaluated in terms of its benefits and costs with respect to the use of solar energy and renewable resource systems in multi-unit dwellings.

G. Other Comments

Two commenters asserted that DOE lacks authority to issue a guideline applying the 11 PURPA standards to solar energy and renewable resources for the following reasons: (1) A solar energy and renewable resource guideline goes beyond the scope of section 131 of PURPA; (2) the Presidential directive lacks the specificity necessary for the development of a meaningful guideline; and (3) Title I of PURPA does not cover the issue of utility purchase of excess energy from solar energy or renewable resource systems.

Section 131 of PURPA provides that voluntary guidelines prescribed by the Secretary "may not expand the scope or legal effect" of the PURPA standards or establish additional standards. It is DOE's opinion that the proposed guideline does not expand the scope or legal effect of the PURPA standards; neither does the guideline establish additional standards for solar energy and renewable resource systems. The proposed guideline addresses the 11 PURPA standards in the specific context of solar energy and renewable resource use. It does not advocate that solar energy and renewable resource systems be accorded special treatment outside the scope of the PURPA provisions relating to the standards. It is DOE's opinion that the proposed guideline carries out the intent of the Presidential directive, that is, to provide guidance for consideration of the PURPA standards with particular reference to solar energy and renewable resources.

Finally, it should be noted that the proposed guideline does not cover utility purchase of excess energy from solar and renewable resource systems. Section 210 of PURPA and applicable rules promulgated by the Federal Energy Regulatory Commission govern such situations for qualifying cogeneration and small power production facilities.

Several commenters urged DOE to issue general guidelines which provide the flexibility necessary to deal with a relatively new resource system and which give adequate attention to unique, geographic, utility system and energy system characteristics. DOE recognizes this concern and believes that the proposed guideline is general in nature and ensures sufficient flexibility.

III. PURPA Guideline for Solar Energy and Renewable Resources

Appendix A to this Notice contains the proposed guideline. This guideline is intended to provide assistance to State regulatory authorities and nonregulated electric utilities in their consideration of the PURPA standards with respect to the use of solar energy and renewable resources by utility customers.

The guideline sets forth DOE's opinion regarding consideration of the PURPA standards by discussing (1) issues which are pertinent to consideration of the standards with respect to solar energy and renewable resources, and (2) particular factors which should be considered in addressing the issues and making the PURPA determinations. DOE intends to supplement this guideline, as necessary, with technical information manuals and other resource materials which address specific analytical issues that may arise in the consideration of these standards as they affect the introduction and use of solar energy and renewable resource technologies.

The proposed guideline is advisory and contains DOE's opinion on the relationship between consideration of the 11 PURPA standards and the use of solar energy and renewable resources by utility customers. In the proposed guideline, DOE's concern is focused substantively on the following: (1) That utility regulatory and ratemaking policy neither favor nor penalize use of alternative sources of energy by customers, and (2) that consideration of the PURPA standards further the three purposes of Title I of PURPA (that is, conservation of energy supplied by utilities, optimization of the efficient use of facilities and resources by utilities, and equitable rates to consumers).

Following is a brief summary of the proposed guideline for each of the PURPA standards:

Cost of Service. DOE proposes that marginal costing procedures be used in determining cost of service. It is DOE's opinion that marginal cost pricing is consistent with the PURPA goals of efficient use of facilities and resources and conservation of energy. In addition, marginal cost pricing is necessary if rates are, in an economic sense, to be nondiscriminatory and therefore equitable for all customers including solar energy and renewable resource customers.

Rate Design Standards: Declining Block, Time-of-Day, Seasonal and Interruptible. The proposed guideline advocates the development of rate structures which reflect marginal costs to the maximum extent practicable. Depending upon circumstances unique to a utility, these rate structures may include time-of-day rates (where cost-effective), seasonal rates, and interruptible rates.

Load Management Techniques: It is DOE's opinion that, within the context of section 115(c) of PURPA, solar energy and renewable resource systems, suitably configured, may provide load management benefits. Depending on the type of solar energy or renewable resource system used, particularly its storage capacity, a solar energy or renewable resource system may reduce maximum kilowatt demand on the utility. The proposed guideline emphasizes the importance of this effect when a State regulatory authority or nonregulated utility is assessing alternative load management options.

Master Metering. Cost-effective use of solar energy and renewable resource systems in some facilities may not be possible with separate metering, at least for centralized heating and cooling systems. In system instances, master metering in combination with solar energy and renewable resource systems may be appropriate. The proposed guideline recommends that the benefits of and costs associated with the installation of individual meters be carefully weighed against the benefits and costs of master metering combined with solar energy and renewable resource systems.

Automatic Adjustment Clauses. Section 115(e)(1)(A) of PURPA requires that fuel adjustment clauses provide incentives for efficient use of resources, including incentives for economical purchase and use of fuel and electric energy, by a utility. The proposed guideline emphasizes the potential of solar energy and renewable resources as alternatives to the purchase of conventional fuels and sources of power.

Information to Consumers. The proposed guideline points out the importance of consumer knowledge of rate schedules, particularly those pertaining to solar energy and renewable resource customers as a separate class.

Procedures for Termination of Electric Service. Since specific attention to solar energy and renewable resource systems is not necessary when considering this standard, no guideline is proposed.

Advertising. The proposed guideline emphasizes the postive implications of the Residential Conservation Service Program established under the National Energy Conservation Policy Act of 1978 (NECPA), Pub. L. 95–619, 92 Stat. 3206 *et seq.*, for the utilization of solar energy and renewable resource devices by utility customers.

IV. Written Comments and Public Hearing Procedures.

A. Written Comments

The public is invited to participate in this proceeding by submitting to DOE's Economic Regulatory Administration (ERA) information, views or agruments with respect to the proposals set forth in Appendix A to this Notice. Comments should be submitted by 4:30 p.m., e.s.t., December 3, 1979, to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside of the envelope and on documents submitted with the designation: "Proposed Voluntary Guideline for Solar Energy and Renewable Resources, Docket No. ERA–R–79–46." Five copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, GA–152, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Pursuant to the provisions of 10 CFR 1004.11 (44 FR 1908, January 8, 1979), any person submitting information which he or she believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy and 15 copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. Public Hearings

(1) Procedures for request to make oral presentation. The times and places for the hearings are indicated in the "DATES" and "ADDRESSES" sections of this Notice. Any person who has an interest in this proposed guideline or represents a person, group or class of persons that has an interest, may make a written request for an opportunity to speak at the public hearings. Requests to speak must be sent to the address shown in the "ADDRESSES" section and be received by November 15, 1979. The request should include a telephone number where the speaker may be contacted through the day before the hearing.

All persons participating in the hearing will be so notified on or before November 20, 1979, for the Washington,

D.C. and Kansas City, Missouri hearings. Speakers should submit 100 copies of their hearing testimony for distribution at the Washington, D.C. hearing by 4:30 p.m. on December 3, 1979, to the Office of Public Hearings Management, U.S. Department of Energy, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461, and bring 100 copies of their hearing testimony to the Kansas City, Missouri hearing at 8:30 a.m. on November 29, 1979.

(2) Conduct of the hearing. ERA reserves the right to schedule participants' presentations and to establish the procedures governing the conduct of the hearing. ERA may limit the length of each presentation, based on the number of persons requesting to be heard. ERA encourages groups that have similar interests to choose one appropriate spokesperson qualified to represent the views of the group.

ERA will designate officials to preside at the hearings. These will not be judicial-type hearings. Questions may be asked only by those conducting the hearings. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if time permits, to make a rebuttal statement. Rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Questions to be asked at a hearing should be submitted, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearings.

ERA will have transcripts made of the hearings and will retain the entire record of the hearings, including the transcript. The record will be available for inspection at the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585 and the ERA Office of Public Information, Room B-110, 2000 M Street, NW, Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); National Energy Conservation Policy Act of 1978, Pub. L. 95-619, 92 Stat. 3206 *et seq.*; Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*))

Issued in Washington, D.C. on October 12, 1979.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems, Economic Regulatory Administration.

Appendix A—PURPA Guideline No. 1: Solar Energy and Renewable Resources

A. Introduction

The guideline identifies the implications of each of the ratemaking and regulatory policy standards, established by Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA), for the introduction and use of solar energy and renewable resoures within an electric utility's service area. The guideline sets forth the issues and factors the Department of Energy (DOE) considers pertinent to consideration of the PURPA standards as they apply specifically to solar energy and renewable resources. In particular, it addresses the effect that adoption of these standards might have on the utilization of solar energy and renewable resources by utility customers.

B. Coverage of the Guideline

The guideline covers the 11 ratemaking and regulatory policy standards established in PURPA. The guideline does not in any way modify or condition the rules and regulations which have been promulgated by the Federal Energy Regulatory Commission (FERC) under section 133 of PURPA for cost-of-service information or which will be promulgated by the FERC under section 210 of PURPA for small power producers and cogenerators. DOE's Economic Regulatory Administration (ERA) has in the past submitted its opinions on cost-of-service and "buy-back" rates to the FERC and may continue to submit its opinions on section 210 rules in the future. Consequently, this guideline covers neither the sale of electric energy to qualifying facilities nor the purchase of energy from such facilities if the sale and purchase are subject to the provisions of section 210 and any rules promulgated pursuant thereto.

C. Definitions

As used in this guideline, except as otherwise specifically provided—

"Solar energy and renewable resources" means energy received from the sun directly in the form of radiant energy, including photovoltaics, and energy received from the sun indirectly in the form of stored radiant energy in biomass (i.e., wood, vegetation and organic solid wastes), the atmosphere, heated surface waters, the potential and kinetic energy of water elevated via the hydrological cycle, and the kinetic energy of the wind. The term is further restricted to dispersed (on-site) technologies for which solar energy and renewable resource systems provide only a portion of end-use requirements, the remainder being provided through retail purchases of utility generated electricity.

"Class" means, with respect to electric consumers, any group or such consumers who have similar characteristics of electric energy use.

"Electric consumer" means any person, State agency or Federal agency, to which electric energy is sold other than for purposes of resale.

"Electric utility" means any person, State agency, or Federal agency, which sells electric energy.

"Federal agency" means an executive agency (as defined in section 105 of Title 5 of the United States Code).

"Load management technique" means any technique (other than a time-of-day or seasonal rate) to reduce the maximum kilowatt demand on the electric utility, including ripple or radio control mechanisms, and other types of interruptible electric service, energy storage devices, and load-limiting devices.

"Nonregulated electric utility" means any electric utility other than a State regulated electric utility.

"Person" means an individual, partnership, corporation, unincorporated association or any other group organization or entity.

"Rate" means (a) any price, rate, charge, or classification made, demanded, observed, or received with respect to sale of electric energy by an electric utility to an electric consumer, (b) any rule, regulation, or practice respecting any such rate, charge, or classification, and (c) any contract pertaining to the sale of electric energy to an electric consumer.

"Ratemaking authority" means authority to fix, modify, approve, or disapprove rates.

"Rate schedule" means the designation of the rates which an electric utility charges for electric energy.

"Secretary" means the Secretary of Energy.

"State" means and State, the District of Columbia, and Puerto Rico.

"State agency" means a State, political Subdivision thereof, and any agency or instrumentality of either.

"State regulated electric utility" means any electric utility with respect to which a State regulatory authority has ratemaking authority.

"State regulatory authority" means any State agency which has ratemaking authority with respect to the sale of electric energy by any electric utility (other than such State agency), and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority.

D. Table of Contents

1. Cost-of-Service Standard.
2. Rate Design Standards: Declining Block, Time-of-Day, Seasonal, and Interruptible.
3. Load Management Technique Standard.
4. Master Metering Standard.
5. Automatic Adjustment Clauses Standard.
6. Termination-of-Service Standard.
7. Information to Consumers Standard.
8. Advertising Standard.

E. Cost-of-Service Standard

Under section 111(d)(1) of PURPA, the following is established as a Federal standard: rates charged by any electric utility for providing electric service to each class of electric consumers shall be designed, to the maximum extent practicable, to reflect the costs of providing electric service to such class. In addition, section 115(a) of PURPA requires that when a State regulatory authority or nonregulated utility prescribes methods for undertaking cost-of-service studies, it should take into account the extent to which total costs to an electric utility are likely to change if additional capacity is added to meet peak demand relative to base demand and additional kilowatt-hours of electric energy are delivered to electric consumers.

1. Costing procedures. Marginal costing procedures, rather than embedded costing procedures, should be used in determining cost of service for the following reasons:

a. Although Title I of PURPA does not specifically mention marginal costs (nor does it specifically mention accounting methods or embedded costs), DOE interprets section 115(a) as establishing marginal costing principles and requiring that these be taken into account in considering the cost-of-service standard.

b. Marginal costing procedures are more likely to be consistent with the PURPA objectives of coefficient use of facilities and resources and energy conservation than embedded costing procedures. In an economy where resources, and in particular fossil fuels, are scarce, the production of a good or service must be justified by the satisfaction individuals obtain from the consumption of that good or service. Scarce resources should be used to produce a good, only if consumers are willing to pay a price for it which equals or exceeds the value of the resources needed to produce it. If consumers are not willing to pay such a price, scarce resources should not be used to produce that good but should instead be used to produce other goods for which consumers are willing to pay a price equal to the value of the resources used in production.

In order for scarce fuels to be used efficiently, consumers of electricity should face a price which reflects to the maximum extent practicable the real resource cost of producing one more or one less kilowatt-hour or kilowatt. When confronted with such a price consumers can more accurately determine whether they want additional scarce resources to be used to produce more electricity or whether they would prefer that those resources be used to produce other goods. Under average cost pricing consumers' decisions to purchase or not to purchase an additional unit of electricity are frequently not based on adequate information about real resource costs. As a consequence, in any rating period more (if average costs are less than marginal costs) or less (if average costs are more than marginal costs) electricity is consumed than consumers would be willing to pay for if prices reflected marginal costs. As a consequence, scarce resources are not used in that rating period in a manner which will best satisfy consumers' needs.

c. In an economic sense, nondiscriminatory or equitable treatment of both users and nonusers of solar energy and renewable resource systems is more likely to occur if electricity rates for both are based on marginal costs than if rates for both are based on embedded costs. To the extent practicable, marginal costing procedures will result in equal treatment for all customers who impose the same costs (for a kilowatt-hour or a kilowatt of demand) on an electric utility. Customers who impose different levels of cost (for a kilowatt-hour or a kilowatt of demand) will be treated differently but only to the degree indicated by differences in the costs they impose on the utility.

With respect to solar energy and renewable resource systems, rates that reflect marginal cost of service will encourage use of these systems commensurate with the costs of the resources needed to build and operate them, and the costs of alternate approaches to meeting the nation's energy needs. Economic discrimination, whether favorable or unfavorable to solar energy and renewable resource systems, does not occur under marginal cost pricing.

Energy Savings. Solar energy and renewable resource systems will reduce the amount of electric energy consumed by conventional electric end-use devices which they displace in whole or in part. As a consequence, scarce fossil fuels will be conserved. The potential impact of solar energy and renewable resource technologies on customers' demand for electric energy need not, however, delay construction of new nuclear or coal capacity, which would replace existing oil and gas baseload capacity. Replacement of oil and gas baseload capacity should still occur to the extent economically justified.

To determine the savings in scarce fossil fuels that may accrue to the electric utility as a consequence of the use and introduction of solar energy and renewable resource systems, the following should be considered:

a. Local meteorological conditions—how they affect the operation of solar energy and renewable resource systems and thus the utility's load curves;

b. Timing of a utility's peak demand;

c. Storage capacity of solar energy and renewable resource systems;

d. Extent of solar penetration;

e. Reliability of solar energy and renewable resource systems;

f. Utility fuel mix as a function of load range; and

g. Characteristics of the solar energy and renewable resource system load.

F. Rate Design Standards: Declining Block, Time-of-Day, Seasonal, and Interruptible

Section 111(d) (2) through (5) of PURPA establishes Federal standards with respect to declining block rates, time-of-day rates, seasonal rates, and interruptible rates. These standards provide that declining block energy charges that are not cost-based shall be eliminated; time-of-day rates shall be established, if cost-effective, where rates vary by time-of-day; seasonal rates shall be established where costs vary by season; and interruptible rates based on the costs of providing interruptible service shall be offered to commercial and industrial customers.

1. Nondiscriminatory rates. Whether time-of-day, seasonal, interruptible, and declining block rates are discriminatory in an economic sense depends on whether and how well they track marginal costs. Rates that do not reflect marginal costs to the maximum extent

practicable are likely to be discriminatory in an economic sense, whereas, rates that do reflect marginal costs to the maximum extent practicable are likely to be nondiscriminatory in an economic sense.

Two consequences may result from the economic discrimination brought about by rates which do not reflect marginal costs. On the one hand, levels of investment in solar energy and renewable resource systems may be lower and, consequently, savings of oil and gas may be smaller than would result with marginal cost-based rates. That is, fewer customers may invest in solar energy and renewable resource systems and those that do may build systems with smaller energy displacement capability, smaller storage capacity, and more limited control capability for the operation of storage systems than they would under marginal cost-based rates. On the other hand, if rates economically discriminate in favor of solar energy and renewable resource customers, more customers may invest in solar energy and renewable resource systems and may build larger systems than would with marginal cost-based rates. In this situation, many of those who do not invest in solar energy and renewable resource systems will pay higher bills and subsidize the consumption of electricity by those who do invest in these systems.

2. Time-of-day and seasonal rates. When time-of-day and seasonal rates are based on marginal costs, a customer is provided with an incentive to shift consumption from times of high marginal cost (peak period) to times of low marginal cost (offpeak period). Solar energy and renewable resource systems permit a customer to maintain consumption during the peak period and yet avoid the high costs of electical energy. Inclusion of chargeable storage capability in these systems will permit further displacement of onpeak electric consumption (if meteorological conditions affect functioning) and may permit displacement of offpeak consumption.

As provided for in section 115 of PURPA, time-of-day rates are determined to be cost-effective if the long-run benefits to the electric utility and its electric customers are likely to exceed metering and other associated costs. Where metering costs for time-of-day rates are not justified by the benefits, seasonal rates which track marginal costs may be an appropriate alternative. Such rates do not require the installation of meters and may permit nondiscriminatory treatment, in an economic sense, of customers.

3. Interruptible rates. Interruptible rates and-or offpeak storage rates which are based on marginal costs may also be effective rate designs for solar energy and renewable resource systems. These rates provide incentives for solar energy and renewable resource investments and provide a means of limiting the effect high levels of market penetration by these systems may have on utility peak demand. In comparison with other rate designs, interruptible rates may produce lower electric bills for solar energy and renewable resource customers. In addition, they can assure peak period capacity savings from these customers.

4. Revenue related rate adjustments. With rate-of-return regulation, it may not be possible to set prices equal to marginal costs without exceeding or falling short of a utility's allowed revenue level. Under these circumstances adjustments to marginal cost-based rates may be required. These adjustments should be made in a manner which minimizes any losses in the efficient use of resources and facilities. DOE recognizes that the adjustments to be made in any instance will also be influenced by equity considerations; however, the adjustments should be reviewed in terms of their discriminatory consequences, for or against, solar energy and renewable resouce customers.

5. Customer class. For ratemaking purposes, a separate class or classes for solar energy and renewable resource customers should be established if the load curves of and costs to serve these customers vary significantly from the load curves and costs to serve customers in the existing rate class of which solar customers would be a part. In general, the creation of a separate tariff class or modification of an existing one for application to customers using solar energy and renewable resource systems should satisfy the following conditions:

a. The costs of serving the solar group load pattern differs substantially from those imposed by the existing customer classes;

b. There is no reasonably available method of reflecting these cost differences within the existing classes;

c. The solar group is discretely identifiable; and

d. The costs of administration (including separate billing or special metering equipment) are not excessive.

Consistent with these criteria, a separate customer class may be established if solar energy and renewable resource systems possess special characteristics which offer unique opportunities in rate design to promote their use as load management devices. Rates offered to customers in this class should reflect marginal costs of service.

6. Fuel adjustment clauses. To the maximum extent practicable, the fuel cost surcharge imposed under a fuel adjustment clause should be time differentiated on a marginal cost basis. A nontime differentiated surcharge raises offpeak electricity rates proportionately more than onpeak electricity rates. As a consequence, the incorporation of chargeable storage capacity in solar energy and renewable resource systems is discouraged.

G. Load Management Techniques Standard

Under section 111(d)(6) of PURPA, electric utilities are required to offer to customers load management techniques which a State regulatory authority or nonregulated electric utility determines are practicable, cost-effective, reliable, and will provide useful energy or capacity management advantages. A load management technique is cost-effective if it is likely to reduce maximum kilowatt demand and the long-run cost savings to the utility of such reduction are likely to exceed the long-run costs to the utility associated with implementation.

With chargeable storage capacity, solar energy and renewable resource systems may provide substantial load management benefits within the definition provided in section 3(8) of PURPA. Utilities should be encouraged to provide information about the load management implications of solar energy and renewable resource systems. In addition, when a utility is assessing alternative load management options, solar energy and renewable resource systems should be considered in that assessment.

Any evaluation of the load management potential of solar energy and renewable resource systems should address the following:

1. Effect on utility load curve, i.e., predictability of solar energy and renewable resource customer demand;

2. Utility fuel mix by load type;

3. Costs associated with load management potential of solar energy and renewable resource systems;

4. Interface with other load management techniques;

5. Levels of penetration necessary to produce a beneficial impact; and

6. Utility system reliability.

H. Master Metering Standard

Section 115(d) of PURPA requires separate metering for any new building

if there is more than one unit in the building, the occupant controls a portion of the electric energy used in his unit, and with respect to such portion of electric energy, the long-run benefits to the electric consumers in the building exceed the costs of purchasing and installing separate meters in the building.

In requiring that the master metering standard be considered, Congress sought to encourage conservation of energy. Separate metering of individual units provides consumers with information about the direct costs of their consumption and improves their ability to determine how they would like scarce resources to be used. In making determinations on the master metering standard Congress intended that State utility regulatory authorities and nonregulated utilities be guided not only by potential energy savings but also by the cost of purchasing and installing individual meters. Under section 115(d)(3) of PURPA, separate metering for any new building is appropriate if the long-run benefits of the meters exceed the costs of purchase and installation.

However, cost-effective use of solar energy and renewable resource options in some facilities may not be possible with separate metering, at least for centralized heating and cooling systems. In such instances, master metering in combination with solar energy and renewable resource systems may be appropriate. Such a combination might produce greater conservation of energy and scarce fossil fuels than would separate metering without solar energy and renewable resource systems. To address this possibility the following should be included in the consideration of this standard:

1. Scarce fossil fuel savings with master metering and separate metering;
2. The life expectancy of the building;
3. The most likely heating and cooling system alternatives and their characteristics; and
4. The possibility of separate metering for a portion of total electric consumption.

I. Automatic Adjustment Clauses Standard

As specified in sections 113(b)(2) and 115(e) of PURPA, automatic adjustment clauses may not be allowed unless they provide incentives to utilities for economic purchase and use of fuel and electric energy. It must be determined, in an evidentiary hearing at least once every 4 years, that an automatic adjustment clause provides such incentives. In addition, at least every 2 years, the clause must be reviewed to insure maximum economies in those operations and purchases which affect the rates to which the clause applies.

Although the standard is primarily procedural in nature, the intent of Congress was to encourage the efficient use of resources and the economical purchase of fuel and electric energy by an electric utility. Consistent with this intent is a consideration by electric utilities of centralized (nondispersed) solar energy and renewable resource technologies as nonconventional means to generate electricity. Prior demonstration that these technologies were evaluated for their usefulness to the electric utility in conserving scarce fossil fuels should be made a condition of approval of an automatic adjustment clause.

In considering solar energy and renewable resource technologies as nonconventional sources for the generation of electricity, a utility should give specific attention to the following:

1. Alternative possible technologies such as:
   a. Biomass;
   b. Solar thermal;
   c. Wind;
   d. Low head hydro; and
   e. Photovoltaics.
2. Potential savings in scarce fossil fuel.
3. Alternative means of implementation.

J. Information to Consumers Standard

Section 113(b)(3) of PURPA establishes the information to consumers standard which requires each electric utility to transmit information regarding rate schedules to each of its electric consumers in accordance with the requirements of section 115(f) of PURPA.

Under this standard an electric utility should be required to provide information to customers about the implications of its rate structure for the use of solar energy and renewable resource systems. Possible cost savings a customer with these systems may experience under the utility's rate structure should be identified. In addition, any provision that would allow a solar energy or renewable resource customer to take advantage of a special rate structure or require that he be placed on such a rate structure should be explained.

K. Procedures for Termination of Electric Service Standard

Section 113(b)(4) of PURPA establishes the termination of service standard which requires that electric utilities may not terminate electric service to any electric consumer except pursuant to procedures described in section 115(g). Section 115(g) specifies that no electric service to an electric consumer may be terminated without reasonable prior notice. Also, under certain circumstances, electric service may not be terminated during any period when termination of service to an electric consumer would be especially dangerous to health.

Specific attention to solar energy and renewable resource technologies is not necessary when considering this standard.

L. Advertising Standard

Section 113(b)(5) (for electric) of PURPA established the advertising standard which requires that an electric utility may not recover from any person other than the shareholders (or other owners) of such utility any direct or indirect expenditure by such utility for promotional or political advertising. Among those advertising expenses identified in PURPA as appropriate for inclusion in electricity bills are advertising which informs electric consumers how they can conserve energy or reduce peak demand for electric energy, and advertising which promotes the use of energy efficient appliances, equipment or services.

In considering this standard specific attention should be given to the implications for solar energy and renewable resources of the Residential Conservation Service Program established by the National Energy Conservation Policy Act of 1978. This program, which is mandatory for all utilities whose annual retail sales of electricity exceed 750 million kilowatt-hours, requires that covered utilities provide certain types of information about suggested residential energy conservation and renewable resource measures to all residential customers. The suggested measures may include solar domestic hot water systems, active solar space heating systems, combined active solar space heating and solar domestic hot water system and passive solar space heating and cooling systems, depending on the service territory and the customer's residential building type.

The information provided to consumers must include the following:

1. A list of the suggested measures;
2. A reasonable estimate of the savings in energy costs which are likely to result from installation of each suggested measure in a typical residence;
3. An offer by the utility to assist the residential customer by arranging for a loan or by arranging for the installation of suggested measures;
4. The offer of a list of contractors, suppliers and lenders who provide services in the utility's service territory and meet certain minimum requirements.

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Thursday
October 18, 1979

Part V

Department of Health, Education, and Welfare

Human Development Services Office

Administration for Children, Youth, and Families; Revisions to Part II, OHDS Grants Administration Manual

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

Administration for Children, Youth, and Families; Revisions to Part II, OHDS Grants Administration Manual

AGENCY: Office of Human Development Services, DHEW.

ACTION: Notice and Request for Comments.

SUMMARY: The Office of Human Development Services (OHDS) announces revisions to Part II of its Grants Administration Manual dealing with programs administered by the Administration for Children, Youth and Families.

DATE: Comments must be received by November 19, 1979.

ADDRESS: In order to be considered, comments must be addressed to: James Robinson, Director, Head Start Bureau Administration for Children, Youth and Families, 400 6th Street, S.W., Washington, DC. 20201.

FOR FURTHER INFORMATION CONTACT: Howard Ledder (202) 245-2897.

SUPPLEMENTARY INFORMATION: Section 517(d) of the "Headstart, Economic Opportunity, and Community Partnership Act of 1974," as amended, requires publication of all guidelines and instructions in the **Federal Register** to allow Head Start grantees to comment on their provisions prior to the time they become effective. The following revision to Part II of the OHDS Grants Administration Manual is published here to comply with that requirement of the statute.

The revision includes: a. Guidance which distinguishes policies and procedures applicable to a Head Start program (as defined in 45 CFR Part 1301.2) from other activities conducted by grantees administering a Head Start program;

b. Guidance related to the matching requirements for Head Start programs, including the criteria and procedures under which the percentage of Federal financial participation may be increased;

c. Guidance related to delegation of program operations under a Head Start program; and,

d. Guidance related to limitations on costs of development and administration of a Head Start program, including definitions of such costs, method of computation and submission of requests for waiver of the limitation.

(Catalog of Federal Domestic Assistance Nmber 13.600—Administration for Children, Youth and Families—Head Start)

Dated: October 12, 1979.

Herschel Saucier,

Acting Commissioner for Children, Youth and Families.

Approved: October 15, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

Part II—Administration for Children, Youth and Families

Subpart A—Children, Youth and Families—Head Start

Administration for Children, Youth and Families

The policies, procedures and guidelines set forth in this Part apply to grants awarded by the Administration for Children, Youth and Families (ACYF). The Part is further divided into subparts which relate to the individual programs funded by ACYF. These directives relate to specific requirements and provisions included in the various ACYF program regulations or statutes. Therefore, they either supplement or deviate from and take precedence over the administrative policies, procedures and guidelines included in Part I of this Manual. Where an administrative matter is not discussed in the applicable program subpart, the policies contained in Part I shall apply. Therefore, ACYF grantees should be cognizant of both Part I and the applicable ACYF program subpart to have a complete understanding of administrative requirements.

Chapter 1—Application, Review, Award and Amendment of Grants

A. Application Procedures

1. Submission of Applications

a. New and Supplemental Grants

Applications for grants to support new projects may be submitted at any time but generally should be submitted in response to a program announcement published in the **Federal Register.** Applicatons for supplements to existing projects may be submitted at any time.

b. Continuation Grants

Applicaton forms and instructions for grants to continue project support beyond the intitial budget period will be provided to grantees at least six months prior to the beginning date of the next budget period. Applications must be submitted by the grantee at least 90 days prior to the start of the new budget period.

B. Eligibility

1. Head Start Program Grants

Any local public or prviate nonprofit agency is eligible for designation (initial funding) as a Head Start Agency and may apply for funds to provide comprehensive child development services. However, priority will be given to an agency which was receiving funds to operate a Head Start program on January 4, 1975.

2. Other Grant Activities

The eligibility provisions of Chapter 1, Part I of the HDS Grants Administration Manual shall apply to agencies and organizations who may wish to apply for grants to support training and technical assistance or research, demonstration or pilot projects.

C. Project Period System

1. Head Start Programs

Grants to support comprehensive child development services and training and technical assistance by a Head Start agency are awarded for budget periods which are generally twelve (12) months. Ongoing support after the initial funding period is provided in annual non-competitive grants for an indefinite project period. Continuation grants will be awarded based on an approved application which includes a budget for the expenditure of project funds.

2. Other Activities

Training and technical assistance grants awarded to agencies or organizations other than a Head Start agency, and research, demonstration or pilot projects grants, including those to Head Start agencies, are supported for project periods which may be one or more years. The Notice of Grant Awarded will specify the period for which support is intended.

Chapter 2—Cost Sharing, Matching and Payments

A. Matching Requirements for Head Start Programs

1. General Discussion

In accordance with the provisions of 45 CFR Part 1301.20, Federal financial assistance for a Head Start program shall not exceed 80 percent of the approved costs of the project. Specific provisions regarding composition of the non-Federal share, valuation of contributions, and record requirements are included in the "Cost Sharing, Matching and Payment" section of Chapter 2, Part I, of this Manual.

2. Increase in the Federal Share (1301.21)

The Federal share of financial assistance to support a Head Start program may be increased on the basis of a written application, including any supporting evidence, that the Head Start agency has made a reasonable effort to meet its non-Federal share requirement and has been unable to do so, *and* the Head Start agency is located in a county that has a personal per capita income of less than $3,000 per year or that has been involved in a major disaster of such severity that the Head Start program cannot be continued without an increase in the Federal share. Supporting evidence may include copies of correspondence between the Head Start agency and the usual providers of non-Federal share which would otherwise provide cash, space, equipment or services.

An application to have the Federal share increased above 80 percent based on a county income of less than $3,000 per capita shall state:

—The annual per capita personal income of the county as evidenced by an appropriate Federal, State or local government source of income data;

—That because of the level of the annual per capita income of the county the Head Start agency is unable to meet the 20 percent non-Federal share;

—The amount of the non-Federal share the Head Start agency is able to provide; and,

—That a reasonable effort to provide more non-Federal share has been unsuccessful.

An application based upon county annual per capita personal income shall be submitted at the same time as the application for funding or refunding and shall be with respect to the same budget period as the application. Approval shall be only for such budget period.

An application to have the Federal share increased above 80 percent based on the involvement of the county in a major disaster shall state:

—That because of the major disaster the Head Start agency is unable to meet the 20 percent non-Federal share;

—The amount of the non-Federal share the Head Start agency is able to provide; and,

—That a reasonable effort to provide more non-Federal share has been unsuccessful.

An application based on the involvement of the county in a major disaster may be submitted within a reasonable time (generally, 3 months) after the major disaster and shall be for the remainder of the current budget period and all or part of the subsequent budget period if any.

Any application for an increase in the Federal share must include the written concurrence of the Head Start Policy Council, and, where appropriate, the Head Start Policy Committee.

When a Head Start program serves two or more counties, and only one or some of the counties served are eligible for an increase in the Federal share, the Head Start agency may apply for an increase only with respect to those approved costs which relate to the services provided in the eligible counties.

Approval of a request for an increase in the Federal share will be based on a decision by the official who is authorized to award the grant that the community served by the Head Start program has a per capita income of less than $3,000 per year or has been involved in a major disaster and that the community is unable to provide more non-Federal share. The decision to approve or disapprove the request shall be furnished to the applicant in writing and shall include the reasons on which it is based.

The result of an approval to increase the percentage of Federal financial participation will generally be a reduction in the total cost of the program.

3. Allowable Costs

Costs allowable as non-Federal share contributions to Head Start programs are limited to those costs specified in Part I, Chapter 2, of this Manual. Head Start agencies may not use an excess of non-Federal contributions to other Federally assisted projects as matching contributions to Head Start programs.

B. Matching Requirements for Other Activities

Training and technical assistance grants and demonstration and pilot projects are not subject to matching requirements. Research grants are subject to the requirements of Part I, Chapter 2, of this Manual.

Chapter 3—Financial and Administrative Requirements

A. Audits

1. General Discussion

In accordance with the provisions of 45 CFR Part 1301.12, each Head Start grantee shall perform, or cause to have performed, an annual audit of the Head Start program to determine (1) whether the agencies' financial statements are accurate; (2) whether the grantee is complying with the terms and conditions of the grant, including the applicable laws, regulations and directives; and (3) whether appropriate financial and **administrative procedures and controls have been installed and are operating effectively. Head Start grantees shall include their delegate agencies' administration of Head Start programs within their own annual audit. Audit and the report of audit will be performed in conformance with the *Guide for Audits of Head Start Program Grants* and/or such other instructions as may be prescribed. The grantee shall furnish the auditor with copies of appropriate project documents, and all applicable ACYF and HDS directives, including this Manual.**

2. Auditor Selection

Examinations in the form of audits or internal audits of grantee's financial transactions shall be made by individuals who are sufficiently independent of those who authorize the expenditure of project funds to produce unbiased opinions, conclusions or judgements. Generally, if the grantee is a private agency, the service of an independent certified public accountant, or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, shall be secured. If the grantee is a local public agency, or if its accounting records are maintained by a State or local public agency, the auditing official or official governmental auditing agency which customarily conducts the agency's audits may be substituted for an independent auditor, provide that the audit is conducted in compliance with the provision of the Audit Guide and other applicable instructions.

3. Period of Audit

The annual audit shall cover the immediate prior budget period of the Head Start program. A Head Start agency may, however, submit a written request for a different coverage period (e.g., a grantee's fiscal year). The granting office, upon consideration of the request, may provide written approval to the grantee.

4. Submission of Audit Report

The annual audit shall commence after the close of the budget or other approved period in time for the audit to be completed and the audit report to be submitted by the grantee within four months after the close of the budget or other period. The grantee shall transmit seven (7) copies of the annual audit report to the appropriate Regional Audit Director, and two (2) copies of each such report to the Grants and Contracts Management Division, Office of Administrative Management, Office of Human Development Services for grants

awarded by the Central Office, or two (2) copies to the Grants Management and Budget Office in the Regional Offices for grants awarded by the regions.

5. Response to Audit Findings

When requested to do so, grantees shall respond in writing to observations and recommendations in annual audit reports within thirty (30) calendar days from the date the grantee is notified of the findings and recommendations, unless an extension of time is expressly granted. In the response, the grantee may take exception to particular findings and recommendations. The reason for disagreement with any findings should be clearly set out in the response. The response should point out corrections already made and state what action is proposed and the estimated completion date of such action. Although the grantee need not send all documentation supporting corrections unless requested to do so, documentation of actions taken must be available for review during later audits.

The grantee's response and any additional requested information will be considered in determining whether specific expenditures of grant funds or contributions to the non-Federal share should be allowed. In those instances where no adverse findings have been identified, the grantee will be notified that the audit report submitted is acceptable and no further action is required.

6. Audits of Other Activities

Training and technical assistance and research, demonstration and pilot projects are subject to the requirements of Part I, Chapter 3, of this Manual.

7. Appeals

Grantees may appeal determinations to disallow costs resulting from audits in accordance with the appeals procedures set forth in Part I, Chapter 3 of this Manual.

8. Satisfaction of Final Audit Disallowances

Unless the grantee receives written notice granting an extension, all final disallowances shall be satisfied within ninety (90) days of the date on which the disallowance becomes final. Grantees will be instructed in writing how to satisfy final disallowances. Failure by the grantee to satisfy a final disallowance or take corrective action to remedy deficiencies in its accounting system and internal controls, may result in suspension, termination or other remedial action. The United States reserves the right to bring suit or take other appropriate legal action to recover the amounts in question.

B. Accounting System Certification

1. General Discussion

In accordance with the provisions of 45 CFR Part 1301.13, a Head Start agency must comply with the standards for financial management systems set forth in 45 CFR Part 74, Subpart H, in order to receive or continue to receive financial assistance under the Head Start program. In determining whether an applicant can adhere to these standards, the applicant may be requested to submit an accounting system certification. Generally, applicants who have had past experience in administering other Federal grants will not have to further demonstrate that their financial management systems are in compliance. However they may be requested to do so in individual cases.

The accounting system certification states that the applicant and its delegate agencies have established an adequate accounting system with appropriate internal controls to safeguard assets, check the accuracy and reliability of their accounting data, promote operating efficiency and encourage compliance with prescribed management standards set forth in Subpart H of 45 CFR Part 74 and any additional fiscal and accounting requirements established by ACYF and/or HDS.

The certification may be furnished by an independent certified public accountant, an independent State-licensed public accountant, or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to the applicant. A form which serves as an accounting system certification will be furnished to applicants as appropriate.

2. New Applicants

An applicant for an initial Head Start grant shall submit an accounting system certification to the granting office when requested to do so. Applicants who are unable to obtain the certification should forward a statement of explanation to the granting office. The granting office may process the application without the statement where it can reasonably be expected that the statement will be furnished at or before the beginning of the initial budget period (e.g., when a new organization's accounting system is still in the process of development at the time of application). In no event, however, will the grant be awarded until the proper statement has been submitted.

3. On-Going Grantees

Although accounting system certifications are usually required prior to the initial Head Start grant, there may be instances when a new certification will be required from an on-going grantee (for example, when there has been a significant increase in the amount of Head Start funds provided, or annual audits indicate severe fiscal problems). An on-going grantee will be notified in writing if a new certification must be submitted.

4. Delegate Agencies

Prior to a release or commitment of any project funds to a new delegate agency, a grantee must receive from that agency an adequate accounting system certification. This certification must be retained by the grantee and need not be transmitted to the granting office unless requested. Any funds released in violation of the requirement stated in this paragraph may be disallowed as a charge against the project.

C. Insurance Requirements for Head Start Grantees

1. General

In accordance with the requirements of 45 CFR Part 1301.11, private, nonprofit Head Start agencies and their delegate agencies shall be covered by reasonable student accident insurance, liability insurance for accidents on the agencies' premises, and transportation liability insurance. Student accident insurance shall cover medical costs and death benefits for accidents during program hours and periods immediately preceding and following program hours. It shall also cover official activities, such as field trips away from agency premises and at times other than program hours. Liability insurance shall cover the staff and the agency for liability for accidents to children, staff, volunteers, parents and visitors on the agency's premises.

There shall be reasonable transportation liability insurance covering the agency, owners, and drivers of all vehicles utilized for the provision of transportation services in the Head Start program. When the agency provides the vehicle or vehicles, the cost of transportation liability insurance, including collision, is an allowable item of program costs. Only the amount of the costs of transportation liability insurance attributable to use of the vehicles in the Head Start program is an allowable item of program costs.

2. Limitations of Coverage and Selection of Carrier

The amount of liability coverage carried by a private nonprofit Head Start grantee or delegate agency may vary depending upon the number of children served and the types of services provided. Grantees and delegate agencies should avail themselves of the services of an independent insurance agent or broker for advice and assistance in obtaining the proper coverage. Grantees must comply with all applicable State and local insurance requirements.

D. Personnel Administration Standards for Head Start Grantees

Head Start regulations require grantees to establish personnel administration policies and procedures which must be in writing, approved by the Head Start Policy Council or committee, and issued or made available to all grantee and delegate agency employees (45 CFR Part 1301.31). Therefore, Head Start grantees must develop personnel policies which include all the items identified in the Personnel Administration Guidelines section of Chapter 3, Part I of this manual in order to satisfy ACYF regulatory requirements.

Additionally, the following personnel policies are applicable to a Head Start Program:

1. Conflict of Interest

The personnel policies shall contain provisions designed to assure that officers and employees shall not use their positions for a purpose that is, or gives appearance of being motivated by a desire for private gain for themselves or others particularly those with whom they have family, business or other ties.

2. Nepotism

The personnel policies shall prohibit the hiring of any individual if a member of that individual's immediate family is employed in an administrative capacity in the agency or is a member of the governing board. The term "immediate family" means wife, husband, son, daughter, mother, father, brother, sister, or relative by marriage of comparable degree; the term "administrative capacity" means a position having responsibilities relating to the selection, hiring, or supervising of employees.

When a Head Start agency or delegate agency cannot adequately staff positions without hiring such an individual, the grantee may deviate from the policy. However, employment records must provide evidence that no other individual within the service area is qualified and available for employment.

3. Unlawful Activities

Personnel policies shall provide that: no employee shall, in the performance of duties as an employee of a Head Start or delegate agency, plan, initiate, participate in or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, which is in violation of law.

E. Guidelines and Procedures Establishing Wage Comparability

1. General Discussion

Persons employed in carrying out Head Start programs shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to persons providing substantially comparable services, or in excess of the average rate of compensation paid to persons providing substantially comparable services in the area of a person's immediately preceeding employment, whichever is higher or, (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938.

The chief purpose of this provision is to assure that grantee salaries and wages are, in all cases, equitably established and comparable to the local community wage structure and economic circumstances. This provision applies to all full and part-time Head Start employees whose salaries are supported by Head Start program funds.

2. Minimum Wage Requirement

All Head Start grantees and delegate agencies are required to pay employees at least the Federal minimum wage.

3. Comparability Exceptions

a. *Previously Employed in Higher Wage Area*

In some instances an employee may be paid a salary which is higher than the local comparable wage. Certain employees may be paid at the average rate of compensation for persons providing substantially comparable services in the area of the employee's immediately preceding employment. This applies to employees who have been previously employed in a higher wage area than that of the grantee. The purpose of this provision is to make it possible for grantees in low wage areas to employ competent employees from higher wage areas. Grantees should exercise caution in using this standard as a basis for establishing salary comparability. If the employee involved leaves the employ of the grantee or delegate agency, the salary for that position or class of positions will have to be determined anew. Also, excessive use of this basis for determining comparability can result in serious inequities in the overall salary structure.

b. *Experts and Consultants Exceptions*

Experts and consultants who are independent contractors or who work for independent firms and who perform services on an intermittent or occasional basis are not covered by the comparability requirement.

c. *Established Civil Service/Merit Systems*

Some grantees or delegate agencies are part of public or private agencies which apply a civil service or other merit system to Head Start supported employees. In these instances, all positions covered under such civil service or merit systems will be deemed comparable and no extensive organizational review, position analyses, or comparability determinations will be necessary—provided that these employees are filling positions or types of positions in existence before the agency or institution received a Head Start program grant and that the salary scale has not been changed as a result of the Head Start grant.

4. Comparability Determination Procedures

Methods for establishing wage comparability will vary among grantee and delegate agencies, although every grantee and delegate agency should already be utilizing a rational system for determining appropriate salaries and wages. The following are a suggested means for undertaking wage comparability determinations.

a. *Organizational Review.* Review organization plan and job descriptions to insure currency and direct relationship to missions and functions. Position descriptions should accurately portray the nature of jobs and the various positions should be clearly related to each other in a rational pattern. Larger agencies may already be utilizing a well-established job classification system.

b. *"Bench Mark" Job Identifications.* Identify "bench mark" jobs at several levels in the organization for which local comparability can be determined and in relationship to which compensation for other jobs may be set. Obviously, the salary of the Director will generally be a bench mark position in setting salary scales for lower level positions. Grantees are cautioned, however, not to

use the Director's position or any other position as a bench mark if the incumbent's salary is not related to local wages, but rather to the area of his immediately preceding employment. At the low end, employees to be compensated at the minimum wage rate will be bench mark positions.

c. *Local Source Data.* In most communities, several local sources are available for consultation in determining comparability.

(1) *Published Wage Surveys.* The Bureau of Labor Statistics (BLS) publishes survey reports which are particularly valuable in establishing wages for office, maintenance and custodial jobs and should be a prime source for information on these jobs in the major metropolitan areas for which such material is available. When such sources of salary data are used, the grantee should remember that the precise salary figure may not be a prime source for information on these jobs in the major metropolitan areas for which such material is available. When published sources of salary data are used, the grantee should also remember that the precise salary figure may not be an exact guide to the salary which should be paid, since adjustments may be needed because of the experience and skills of the particular employee. A salary generally presents an average rate or range for a number of employees occupying a position; thus the entry rate for that position should generally be set lower, and the rate for an employee with long experience and considerable expertise may be higher.

(2) *Local State Employment Offices.* Local offices of the State Employment Service may have unpublished information on local wage scales.

(3) *Local Government.* Local city or county governments will have data on local public pay scales and may know of local wage surveys not obtainable elsewhere. In most instances, local public pay scales should be used as the standard for rates for teachers.

(4) *Other Local Agencies.* Other local agencies may employ persons in substantially comparable jobs. The grantee may wish to make an informal check with a few agencies which employ persons in positions comparable to those of the grantee. The grantee or delegate agency should not use local agency sources when this information is available from sources (1), (2) or (3) above.

d. *State Government Data.* If local data for some positions is not available from any of the above sources or if the only comparable jobs are in the State government, the grantee should look to Statewide sources. Some State Employment offices will have wage analysts, and State governments through their personnel departments will usually be able to provide the salary schedules for State employees.

e. *National Data.* If the grantee can discover neither local nor State data on a certain position or group of positions after exhausting the above sources, or if persons are required with such unusual skills that the labor area for the skill is nationwide, the grantee may then check national data to verify that the salary planned for that position is reasonable. However, any rate based on national comparability should be adusted to relate to a bench mark position for which local comparability has been established, and this may require an adjustment in accordance with the local cost of living.

f. *Fringe Benefit Consideration.* Adjustments may be indicated if employees in comparable positions are paid fringe benefits which significantly exceed the benefits payable to grantee employees, or if the reverse is true. However, information about fringe benefits paid to employees in comparable jobs may not be readily available and in such cases it will not be required that a detailed comparison be made. If the information is obtainable it should be considered when establishing comparability.

5. Documentation

Grantees and delegate agencies are required to document the methods by which wage comparability was established. Such documentation shall be available in the grantee's files for review by HEW audit and inspection personnel and personnel of the General Accounting Office. The documentation maintained shall include:

(1) The procedure used to review the organization plan and position descriptions;

(2) An explanation of how "bench mark" positions were identified;

(3) An explanation of any procedures used to obtain State, local, or National data on non-bench mark positions and the way in which such positions are related to the bench mark positions; and

(4) Copies of any certifications or back-up information—e.g. a statement by a local survey facility.

F. Labor Standards

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting or decorating, of buildings or other facilities in connection with Head Start projects shall be paid wages at rates no less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 USC 276(a)).

G. Appeals Procedures Under Head Start Programs

1. Expenditures Appeals

A disallowed expenditure, a disapproval of a written request to incur an expenditure or determination of an indirect cost rate may be appealed in accordance with the provisions of 45 CFR Part 16. With respect to an appeal from the determination of an indirect cost rate, the grantee must exhaust the informal appeal procedures outlined in the "Financial and Administrative Requirements" Section in Chapter 3, Part I of this Manual prior to instituting the formal appeal process established by Part 16.

2. Appeals of Termination, Suspension and Denial of Refunding

A decision to suspend, terminate or deny refunding of a Head Start Program may be appealed in accordance with the provisions of 45 CFR Part 1303. A decision to terminate a training or technical assistance project or a research, demonstration or pilot project may be appealed in accordance with the procedures outlined in Part I, Chapter 3, of this Manual.

H. Delegation of Program Operations

Delegations of program operations under a Head Start grant must have specific prior approval by the appropriate granting office. A budget for each delegate agency must be submitted as part of the grant application. Approval of the grant application and budget will constitute HDS approval of the delegation of program operations by the applicant. Such arrangements shall be formalized by written agreement between the grantee and delegate agency and must be on file in the grantee's office.

The written agreement shall specify at a minimum:

—The minimum number of children to be served by the delegate agency

—The location of the center(s)

—The hours of operation and length of the operating year

—Reporting requirements, including format and frequency with which the delegate agency must furnish reports to the grantee

—The amount to be paid by the grantee to the delegate agency and the amount of any non-Federal share contribution expected from the delegate agency

—Any services to be provided by the grantee to the delegate agency

—The program options (as defined in 45 CFR Part 1304, "Program Performance Standards for operation of Head Start Programs by Grantees and Delegate Agencies") which will be implemented by the delegate agency.

The agreement shall also include an assurance clause which commits the delegate agency to conform to all rules applicable to a Head Start Program.

I. Limitation on Costs of Development and Administration of a Head Start Program

1. General Provisions

In accordance with the provisions of 45 CFR Part 1301.32, the costs of developing and administering a Head Start program shall not exceed 15 percent of the total costs of the program, unless the official authorized to award the grant approves a higher percentage for periods not to exceed twelve months. Therefore, without a waiver, no grant in connection with a Head Start program will be awarded which will have the effect of causing development and administrative costs to exceed this limit. An application for a Head Start grant must include an assurance that the costs of development and administration will not exceed 15 percent of the total cost.

2. Definitions

a. Development and Administrative Costs

For purposes of this policy, development and administrative costs are all costs included in an approved Head Start budget for a budget period, which are not directly related to the services and parent involvement components set forth and described in 45 CFR Part 1304, "Program Performance Standards for Operation of Head Start Programs by Grantees and Delegate Agencies." These development and administrative costs include but are not limited to, the costs of overall planning, coordination, and general program direction; accounting and auditing; purchasing; the personnel function and payroll; the costs of bonding and insurance; and the allocated costs of occupying, operating, and maintaining the space utilized for these purposes. In determining the cost of utilities attirbutable to development and administration, 10 percent of the total cost of utilities, or such other percentage as may be shown to reflect the actual costs more accurately, may be used. If the Head Start Director, or any assistant Head Start Director, or any other administrative personnel, is employed part-time in that position, and is employed partly in a position which relates directly to a program function, the costs shall be allocated proportionately between the two positions.

b. Program Costs

For purposes of this policy, program costs include the costs of personnel, space, supplies and other nonpersonnel costs associated directly with programmatic functions. These functions may include the following:

Education

Parent Involvement

Social Service

Health—Medical; Dental; Mental Health; Nutrition

Career Development, CDA, HSST (CAN 20)

Volunteers

In addition, program costs may include:

—That portion of Head Start directors' and/or assistant Head Start directors' time directly associated with a programmatic function;

—Ninety percent of total utility costs. For most grantees, this percentage will be an accurate assessment of utility costs assigned to program costs. For those grantees who have reason to believe that their utility costs are higher, or lower, than ninety percent they may perform an analysis of actual utility costs;

—Those fringe benefits that nonadministrative employees receive;

—Training.

c. Total costs

For purposes of this policy, total costs of a Head Start program are the total of grants covered by the "Notices of Grant Awarded" and the non-Federal share, including the cash value of in-kind contributions, and which are included in an approved budget for a budget period.

3. Procedure

In preparing a budget for initial funding, refunding or for supplemental assistance in connection with a Head Start program, the Head Start agency shall calculate the percentage which development and administration costs bear to the total costs of the program.

If the Head Start agency calculates that its costs of development and administration will not exceed 15 percent of total costs, the application or the grant shall include the following statement in the Part IV Narrative:

"The applicant assures that costs of development and administration will not exceed 15 percent of the total costs of the Head Start Program."

4. Waiver

If the Head Start agency calculates that its costs of development and administration will exceed 15 percent of total costs, the application shall explain the reasons for exceeding the limitation and shall include a request for a waiver. Based on the adequacy of the justification, the official authorized to award the grant may waive the limitation for periods not to exceed twelve months. The waiver will be included as part of the Notice of Grant Awarded.

5. Disallowance of Excessive Costs

If, as a result of a financial review or grant audit, it is determined that the costs of developing and administering the Head Start program exceeded 15 percent of total costs and a waiver has not been granted, the excessive costs shall be disallowed. A Head Start agency may, in accordance with the provision of Section G.1 of this Chapter, appeal a determination that a disallowed cost is an excessive development or administrative cost.

J. Access to Records

Head Start grantees shall provide reasonable public access to information and to the agency's records pertaining to the Head Start program. Grantees shall be guided by the provisions of Part I, Chapter 3 of this Manual in determining restrictions on public access. Grantees should consult with the appropriate ACYF official to resolve questions related to public access.

Chapter 4—Reporting Requirements

A. Reporting Requirements for Head Start Grants

1. Financial Reports

In accordance with the requirements of Subpart I, 45 CFR Part 74 and the "Reporting Requirements" Section of Chapter 4, Part I of this manual, Head Start grantees are required to submit the following financial reports:

a. Financial Status Report

b. Report of Federal Cash Transactions

Each of the above reports must be submitted quarterly. The "Financial Status Report" is due not later than 30 days following the end of the quarter. The "Report of Federal Cash Transactions" is due not later than 15 working days following the end of the quarter.

2. Program Information Reports

Program Information Reports are required to be prepared by Head Start grantees operating full year, part day

and full day Head Start programs. This report is not currently required for parent and child centers, experimental programs, summer programs of training and technical assistance, although it may be required for one or more of these activities in the future. Specific instructions related to frequency of report submission and period of coverage is provided by the Head Start program office.

3. Reimbursements from Other Federal Agencies

Head Start grantees who are reimbursed by other Federal agencies for grant supported activities (e.g. Department of Agriculture payments for nutrition activities) should report such reimbursements in the Remarks section (Item 12) of the "Financial Status Report" citing the amount of funds received and the source. If such funds replace Head Start grant funds originally budgeted for the same purpose, and result in an unobligated grant balance at the end of the report period, they should also be included in Item 10–m of the report.

B. Other Activities

Research, Demonstration or Pilot Projects shall submit a "Financial Status Report" semi-annually. A "Report of Cash Transactions" is required quarterly in accordance with the provisions of Chapter 4, of Part I of this Manual. Additionally a Program Progress Report is required. Instructions for completion of this report will be furnished by ACYF.

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BILLING CODE 4110-92-M

Reader Aids

Federal Register

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INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
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523-5227	Finding Aids

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523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266	Public Law Numbers and Dates, Slip Laws, U.S.
-5282	Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, OCTOBER

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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
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 17, 1979

Rules Going Into Effect Today

ENVIRONMENTAL PROTECTION AGENCY

54053 9–18–79 / Approval of Louisiana plan for controlling sulfuric acid mist

HEALTH, EDUCATION AND WELFARE DEPARTMENT

Food and Drug Administration—

54043 9–18–79 / Plasma volume expanders; reassignment of responsibility

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: Nov. 2, 16,* and 30; Dec. 14; at 9 a.m. (identical sessions)

WHERE: Office of the Federal Register, Room 9409, 1100 L Street N.W., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235 or Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

*Note: The November 16 briefing will feature an interpreter for hearing impaired persons. The TTY number at the Office of the Federal Register is 202–523–5239.

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