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Thursday
November 1, 1979

Highlights

63048 **Aircraft and Airport Security** DOT/FAA proposes rules regarding air carrier operations; comments by 2–29–80 (Part III of this issue)

63058 **Disaster Assistance** FEMA proposes reorganization and revision of regulations; comments by 12–31–79 (Part IV of this issue)

63036 **Presidential Election Campaign Fund** FEC transmits rules to Congress regarding Federal financing of Presidential Nominating Conventions (Part II of this issue)

62889 **Natural Gas Policy** DOE/FERC issues maximum lawful prices for November and December 1979, and January 1980; effective 10–24–79

62956 **Social Security Benefits** HEW/Sec'y issues notice of contribution and benefit base, quarter of coverage amount, retirement test exempt amounts, average of total wages, formulas for computing benefits, and extended table of benefit amounts for 1980.

62893 **Concession Contracts and Permits** Interior/NPS issues rules describing procedures utilized in soliciting and awarding contracts and permits; effective 11–1–79

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62915 **Tailshaft Examination** DOT/CG proposes to amend vessel inspection requirements for certain tailshafts; comments by 12–17–79

62913 **Copyright in the Graphic Elements** Library of Congress/Copyright Office extends comment period regarding proposed rules for registration of claims involved in design of books and other printed publications; comments by 1–2–80

63074 **Recombinant DNA Research** HEW/NIH proposes actions under guidelines for research; comments by 12–3–79; and announces meeting; meeting 12–6 and 12–7–79 (Part V of this issue) (2 documents)

62891 **Port and Tanker Safety** DOT/CG issues rules implementing amendments on ports and waterways safety; effective 12–3–79

62947 **Foreign Bank Holding Companies and Their U.S. Bank Subsidiaries** FRS proposes report of intercompany transactions

62912 **Mutual and Subsidiary Service Companies** SEC proposes to extend filing date for annual reports; comments by 11–26–79

62902, 62903 **Foreign Banks** FRS proposes interstate banking restrictions (2 documents); comments by 1–4–80

63000 **Sunshine Act Meetings**

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63048 **Part III, DOT/FAA**
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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 427

Oat Crop Insurance Regulations; Corrections

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule; Corrections.

SUMMARY: The final rulemaking published in the **Federal Register** on Monday, October 22, 1979 (44 FR 60701–60709), on the Oat Crop Insurance Regulations, contained several typographical errors. This notice is being published to correct those errors.

DATE: Effective November 1, 1979.

ADDRESS: Any suggestions or inquiries on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325. The corrections are as follows:

PART 429—OAT CROP INSURANCE

1. The last sentence of § 427.1, found in the right column on page 60702 (44 FR 60702), is corrected to read as follows:

§ 427.1 Availability of oat insurance.

* * * Before insurance is offered in any county, there shall be published by appendix to this part, the names of the counties in which oat insurance will be offered.

2. The example shown in § 427.7 (A) Application for oat insurance, found in the right column of page 60703 (44 FR 60703), is corrected by deleting the quotation marks from the word "Location" in the heading thereof.

3. Subsection 12(a) of § 427.7 The application and policy, found in the right column of page 60706 (44 FR 60706), is corrected in the sixth line thereof by deleting the quotation marks from the word "the".

4. Appendix "B", found in the left column of page 60708 (44 FR 60708), is corrected in those counties listed under the subheading "Illinois" by correctly spelling the word "Carroll".

5. The footnote to the document, found at the bottom of the right column on page 60708 (44 FR 60708), is corrected in the third line thereof by deleting "Bureau of the Budget", and substituting "Office of Management and Budget" therefor.

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

Dated: October 25, 1979.
Issued in Washington, D.C., on October 24, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: October 25, 1979.
Approved by:

James D. Deal,
Manager.

[FR Doc. 79-33770 Filed 10-31-79; 8:45 am]
BILLING CODE 3410-08-M

7 CFR Part 429

Rye Crop Insurance Regulations; Corrections

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule; corrections.

SUMMARY: The final rulemaking published in the **Federal Register** on Monday, October 22, 1979 (44 FR 60709–60715), on the Rye Crop Insurance Regulations, contained several typographical errors. This notice is being published to correct those errors.

DATE: Effective November 1, 1979.

ADDRESS: Any suggestions or inquiries on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The corrections are as follows:

PART 429—RYE CROP INSURANCE

1. The last sentence of § 429.1, found in the left column on page 60710 (44 FR 60710), is corrected to read as follows:

§ 429.1 Availability of rye insurance.

* * * Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which rye insurance will be offered.

2. Appendix "B", found in the left column on page 60715 (44 FR 60715), is corrected to read as follows:

Appendix "B", Counties Designated for Rye Crop Insurance—7 CFR Part 429.

In accordance with the provisions of 7 CFR 429.1, the following counties are designated for rye crop insurance:

North Dakota: Barnes, Pierce, and Richland.

3. The paragraph dealing with review of these regulations under USDA criteria, found in the left column on page 60715 (44 FR 60715), is corrected to read as follows:

These regulations have been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". A determination has been made that this action should not be classified as "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A–40.

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

Issued in Washington, D.C., on October 24, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: October 25, 1979.
Approved by:

James D. Deal,
Manager.

[FR Doc. 79-33768 Filed 10-31-79; 8:45 am]
BILLING CODE 3401-08-M

Farmers Home Administration

7 CFR Part 1942

[FmHA Instruction 1942-A]

Associations; Community Facility Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends regulations to clarify how work will be done with remaining funds after construction is complete and when loan funds can be used to pay interest during construction. If the work is not within the scope of the existing contract or is a significant addition, the work must comply with the contracting requirement. This action is taken as a result of an administrative decision.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: J. Gary Lightsey, Water and Waste Disposal Division, Telephone 202–447–5717.

SUPPLEMENTARY INFORMATION: Farmers Home Administration amends § 1942.17 of Subpart A, Part 1942, Chapter XVIII, Title 7 in the code of Federal Regulations. These amendments will reduce ambiguity in the present instructions.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the change is only to clarify procedure and therefore publication is unnecessary. This determination has been made by Mr. Gordon Cavanaugh, Administrator.

Accordingly, §§ 1942.17(d)(5)(ii) and 1942.17(p)(6) of Subpart A of Part 1942 are amended as follows:

1. Section 1942.17(d)(5)(ii) is amended by adding a phrase to read as follows:

§ 1942.17 Appendix A—community facility loans.

* * * * *

(d) *Eligible loan purposes.* * * *

(5) * * *

(ii) Pay interest on loans until the facility is selfsupporting, ordinarily not more than three years; on loans secured by general obligation bonds until taxes are available for payment, ordinarily not more than two years; and for interim financing (including interest charges on interim financing of funds from other sources.)

* * * * *

2. Section 1942.17(p)(6) is amended to read as follows:

§ 1942.17 Appendix A—community facility loans.

* * * * *

(p) *Project monitoring and fund delivery during construction.* * * *

(6) *Funds remaining after construction is completed.* Should loan and/or grant funds remain available, including obligated funds not advanced, after all cost incident to the basic project have been paid or provided for, such funds may be used for needed extensions, enlargements and improvements of the project with the prior permission of the FmHA State Director. For grant funds remaining, eligibility for such funds to make extensions, enlargements, or improvements to the project must be in accordance with Section 1942.356(b) of FmHA Instruction 1942–H. Remaining project funds not needed for authorized extensions, enlargements, or improvements may be considered to include FmHA loan or grant funds, and funds from other sources but not to include applicant contribution funds. The applicant contribution funds will be considered as funds initially expended for the project. The amount of remaining funds from each funding source except from applicant contributions may be considered to be in direct proportion to the amounts obtained from each funding source except, any changes in the FmHA grant amount will be based on the actual project cost and recalculated in accordance with Section 1942.356(b) of FmHA Instruction 1942–H. FmHA grant funds not delivered to the applicant will be refunded to FmHA. Any remaining FmHA loan funds will be applied as an extra payment on the FmHA indebtedness, unless other disposition is required by the bond ordinance or resolution, or by the State Statute.

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

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 22050.

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

Dated: October 12, 1979.

James E. Thornton,

Associate Administrator, Farmers Home Administration.

[FR Doc. 79-33912 Filed 10-31-79; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 0

Change for Office for Reporting Complaints of Misconduct

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is changing the office to which complaints of fraud, graft, corruption, diversion of NRC assets, and misconduct of NRC employees are reported, from the Office of Administration to the Office of Inspector and Auditor. In addition, references to the "Office of the Agency Inspector and Auditor" and to the "Agency Inspector and Auditor" are changed to reflect the correct title for each.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The amendment eliminates the inconsistency between 10 CFR 0.735–3(d)(2) and 0.735–3(g) in that the former required that complaints of fraud, graft, corruption, diversion of NRC assets, and misconduct of NRC employees to be reported to the Office of Administration while the latter required that investigations of such deeds be carried out by the Office of the Agency Inspector and Auditor (now called Office of Inspector and Auditor). Accordingly, in 10 CFR 0.735–3(d)(2), the title "Office of Administration" is deleted, and inserted in its place is the title "Office of Inspector and Auditor." In addition, references to the "Office of the Agency Inspector and Auditor" and to the "Agency Inspector and Auditor" are changed to the correct title for each.

Since these amendments relate solely to minor procedural matters, notice of proposed rule making and public procedure thereon are unnecessary and good cause exists to make the amendments effective upon publication in the Federal Register.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 0 are published as a document subject to codification.

PART 0—CONDUCT OF EMPLOYEES

1. The first sentence of paragraph 0.735–3(d)(2) of 10 CFR Part 0 is amended by deleting "Office of Administration" and inserting in its place "Office of Inspector and Auditor", to read as set forth below; and

2. Paragraph 0.735–3(g) of 10 CFR Part 0 is amended by deleting the words "the agency", to read as set forth below.

As amended § 0.735–3 reads as follows:

§ 0.735–3 Responsibilities and authorities.

* * * * *

(d) *The Directors of Offices and Divisions.* * * *

(2) Report to the Office of Inspector and Auditor. * * *

* * * * *

(g) The Office of Inspector and Auditor. * * *

* * * * *

3. Paragraph 0.735–28(h)(1)(x) of 10 CFR Part 0 is amended to read as follows:

§ 0.735–28 Confidential statements of employment and financial interests.

* * * * *

(h) *To whom statements are to be submitted.* Submission of required statements shall be in accordance with the following:

(1) Submitted to the Commission:

* * * * *

(x) Director, Office of Inspector and Auditor.

* * * * *

(Secs. 25c., 161c., 161p., Pub. L. 83–703, 68 Stat. 925, 948, 950, as amended (42 U.S.C. 2035(c), 2201(c)); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243, as amended (42 U.S.C. 5841(f)))

Dated at Bethesda, Maryland this 25th day of October, 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79–33858 Filed 10–31–79; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79–SO–49 Amdt. No. 39–3600]

Gulfstream American Corp. Models AA–5 Series; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts and Airworthiness Directive which supersedes an existing Airworthiness Directive (AD) applicable to certain Gulfstream American Corporation (GAC) Model AA–5, AA–5A, and AA–5B aircraft. This amendment is needed to prevent possible loss of control from aileron oscillations. It requires repetitive inspections of the aileron system, or a modification of the ailerons, and adds additional serial numbers of AA–5A and AA–5B aircraft.

DATES: Effective November 9, 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 is 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 supersedes Amendment 39–3524 (44 FR 45918), AD 79–16–05, as amended by Amendment 39–3586 (44 FR 60079) which currently requires modification of the aileron system on all GAC AA–5 series aircraft in accordance with the manufacturer's instructions or an FAA approved equivalent. After issuing Amendment 39–3586, the FAA received additional information from owners, operators and the manufacturer. The FAA reviewed that information and determined that repetitive inspections are required to properly maintain the aileron system or the aircraft must be modified. Also, additional serial numbers of Models AA–5A and AA–5B aircraft are being added since the modification required by Amendment 39–3524 has not been accomplished on those newly manufactured aircraft. Therefore, the FAA is superseding Amendment 39–3524 as amended by 39–3586 by requiring repetitive inspections or modification of ailerons and adding additional serial numbers on GAC AA–5A and AA–5B airplanes.

With respect to those aircraft affected by AD 79–16–05, this amendment relieves a restriction and imposes no additional burden on any person. With respect to those aircraft not currently affected by AD 79–16–05, a situation exists that requires the immediate adoption of this regulation. Therefore, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Gulfstream American Corporation (GAC): Applies to GAC Model AA–5, serial numbers AA5–0001 and subsequent, Model AA–5A, serial numbers AA5A–0001 and subsequent, Model AA–5B, serial numbers AA5B–0001 and subsequent, airplanes certificated in all categories, except those aircraft modified in accordance with AD 79–16–05 which required GAC Service Kit 150 be installed.

Compliance is required as indicated, unless already accomplished.

To prevent possible aileron oscillation, accomplish paragraphs (a) and (b) or paragraphs (a), (c), and (d):

(a) Inspect the aileron system within 25 hours time in service after the effective date of this AD as follows:

(1) Inspect aileron trim tabs for loose rivets and general condition. Replace or repair as necessary.

(2) Inspect the aileron for damage or delamination. Repair and rebalance as necessary per GAC AA–5 series Service Manual.

(3) Inspect aileron bearings and stops for wear, damage, and secure mounting. Repair per GAC AA–5 series Service Manual.

(4) Inspect and adjust rigging and cable tension per GAC AA–5 series Service Manual.

(5) Inspect aileron torque tubes for wear and loose joints. Repair per GAC AA–5 series Service Manual.

(b) Repeat the inspection in (a) every 100 hours time in service.

(c) Within 25 hours time in service after the effective date of this AD, modify the aileron in accordance with:

(1) GAC Service Kit No. 150 dated July 13, 1979, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, or

(2) An equivalent method of compliance if approved by the Chief, Engineering and

Manufacturing Branch, FAA, Southern Region.

(d) If the modification in (c)(1) is accomplished, any autopilot system installed in the aircraft must be disconnected prior to further flight in a manner which will not permit use or reconnection during flight. Install a placard in full view of the pilot utilizing a minimum of ¼ inch high letters with the wording "AUTOPILOT DEACTIVATED." The use of the autopilot system is prohibited until the STC holder provides instructions for reactivation which have been approved by the Chief, Engineering and Manufacturing Branch of the appropriate FAA Regional Office.

(e) The repetitive inspections required by paragraphs (a) and (b) are not required when the aircraft is modified in accordance with paragraph (c).

(f) Make appropriate maintenance record entry.

This supersedes Amendment 39-3524, AD 79-16-05, as amended by Amendment 39-3586. This amendment is effective November 9, 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 22, 1979.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-33527 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-SO-65; Amdt. No. 39-3601]

Airworthiness Directives; Piper Aircraft Corp.; Model PA-34 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive checks and inspections of the forward baggage door, its latching and locking mechanism, and the latching mechanism rigging on certain Piper PA-34 series aircraft. Also this amendment provides for a modification to the forward baggage door latching and locking mechanism, which allows termination of the repetitive inspections required by this airworthiness directive.

This airworthiness directive is being issued to prevent the inadvertent opening of the forward baggage door inflight. Inadvertent inflight opening of the forward baggage door could cause pilot distraction, and possible external structural damage to the airplane if the baggage door would come off its hinges.

DATES: November 15, 1979. Compliance as prescribed in body of AD.

ADDRESSES: Piper Service Bulletin No. 633A may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (A/C 707) 748-6711.

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

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

SUPPLEMENTARY INFORMATION: There have been 13 reports of the forward baggage door on certain Piper PA-34 series aircraft coming open inflight. These occurrences result in pilot distraction and increased pilot workload. In several instances, the door has separated from its hinges and struck the airplane, resulting in some external structural damage. The FAA has determined that these inflight openings of the forward baggage door are due to improper latching of the door. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued requiring repetitive checks of the door latching and locking mechanism for security and operation. Also, repetitive inspections of the forward baggage door latching mechanism and its rigging are required. Finally, the AD allows for a modification which terminates the inspection requirements of this AD.

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

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to the following model PA-34 series airplanes, certificated in all categories:

PA-34-200 Seneca 34-7250001 to 34-7450220 inclusive
PA-34-200T Seneca II 34-7570001 to 34-7970075 inclusive
34-7970077 to 34-7970105 inclusive
34-7970107 to 34-7970109 inclusive and 34-7970111,
34-7970113 to 34-7970117 inclusive
34-7970120 and 34-7970121 inclusive
34-7970123 to 34-7970135 inclusive
34-7970137, 34-7970141, 34-7970143, 34-7970145, 34-7970164

To prevent the possible inflight opening of the forward baggage door, with resulting pilot distraction and possible structural damage to the aircraft, accomplish the following after the effective date of this AD:

a. Prior to each takeoff, after any operation of the forward baggage door, check the security of the forward baggage door latching and locking mechanism in accordance with Part I of Piper Service Bulletin No. 633A, dated September 20, 1979. This check may be accomplished by the pilot.

b. If the latching and locking mechanism is not secure according to the check in (a) above, an appropriately rated mechanic or repair station must inspect the door latching mechanism and rigging in accordance with Part II of Piper Service Bulletin No. 633A, dated September 20, 1979, and rework in accordance with Part III, if necessary.

c. Regardless of the results of the checks in (a) above, within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 25 hours time-in-service, inspect the forward baggage door latching mechanism and door latch mechanism rigging as described in (b) above.

d. Within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished, accomplish the modification described in Part III of Piper Service Bulletin No. 633A, dated September 20, 1979.

e. Compliance with (d) of this AD terminates the requirements of paragraphs (a), (b), and (c) of this AD.

f. Compliance with the provisions of this AD may be accomplished in an equivalent manner approved by Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment is effective November 15, 1979.

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

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

Issued in East Point, Georgia, on October 22, 1979.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-33868 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-32]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to cancel controlled airspace near Homer, Illinois which was designated in an earlier Docket 77-GL-27, to accommodate a planned Non-Directional Radio Beacon (NDB) instrument approach procedure into the Homer Airport. Airport officials now advise that the radio aid which was to support this approach and which has been in various stages of planning and installation will now be abandoned. Therefore the 700 foot transition area airspace is not required, and must be returned for other use.

EFFECTIVE DATE: January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The existing 700 foot transition area previously designed in 1977 is cancelled and the floor of controlled airspace in this area will be raised from 700 feet to 1200 feet above the surface. In addition aeronautical maps and charts will be changed to reflect this change.

Discussion of Comments

On page 42225 of the **Federal Register** dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to cancel the transition area at Homer, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking. One letter of comment was received from Mr. Kenneth L. Wronke, Chairman of the Board of Homer Airport, Inc., critical of the FAA choice of words in the "summary" paragraph, and requesting the FAA clarify the statement which states that local airport officials had decided to abandon the non-directional radio beacon (NDB). This is not so, and the NDB is expected to remain in service even though the FAA has denied a request for a proposed instrument approach procedure.

Adoption of 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 January 24, 1980 as follows:

In § 71.181 (44 FR 442) the following transition area is cancelled:

Homer, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Homer Airport (latitude 40°01'35"N., longitude 87°57'10"W.); and within 3 miles each side of the 151° bearing from the Homer Airport, extending from the 5-mile radius area to 8.5 miles southeast of the airport.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-32, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on October 18, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-33869 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-47]

Designation of Control Zone, Smyrna, Tenn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Smyrna, Tennessee, Control Zone, and lowers the base of controlled airspace in the vicinity of Smyrna Airport, from 700 feet AGL to the surface.

EFFECTIVE DATE: January 24, 1980.

ADDRESS: 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: A Notice of Proposed Rulemaking was published in the **Federal Register** on Monday, August 27, 1979 (44 FR 50046), which proposed the designation of the Smyrna, Tennessee, Control Zone, and lowering the base of controlled airspace in the vicinity of Smyrna Airport from 700 feet AGL to the surface. No objections were received from this Notice. The Control Zone and additional controlled airspace are hereby established.

Adoption of the Amendment

Accordingly, Subpart F, § 71.171 (44 FR 353) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, January 24, 1980, by adding the following:

§ 71.171 [Amended]

* * * * *

Smyrna, Tenn.

Within a five-mile radius of Smyrna Airport (latitude 36°00'32"N., longitude 86°31'12"W.); excluding the portion within the Nashville, Tennessee, Control Zone. This Control Zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

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

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

Issued in East Point, Georgia, on October 23, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-33659 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-52]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Troy, Alabama, Control Zone by designating additional controlled airspace and revoking an unnecessary portion. A new public use instrument approach procedure has been developed for the Troy Municipal Airport which will replace a less effective procedure. These changes are necessary to provide required airspace protection for instrument flight operations.

EFFECTIVE DATE: January 24, 1980.

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

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

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the Federal Register on Thursday, August 23, 1979 (44 FR 49463), which proposed to designate a control zone extension required to protect aircraft executing the new VOR RWY 7 standard instrument approach procedure to the Troy Municipal Airport. Revocation of the control zone extension associated with the VOR-A procedure is necessary because this procedure will be cancelled when the new one becomes effective. These changes are necessary due to the VOR site relocation on the airport and aviation needs. No objections were received in response to the notice.

Adoption of the Amendment

Accordingly, Subpart F, § 71.171 (44 FR 353) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, January 24, 1980, by amending the following:

Troy, Ala.

"* * * within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from 5-mile radius zone to 8.5 miles south of the VOR * * *" is deleted and "* * * within 3 miles each side of the 245° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR * * *" is substituted therefor.

(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)))

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

Issued in East Point, Georgia, on October 22, 1979.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-33528 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 79-WA-11]

Establishment of Jet Routes and Area High Routes; Extension of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of Jet Route 10 in the vicinity of Wolbach, Nebr., by extending J-10 from Wolbach to Des Moines, Iowa. This action will simplify flight planning for operations between Chicago, Ill., to Denver, Colo.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart B of Part 75 is to extend Jet Route 10 from Wolbach, Nebr., to Des Moines, Iowa. This alteration will simplify flight planning for Chicago to Denver flights and reduce controller workload. Presently, multiple jet route segments are filed in order to adhere to preferential routing. Subpart B of Part 75 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1979, (44 FR 722). In order to affect this action before the next aeronautical charting on November 29, 1979, it is necessary to immediately adopt this rule change. Therefore, since this jet route segment is merely a co-designation of an established jet route and this jet route extension is an administrative procedure, I find good cause that notice and public procedure thereon are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (44 FR 722) and amended (44 FR 46788) is further amended, effective 0901 GMT, November 29, 1979, as follows:

Under § 75.100, Jet Route No. 10 "to Wolbach, Nebr." is deleted and "Wolbach, Nebr.; to Des Moines, Iowa." is substituted therefor.

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

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

Issued in Washington, D.C., on October 22, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-33529 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 14607; Amendment No. 91-160]

General Operating and Flight Rules; Suspension of Amendment 91-157; Minimum Equipment List (MEL)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Amendment No. 91-157 was originally issued July 18, 1979, to become effective November 1, 1979. That amendment provides a regulatory mechanism by which general aviation operators may obtain approval to operate, under certain conditions, their multiengine aircraft with certain

instruments and equipment inoperable that are not necessary for safe operation. This amendment suspends the effectiveness of Amendment No. 91–157 to enable the FAA to consider more fully certain changes to the rule which a petitioner for rule making contends should be made before Amendment No. 91–157 becomes effective.

EFFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Project Branch, AVS–24, Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone (202) 755–8716.

Discussion

The FAA issued Amendment No. 91–157 on July 18, 1979, to become effective on November 1, 1979. This amendment would have permitted general aviation operators to obtain the use of an MEL.

The National Business Aircraft Association, Inc. (NBAA) submitted a petition requesting delay of the effective date of Amendment No. 91–157 to enable the agency to revise § 91.30 to provide for proper and timely development of adequate MEL's and to avoid confusion among aircraft operators.

Upon further consideration, and in light of the NBAA petition, the FAA recognizes that certain clarifying and necessary changes in Amendment No. 91–157 are necessary and should be made before it becomes effective.

Accordingly, the FAA has determined that the public interest justifies a stay of the effective date of Amendment No. 91–157 to enable the FAA to propose certain clarifying and necessary changes. Since this action is necessary to correct certain deficiencies in Amendment No. 91–157 which could burden and confuse the public if it became effective, I find that notice and public procedure hereon are impracticable and contrary to the public interest and that good cause exists for making this amendment effective on less than 30 days notice.

§ 91.30 [Effective Date Suspended]

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective November 1, 1979, by suspending the effective date of Amendment No. 91–157 published in the **Federal Register** July 26, 1979 (44 FR 43714).

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

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

Issued in Washington, D.C., on October 26, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79–33885 Filed 10–31–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 19727; Amdt. No. 1150]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

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

FOR FURTHER INFORMATION CONTACT: Gary W. Wirt, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426–8277.

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

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

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of

immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

Adoption of the Amendment

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

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

** * * Effective December 27, 1979*

Kalamazoo, MI—Kalamazoo Muni, VOR Rwy 35, Amdt. 11
Moberly, MO—Omar N. Bradley, VOR/DME-A, Original
Moberly, MO—Omar N. Bradley, VORTAC Rwy 17, Amdt. 4, cancelled

** * * Effective December 13, 1979*

Fort Smith, AR—Fort Smith Muni, VOR Rwy 25, Amdt. 16
Fullerton, CA—Fullerton Muni, VOR-A, Amdt. 2
Lee's Summit, MO—McComas-Lee's Summit Muni, VOR-B, Amdt. 1
New Madrid, MO—County Memorial, VOR/DME-A, Amdt. 2
Osage Beach, MO—Linn Creek-Grand Glaize Meml, VOR Rwy 32, Amdt. 1
Mansfield, OH—Mansfield Lahm Muni, VOR Rwy 14, Amdt. 8
Mansfield, OH—Mansfield Lahm Muni, VOR Rwy 32, Amdt. 1
Plano, TX—Dallas North, VOR-A, Original

** * * Effective November 29, 1979*

St. Cloud, MN—St. Cloud Muni, VOR Rwy 31, Amdt. 4
Worthington, MN—Worthington Muni, VOR Rwy 11, Amdt. 1
Worthington, MN—Worthington Muni, VOR Rwy 17, Amdt. 8
Worthington, MN—Worthington Muni, VOR/DME Rwy 29, Amdt. 1
Worthington, MN—Worthington Muni, VOR Rwy 35, Amdt. 4
Ava, MO—Bill Martin Memorial, VOR-A, Original
Kearney, NE—Kearney Muni, VOR Rwy 18, Amdt. 7
Kearney, NE—Kearney Muni, VOR Rwy 36, Amdt. 4

Note.—The FAA published an amendment in Docket No. 19619, Amdt. No. 1148 to Part 97 of the Federal Aviation Regulations (Vol 44 FR No. 196 page 57919; dated October 9, 1979) under § 97.23 effective November 29, 1979, which is hereby amended as follows: Gaylord, MI-Otsego County, VOR Rwy 9, original and VOR Rwy 27, original are rescinded.

Note.—The FAA published an amendment in Docket No. 19619, Amdt. No. 1148 to Part 97 of the Federal Aviation Regulations (Vol 44 FR No. 196 page 57919; dated October 9, 1979) under § 97.23 effective November 29, 1979, which is hereby amended as follows: Gaylord, MI-Otsego County, VOR Rwy 27, Amdt. 6 cancellation is rescinded. Gaylord, MI-Otsego County, VOR Rwy 27, Amdt. 6 remains in effect.

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

** * * Effective December 13, 1979*

Concord, CA—Buchanan Field, LDA Rwy 19R, Amdt. 2
Hibbing, MN—Chisholm-Hibbing, LOC BC Rwy 13, Amdt. 6
Mansfield, OH—Mansfield Lahm Muni, LOC BC Rwy 14, Amdt. 2

** * * Effective November 29, 1979*

Butte, MT—Bert Mooney, LOC Rwy 15, Original
Kearney, NE—Kearney Muni, LOC Rwy 36, Original
Silver City, NM—Silver City & Grant Co, LOC/DME Rwy 26, Original
Union City, TN—Everett-Stewart, SDF Rwy 36, Original
Danville, VA—Danville Muni, LOC Rwy 2, Original

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

** * * Effective December 27, 1979*

Kalamazoo, MI—Kalamazoo Muni, NDB Rwy 35, Amdt. 13
Moberly, MO—Omar N. Bradley, NDB Rwy 12, Amdt. 1
Moberly, MO—Omar N. Bradley, NDB Rwy 30, Amdt. 1
Celina, OH—Lakefield, NDB Rwy 8, Original
Celina, OH—Lakefield, NDB Rwy 8, Amdt. 2, cancelled

** * * Effective December 13, 1979*

Fort Smith, AR—Fort Smith Muni, NDB Rwy 25, Amdt. 21
Mansfield, OH—Mansfield Lahmn Muni, NDB Rwy 32, Amdt. 6
Hebbronville, TX—Jim Hogg County, NDB Rwy 13, Original

** * * Effective November 29, 1979*

Andreafsky/St. Marys, AK—St. Marys, NDB/DME Rwy 16, Original
Kearney, NE—Kearney Muni, NDB Rwy 36, Original
Silver City, NM—Silver City & Grant Co, NDB Rwy 26, Original
Union City, TN—Everett-Stewart, NDB Rwy 18, Amdt. 5, cancelled
Union City, TN—Everett-Stewart, NDB Rwy 36, Original
Union City, TN—Everett-Stewart, NDB Rwy 36, Amdt. 3, cancelled

** * * Effective October 19, 1979*

Colorado Springs, CO—City of Colorado Springs Muni, NDB Rwy 35, Amdt. 23

Note.—The FAA published an amendment in Docket No. 19635, Amdt. No. 1149 to Part 97 of the Federal Aviation Regulations (Vol 44 FR No. 205 page 60725; dated October 22, 1979) under § 97.27 effective November 29, 1979, which is hereby amended as follows: Edenton, NC—Edenton Muni, NDB Rwy 19 Amdt. 3 is rescinded. Edenton, NC—Edenton Muni, NDB Rwy 19 Amdt. 2 remains in effect.

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

** * * Effective December 27, 1979*

Kalamazoo, MI—Kalamazoo Muni, ILS Rwy 35, Amdt. 15

** * * Effective December 13, 1979*

Fort Smith, AR—Fort Smith Muni, ILS Rwy 25, Amdt. 15
Mansfield, OH—Mansfield Lahm Muni, ILS Rwy 32, Amdt. 9
Williamsport, PA—Williamsport-Lycoming County, ILS Rwy 27, Amdt. 12

** * * Effective November 29, 1979*

Worcester, MA—Worcester Muni, ILS Rwy 11, Amdt. 11
Minneapolis, MN—Minneapolis-St. Paul Intl. (Wold-Chamberlain), ILS Rwy 22, Original
Minneapolis, MN—Minneapolis-St. Paul Intl. (Wold-Chamberlain), ILS BC Rwy 22, Amdt. 6, cancelled

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

** * * Effective December 27, 1979*

Kalamazoo, MI—Kalamazoo Muni, RADAR-1, Amdt. 4

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

** * * Effective December 13, 1979*

Fullerton, CA—Fullerton Municipal, RNAV Rwy 24, Amdt. 5, cancelled
New Madrid, MO—County Memorial, RNAV Rwy 18, Original
Mansfield, OH—Mansfield Lahm Muni, RNAV Rwy 23, Amdt. 2
Kerrville, TX—Kerrville Muni/Louis Shreiner Fld, RNAV Rwy 12, Original

** * * Effective November 29, 1979*

Ava, MO—Bill Martin Memorial, RNAV Rwy 31, Original

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

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

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

Issued in Washington, D.C. on October 26, 1979.

[FR Doc. 79-33867 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 3

Bifurcated and Consolidated Hearings; Issuance of Initial Decisions as to One or More But Fewer Than All of the Claims or Parties

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: The Commission has amended Sections 3.41(b) and 3.51 (b) and (d) of its Rules of Practice and Procedure to clarify the authority of the Administrative Law Judges to consolidate for joint trial issues raised by factually related but separate complaints, and to bifurcate trial of separate claims. The amendments will also authorize the Administrative Law Judges to issue initial decisions, and the Commission to issue final orders, covering distinct portions of a proceeding.

EFFECTIVE DATE: November 1, 1979. While these rules are effective immediately, the Commission invites comments on them on or before December 3, 1979. The Commission will review all comments received and take whatever action, if any, it deems appropriate.

ADDRESS: Submit comments to: Office of the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Bruce G. Freedman, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3884.

SUPPLEMENTARY INFORMATION: The purpose of these amendments is to clarify any uncertainty regarding the authority of the Administrative Law Judges to consolidate for joint trial issues raised by factually related but separate complaints and to order separate trails of distinct claims raised in a single complaint. Separate trials will be appropriate in those relatively unusual cases where they will be conducive to expedition and economy. These procedures are specifically permitted under and are modeled after the Federal Rules of Civil Procedure. Rule 42 grants the district court discretion to consolidate or bifurcate issues for trial where special circumstances make this appropriate and Rule 54(b) provides that final judgment may be entered on issues separately tried, whether arising under one or more complaints. The amendments will also permit the Administrative Law Judge to issue an initial decision, and the Commission to issue a final decision and impose remedies, with respect to distinct issues raised in a single complaint in advance of the time remaining issues are resolved.

To accomplish these objectives, 16 CFR Chapter 1, Subchapter A, is amended as set forth below.

(1) Section 3.41(b) is amended to read as follows:

§ 3.41 General rules.

* * * * *

(b) *Expedition.* Hearings shall proceed with all reasonable expedition, and, insofar as practicable, shall be held at one place and shall continue, except for brief intervals of the sort normally involved in judicial proceedings, without suspension until concluded. Consistent with the requirements of expedition:

(1) The Administrative Law Judge may order hearings at more than one place and may grant a reasonable recess at the end of a case-in-chief for the purpose of discovery deferred during the pre-hearing procedure where the Administrative Law Judge determines that such recess will materially expedite the ultimate disposition of the proceeding.

(2) When actions involving a common question of law or fact are pending before the Administrative Law Judge, the Administrative Law Judge may order a joint hearing of any or all the matters in issue in the actions; the Administrative Law Judge may order all the actions consolidated; and the Administrative Law Judge may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delays.

(3) When separate hearings will be conducive to expedition and economy, the Administrative Law Judge may order a separate hearing of any claim, or of any separate issue, or of any number of claims or issues.

(2) Section 3.51 (b) and (d) is amended to read as follows:

§ 3.51 Initial decision.

* * * * *

(b) *Content.* (1) The initial decision shall include a statement of findings (with specific page references to principal supporting items of evidence in the record) and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record (or those designated under paragraph (b)(2) of this section) and an appropriate rule or order.

(2) When more than one claim for relief is presented in an action, or when multiple parties are involved, the Administrative Law Judge may direct the entry of an initial decision as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of initial decision.

(3) An initial decision shall be based upon a consideration of the whole record relevant to the issues decided pursuant to paragraph (b)(1) of this section, and it shall be supported by reliable, probative and substantial evidence.

* * * * *

(d) *Reopening of proceeding by Administrative Law Judge; termination of jurisdiction.* (1) At any time prior to the filing of his initial decision, an Administrative Law Judge may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors or pursuant to an order of remand from the Commission, the jurisdiction of the Administrative Law Judge is terminated upon the filing of his initial decision with respect to those issues decided pursuant to paragraph (b)(1) of this section.

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. Sec. 46(g))

By direction of the Commission, dated September 10, 1979.

Carol M. Thomas,

Secretary.

[FR Doc. 79-33899 Filed 10-31-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6139; 34-16290; 35-21263; AS-271]

Deletion of Requirement To Disclose Replacement Cost Information

AGENCY: Securities and Exchange Commission.

ACTION: Amendment of rules.

SUMMARY: Pursuant to Accounting Series Release No. 190, companies meeting specified size criteria have been required to report financial data regarding current replacement cost. The Financial Accounting Standards Board has issued a Statement of Financial Accounting Standards that requires large, publicly held companies to make supplemental disclosures of certain effects of changing prices on the enterprise. Effective for fiscal years ending after December 25, 1979, these requirements include the measurement of certain assets and of income from continuing operations on the basis of both constant dollar and current cost accounting (although initial reporting of current cost information may be postponed for 1 year). The Commission is amending Regulation S-X to delete the requirement for disclosure of replacement cost information once these new standards are fully effective. In the interim period, the Commission will not require disclosure of replacement cost information by registrants who voluntarily present the specified current cost information in 1979 annual reports. The rule will also be waived for certain registrants who would initially be required to report replacement cost information for fiscal years ending after July 15, 1979.

EFFECTIVE DATE: The requirements of Rule 3-17 of Regulation S-X for the disclosure of replacement cost information will not apply to financial statements for fiscal years ending on or after December 25, 1980.

FOR FURTHER INFORMATION CONTACT: James L. Russell, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION: In Accounting Series Release No. 190 ("ASR No. 190"), March 23, 1976 (41 FR 13596), the Commission adopted requirements for the disclosure of the replacement cost of inventories and productive capacity and of cost of sales and depreciation, depletion and amortization based on current replacement costs. The rule applies to registrants whose total of inventories and gross property, plant and equipment equals or exceeds $100 million unless such total amount is less than 10 percent of consolidated assets at the beginning of the most recently completed fiscal year.

The Financial Accounting Standards Board ("FASB") has recently issued Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices" ("FAS 33"). This Statement applies to public enterprises that prepare their primary financial statements in U.S. dollars and in accordance with U.S. generally accepted accounting principles and that have either (1) inventories and gross property, plant and equipment in the aggregate amount of more than $125 million or (2) total assets of more than $1 billion. It requires these enterprises to disclose (in any published annual report that contains the primary financial statements) supplemental information about the effects of changing prices, including a measurement of income from continuing operations determined on the basis of "historical cost/constant dollar" accounting and on the basis of "current cost" accounting. The current cost disclosures also include measurements of inventories and property, plant, and equipment. The Statement is effective for fiscal years ending on or after December 25, 1979. However, disclosure of current cost information may initially be given in the first annual report for a fiscal year ending after December 25, 1980.

In ASR No. 190, the Commission expressed its view that adoption of the replacement cost rule did not evidence prejudgment of any eventual conclusions from the FASB's study of the conceptual framework for financial statements in the interim, experimentation with replacement cost information was expected to assist the FASB in its study of measurement issues in addition to providing meaningful supplemental disclosure. Although there are a number of differences between the Commission's replacement cost rule and the current cost methodology prescribed by the FASB,[1] these in many respects are modifications that the Commission might have adopted had it not decided to defer the development of its rule pending FASB consideration of the issue. By requiring the presentation in annual reports of a computation of income from continuing operations on both a constant dollar and current cost basis, FAS 33 makes a significant contribution to the evolution of these supplemental disclosures.

Deletion of replacement cost rule. The Commission supports this initiative of the FASB and believes that the supplemental information to be disclosed pursuant to FAS 33 will be useful to investors in assessing the effects of price changes on business enterprises. Is is desirable that the initiative in this area return to the private sector where futher development of the disclosures can draw upon conclusions reached by the FASB in its conceptual framework project. Accordingly, the Commission has concluded that it is appropriate to delete the replacement cost rule of Regulation S-X once the disclosure requirements of FAS 33, including those relating to presentation of current cost information, are fully effective (fiscal years ending on or after December 25, 1980). During the intervening period, the Commission will waive (without the need for application to the Commission on a case-by-case basis) the replacement cost rule for registrants who include the current cost disclosures called for by FAS 33 in their financial reports. Where current cost information is provided, comparative replacement cost disclosures for the prior year need not be presented, nor must the current cost information be reported in an unaudited note to the financial statements. The Commission encourages efforts to prepare the current cost disclosures in time for the data to be included in 1979 annual reports to shareholders.

In order to avoid situations where replacement cost information would have to be developed for only one year, an automatic waiver will also apply to any registrant who initially exceeds the $100 million asset criterion of § 210.3-17 at the beginning of a fiscal year ending after July 15, 1979, but who does not exceed the $125 million asset criterion of FAS 33. However, a registrant will be subject to Rule 3-17 if (1) it has previously reported replacement cost information even though not exceeding the $125 million level set by the FASB, or (2) it was not previously subject to the replacement cost rule but now meets the $125 million size test of FAS 33. Such companies may either report replacement cost information for 1979 or provide the current cost disclosures specified by FAS 33.

Safe harbor. In Accounting Series Release No. 203 (December 9, 1976) (41 FR 54922) the Commission adopted a safe harbor provision covering replacement cost information disclosed

[1] Current cost measures relate to the assets actually owned by an enterprise, rather than to the assets that would replace those owned if replacement were to occur currently.

pursuant or supplemental to the requirements of § 210.3–17. This action was taken because of the imprecise nature of the replacement cost information and the desire to encourage the development and disclosure of such information.

A number of written comments submitted to the FASB in response to its December 1978 "Financial Reporting and Changing Prices" exposure draft expressed the opinion that a safe-harbor provision should also apply to disclosures of information on the effects of changing prices. The Commission acknowledges that some of the data is not subject to precise calculation and that various approaches may be taken in its preparation and disclosure, as was the case with replacement cost information. It believes that persons required to disclose this supplemental information should similarly be protected against the imposition of liability for such disclosures unless prepared without a reasonable basis or disclosed other than in good faith. Accordingly, the Commission intends to propose a safe harbor provision for these disclosures. Until the replacement cost rule is deleted, the safe harbor provision contained in § 210.3–17 of Regulation S–X will be deemed to apply to disclosures pursuant to FAS 33 that are reported in place of replacement cost data.

Reporting of supplemental information. As noted above, the disclosures of the effects of changing prices called for by FAS 33 are only required in annual reports containing the primary financial statements. The Commission expects to propose amendments to Regulations S–K that would require these disclosures, as well as other supplemental information specified by standards established by the FASB, to be included in financial reports filed with the Commission.

Furthermore, disclosures of the effects of changing prices are to be presented in supplementary statements, schedules or notes in financial reports, rather than as part of the financial statements. The Auditing Standards Board of the American Institute of Certified Public Accountants has issued an exposure draft of a proposed Statement of Auditing Standards, "Reporting on Required Supplemental Information," dated October 1, 1979, that would require explicit auditor reporting when such information is presented outside the financial statements. The Commission has proposed in Securities Act Release No. 6127 (September 20, 1979) (44 FR 55894) two alternative rules, either of which, if adopted, would have the effect of excluding accountants from potential liability under section 11(a) of the Securities Act of 1933 for reports on reviews of interim financial information under Statement on Auditing Standards No. 24 that are included in Securities Act filings. The Commission expects to consider taking a similar position with respect to other forms of reporting that are based on procedures that are less than an audit, including reports on required supplemental information.

Effective date. The requirements of Rule 3–17 of Regulation S–X for the disclosure of replacement cost information will no longer apply for fiscal years ending on or after December 25, 1980.

Commission Action: The Commission hereby amends 17 CFR Part 210 by adding a note to Rule 3–17 (current replacement cost information) that provides for its deletion, as follows:

§ 210.3–17 Current replacement cost information.

* * * * *

Deletion: The requirements of this rule shall not apply to financial statements for fiscal years ending on or after December 25, 1980.

* * * * *

This amendment is adopted pursuant to authority in sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78o(d), 78w(a)] of the Securities Exchange Act of 1934; and sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935.

Inasmuch as the above described amendment does not impose any additional requirements under § 210.3–17, the Commission finds, for good cause, that the thirty-day notice provision specified in the Administrative Procedure Act [5 U.S.C. 553(d)] is unnecessary, and accordingly, the amendment shall be effective as indicated above.

By the Commission.

George A. Fitzsimmons,

Secretary.

October 23, 1979.

[FR Doc. 79–33892 Filed 10–31–79; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 270 and 271

[Docket No. RM80–3]

Natural Gas; Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978; Amendments to Final Regulations

Issued: October 24, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: This rule amends § 271.101(a) of the Federal Energy Regulatory Commission's regulations implementing the Natural Gas Policy Act of 1978 (NGPA). By this amendment, the Commission publishes the Maximum Lawful Prices under the NGPA for the months of November and December of 1979 and January of 1980. Section 101(b)(6) of the NGPA requires that the Commission compute and make available prices and inflation adjustments at least five days before the beginning of any month for which such figures apply.

EFFECTIVE DATE: October 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mark Magnuson, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8511.

SUPPLEMENTARY INFORMATION:

A. Background

Section 101(b)(6) of the NGPA requires that the Commission compute and make available maximum lawful prices and inflation adjustments at least five days before the beginning of any month for which such figures apply. Pursuant to that mandate, the Commission is amending its regulations implementing the NGPA to issue the maximum lawful prices for the months of November and December of 1979 and January of 1980 by the publication of price tables for the applicable quarter.

Table I specifies the maximum lawful prices for gas subject to Sections 102, 103, 106(b)(1)(B), 107, 108 and 109 of the NGPA. Table II specifies the prices for Sections 104 and 106(a); Table III sets forth the inflation adjustments.

B. Summary of Amended Regulation.

The Commission's regulations under the NGPA are being amended by the

publication of Tables I, II, and III establishing the maximum lawful prices and inflation adjustment factors for November and December of 1979 and January of 1980. This amendment affects the Subpart A of Part 271, entitled: "Summary Tables and Calculations" (§§ 271.101(a) and 271.102(c)).

C. Public Procedure and Effective Date

The Commission is making these amendments effective upon the date of issuance of this order upon a finding that it is impractical and unnecessary to comply with the notice and public procedure provisions of 5 U.S.C. § 533. Section 101(b)(6) of the NGPA requires that maximum lawful prices and inflation adjustments be made available by the Commission at least five days before the beginning of the month to which they apply. However, publication of the GNP Implicit Price Deflator by the Department of Commerce at least 8 days before the most recent calendar quarter, does not provide sufficient time for comment before the maximum lawful prices and inflation adjustments go into effect. Notice and public comment are unnecessary as well as impractical because the changes do not change the substance of the regulations and because the changes in prices and inflation adjustments are mandated by statute. Good cause exists to make these amendments regarding the rate changes for November and December of 1978 and January of 1980, effective immediately. Such a procedure is required in order to comply with the NGPA, and, if such a procedure is not followed, producers may bill and file incorrectly for the affected categories of gas.

(Natural Gas Act, as amended, 15 U.S.C. § 717 *et seq.*; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350; Department of Energy Organization Act, 42 U.S.C. § 7107, *et seq.*, E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 271.101 is amended in paragraph (a) by inserting the maximum lawful prices for November and December of 1979 and January of 1980 in Tables I and II.

Table I.—*Natural Gas Ceiling Prices (Other Than NGPA §§ 104 and 106(a))*

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—													
			December 1978	January 1979	February 1979	March 1979	April 1979	May 1979	June 1979	July 1979	August 1979	September 1979	October 1979	November 1979	December 1979	January 1980
B	102	New Natural Gas, Certain OCS Gas.	$2.078	$2.096	$2.116	$2.136	$2.156	$2.177	$2.198	$2.220	$2.244	$2.268	$2.292	$2.314	$2.336	$2.358
C	103	New Onshore Production Wells.	1.969	1.980	1.993	2.006	2.019	2.033	2.047	2.062	2.079	2.096	2.113	2.128	2.143	2.158
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas[1].	1.121	1.128	1.136	1.144	1.152	1.160	1.168	1.176	1.185	1.195	1.205	1.213	1.221	1.229
G	107	High Cost Gas (below 15,000 Only).	2.078	2.096	2.116	2.136	2.156	2.177	2.198	2.220	2.244	2.268	2.292	2.314	2.336	2.358
H	108	Stripper Gas	2.224	2.243	2.264	2.285	2.306	2.329	2.352	2.375	2.400	2.426	2.452	2.478	2.499	2.523
I	109	Not Otherwise Covered.	1.630	1.639	1.650	1.661	1.672	1.684	1.696	1.708	1.722	1.736	1.750	1.762	1.774	1.786

[1] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this table. This alternative maximum lawful price for each month appears in this row of Table I.

Table II.—*Natural Gas Ceiling Prices: NGPA §§ 104 and 106(a) (Subpart D, Part 271)*

Category or natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—													
		December 1978	January 1979	February 1979	March 1979	April 1979	May 1979	June 1979	July 1979	August 1979	September 1979	October 1979	November 1979	December 1979	January 1980
Post-1974 gas	All producers	$1.630	$1.639	$1.650	$1.661	$1.672	$1.684	$1.696	$1.708	$1.722	$1.736	$1.750	$1.762	$1.774	$1.786
1973-1974 Biennium gas	Small producer	1.379	1.387	1.396	1.405	1.414	1.424	1.434	1.444	1.456	1.468	1.480	1.490	1.500	1.510
	Large producer	1.058	1.064	1.071	1.078	1.085	1.093	1.101	1.109	1.118	1.127	1.136	1.144	1.152	1.160
Interstate Rollover gas	Small producer	.702	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.728
	Large producer	.603	.607	.611	.615	.619	.623	.627	.631	.636	.641	.646	.650	.654	.659
Replacement contract gas or recompletion gas.	Small producer	.771	.775	.780	.785	.790	.796	.802	.808	.815	.822	.829	.835	.841	.847
	Large producer	.593	.596	.600	.604	.608	.612	.616	.620	.625	.630	.635	.639	.643	.647
Flowing gas	Small producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428	.431
	Large producer	.332	.334	.336	.338	.340	.342	.344	.346	.349	.352	.355	.357	.359	.361
Certain Permian Basin gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.486	.487	.491	.495	.498	.501	.504
	Large producer	.405	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440	.443
Certain Rocky Mountain gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495	.498	.501	.504
	Large producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428	.431
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69.	.368	.370	.372	.374	.376	.379	.382	.385	.388	.391	.394	.397	.400	.403
	Other Contracts	.344	.346	.348	.350	.352	.355	.358	.361	.364	.367	.370	.373	.376	.379
Minimum Rate Gas [1]	All Producers	.203	.204	.205	.206	.207	.208	.209	.210	.212	.214	.216	.217	.218	.220

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than per MMBtu.

2. Section 271.102 is amended in paragraph (c) by the insertion of the inflation adjustment factor for the months of November and December of 1979 and January of 1980 in Table III.

Table III—*Inflation adjustment*

Month of delivery	Factor [1]
1977:	
May	1.00636
June	1.00636
July	1.00431
August	1.00431
September	1.00431
October	1.00463
November	1.00463
December	1.00463
1978:	
January	1.00597
February	1.00597
March	1.00597
April	1.00889
May	1.00889
June	1.00889
July	1.00581
August	1.00581
September	1.00581
October	1.00581
November	1.00581
December	1.00581
1979:	
January	1.00581
February	1.00667
March	1.00667
April	1.00667
May	1.00713
June	1.00713
July	1.00713
August	1.00805
September	1.00805
October	1.00805
November	1.00690
December	1.00690
1980:	
January	1.00690

1 Factor by which price in preceding month is multiplied.

[FR Doc. 79-33695 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 160

[CGD 79-024]

Implementation of Section 2 of the Port and Tanker Safety Act of 1978

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule conforms the regulations governing ports and waterways safety to recent amendments to the Ports and Waterways Safety Act. The effect of this action is to implement these amendments and enable local Coast Guard officials to use the broader authority under the Act to deal with local situations.

EFFECTIVE DATE: This amendment is effective on December 3, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant David G. Dickman, Port Safety Branch, Port Safety and Law Enforcement Division, Office of Marine Environment and Systems, Room 1100, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1927.

SUPPLEMENTARY INFORMATION: No notice of proposed rulemaking is being published because these changes are rules of agency organization, procedure, and practice (5 U.S.C. 553(b)(3)(A)). Since these rules merely conform existing regulations to recent amendments to the authorizing statute, good cause exists for making them effective in less than 30 days after publication.

Drafting Information

The principal persons involved in drafting this rule are: Lieutenant David G. Dickman, Project Manager, Office of Marine Environment and Systems, and Mr. Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

Discussion of the New Regulations

The Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221, et seq.) was amended by the Port and Tanker Safety Act of 1978 (Pub. L. 95-474, 92 Stat. 1471). The broader authority contained in the new law requires significant revisions to the ports and waterways safety regulations (33 CFR Part 160), particularly those delegating authority.

The changes are discussed in the order in which they appear in the new rule. To facilitate use of these changes by the public, all of Part 160 is being replaced by this amendment.

Section 160.1 has been amended to indicate that the title of the Ports and Waterways Safety Act (PWSA) is no longer followed by the words "of 1972". In addition, the new language indicates that Subchapter P of Title 33 CFR may implement statutes other than the PWSA.

Section 160.11 (now § 160.03) has been revised to reflect the new statutory definitions for "State" and "United States".

Former Section 160.15 concerning penalty provisions of the PWSA of 1972 has been deleted as an unnecessary restatement of the statute and, therefore, has not been amended to make similar reference to the penalty provisions in the new PWSA.

Section 160.31 on applicability (now § 160.101) has been rewritten to correctly reflect the new PWSA.

Section 160.35 on waterfront safety (now § 160.106) has been renamed and reorganized to reflect statutory changes. Former paragraphs (a) and (b) have been moved to new § 160.111, because the statute has been changed to make them no longer dependent upon the "to prevent damage to, or destruction of . . ." language. Former paragraphs (c) and (d) have been redesignated as (a) and (b) of new § 160.106 and modified to reflect the exact language of the new statute. New § 160.106(a) expressly includes oil and hazardous materials as dangerous substances.

New § 160.111 on vessel operating requirements contains former paragraphs (a) and (b) of old § 160.35. Again, these have been rewritten to reflect the exact language of the new statute. The authority under § 160.111(a) to direct the operation or anchoring of a vessel is broader than that contained in the former statute. In § 160.111(b), the authority to control vessel traffic now exists in "an area determined to be hazardous" rather than "an area determined to be especially hazardous."

Section 160.37 (now § 160.116) also has been rewritten to reflect the manner in which the PWSA has been revised by the Port and Tanker Safety Act of 1978. The denial of entry now applies to entry into any port or place under the jurisdiction of the United States as well as entry into the navigable waters of the United States. The basis for denial has been changed from noncompliance with a regulation under 46 U.S.C. 391a to noncompliance with the PWSA or a regulation issued under it. However, Section 9 of the PWSA (33 U.S.C. 1228) prohibits a tank vessel from operating or transferring cargo when not in compliance with a regulation issued under 46 U.S.C. 391a or any other law or treaty. Therefore, noncompliance with such a regulation may result in denial of entry under this regulation to a noncomplying vessel.

Section 160.39 concerning compliance with directions and orders (now § 160.121) has been changed to reflect the addition of new § 160.111.

A new § 160.126 has been added to delegate to District Commanders and Captains of the Port the authority to request the Secretary of the Treasury or the Secretary's authorized representative to withhold or revoke the clearance of any vessel, the owner or operator of which is subject to penalties under the PWSA.

Section 160.45 (now § 160.131) has been rewritten to clarify the appeal process. Appeals may now be made

orally; however, they must be followed by an appeal in writing to preserve a record of the bases on which the decision was made.

In consideration of the foregoing, Chapter I to Title 33, Code of Federal Regulations is amended by revising the entire Part 160 to read as follows:

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

Subpart A—General

Sec.
160.1 Purpose.
160.3 Definitions.

Subpart B—Orders and Directions of the Captain of the Port and the District Commander

160.101 Applicability.
160.106 Waterfront safety.
160.111 Vessel operating requirements.
160.116 Denial of entry.
160.121 Compliance with directions and orders.
160.126 Withholding of clearance.
160.131 Appeals.

Authority: Sec. 12(a) of section 2, Pub. L. 95–474, 92 Stat. 1477 (33 USC 1231); 49 CFR 1.46(n)(4).

Subpart A—General

§ 160.1 Purpose.

(a) This subchapter contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

§ 160.3 Definitions.

(a) For the purpose of this part:

(1) "Captain of the Port" means the Coast Guard officer commanding a Captain of the Port zone described in Part 3 of this chapter, or that person's authorized representative.

(2) "Commandant" means the Commandant of the Coast Guard or that person's authorized representative.

(3) "District Commander" means the Coast Guard officer commanding a Coast Guard District described in Part 3 of this chapter or that person's authorized representative.

(4) "Person" means an individual, firm, corporation, association, partnership, or governmental entity.

(5) "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and any other commonwealth, territory, or possession of the United States.

(6) "United States", when used in geographical context, means all the States thereof.

(7) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Subpart B—Orders and Directions of the Captain of the Port and District Commander

§ 160.101 Applicability.

(a) This subpart applies to any—

(1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(2) Bridge or other structure on or in the navigable waters of the United States; and

(3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(b) This subpart does not apply to any vessel on the Saint Lawrence Seaway or Panama Canal.

(c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

(1) Innocent passage through the territorial sea of the United States; or

(2) Transit through the navigable waters of the United States which form a part of an international strait.

§ 160.106 Waterfront safety.

(a) to prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may—

(1) Direct the handling, loading, unloading, storage, stowage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in Section 4417a of the Revised Statutes, as amended, (46 U.S.C. 391a) on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

§ 160.111 Vessel operating requirements.

(a) Each District Commander or Captain of the Port may direct any vessel to operate or anchor in the manner directed if—

(1) There is reasonable cause to believe the vessel is not in compliance with any regulation, law or treaty;

(2) The vessel does not satisfy the conditions for port entry specified in section 9 of the PWSA (33 U.S.C. 1228); or

(3) It is determined that such directive is justified in the interest of safety by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances or the condition of such vessel.

(b) Each District Commander or Captain of the Port may control vessel traffic in an area which is determined to be hazardous or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by issuing orders—

(1) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2) Establishing vessel traffic routing schemes;

(3) Establishing vessel size, speed, draft limitations, and operating conditions; and

(4) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

§ 160.116 Denial of entry.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States to any vessel not in compliance with the provisions of the Ports and Waterways Safety Act (33 U.S.C. 1221–32) or the regulations issued thereunder.

§ 160.121 Compliance with directions and orders.

(a) Each person who has notice of the terms of an order or direction issued under §§ 160.106, 160.111, or 160.116 shall comply with that order.

§ 160.126 Withholding of clearance.

(a) Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

§ 160.131 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the action was taken. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the District Commander may stay the effect of the action being appealed while the ruling is being reviewed. The District Commander issues a ruling after reviewing the appeal submitted under this paragraph.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, D.C. 20593. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the Chief, Office of Marine Environment and Systems, may stay the effect of the action being appealed while the ruling is being reviewed. The Chief, Marine Environment and Systems, issues a ruling after reviewing the appeal submitted under this paragraph.

(d) Any decision made by the Chief, Office of Marine Environment and Systems, under the procedure contained in paragraph (c) of this section is final agency action.

(e) If the delay in presenting a written appeal would have a significant adverse impact on the appellant, the appeal under paragraph (b) or (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the oral presentation was made containing, at a minimum, the basis for the appeal and a summary of the material presented orally.

J. D. Hayes,

Admiral, U.S. Coast Guard, Commandant.

October 25, 1979.

[FR Doc. 79-33887 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 51

Concession Contracts and Permits; Establishment of Special Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The regulations set forth below are for the purpose of describing the procedures utilized by the National Park Service in soliciting and awarding concession contracts and permits, including extensions, renewals, amendments, sale or assignments, and related matters.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. L. E. Surles, Chief, Office of Concessions Management, U.S. Department of the Interior, National Park Service, Washington, D.C. 20240, Telephone: (202) 343-7228.

Public Participation

A Notice of Proposed Rulemaking was published on April 13, 1979 (44 FR 22123). This proposed rulemaking identified the scope and intent of the proposed regulation and invited public comments, suggestions or objections. The public comment period began on April 13, 1979, and ended on June 12, 1979.

The National Park Service received a total of three (3) written comments.

Background

The National Park Service, acting on behalf of the Secretary of the Interior and pursuant to the Act of August 25, 1916, as supplemented and amended, 16 U.S.C. 3 et seq., particularly the Concessions Policies Act of 1965, 16 U.S.C. 20 et seq., administers the operations of private concessioners which provide public accommodations, facilities and services within elements of the National Park System. Such accommodations, facilities and services, by law, must be provided under carefully controlled safeguards against unregulated and indiscriminate use so that heavy visitation will not unduly impair park values and resources. It is the policy of the Secretary that concession activities are limited to those that are necessary and appropriate for public use and enjoyment of the national park area in which they are located and that are consistent to the highest practical degree with the preservation and conservation of the area.

Concession operations are authorized and administered by the National Park Service pursuant to Concession Contracts and Permits. Other policies and procedures for administering the program, including performance evaluation, establishment of franchise frees and rates to the public, are set forth in a National Park Service Concessions Manual and the National Park Service Management Policies.

Lands managed by the National Park Service are subject to the relevant provisions of Title 16 of the United States Code and Title 36 of the Code of Federal Regulations. The Regulations contained in Chapter One of Title 36 of the Code of Federal Regulations govern commercial activities generally. These regulations will describe the procedures for issuing Concession Contracts and Permits and related matters.

Comments were received from: (1) The Conference of National Park Concessioners; (2) the Institute for Public Representation, Georgetown University Law Center; and (3) Gray Line Water Tours.

Analysis of Comments and Modifications of Proposed Regulations

Conference of National Park Concessioners

General Comment. Believe that the setting forth of policies governing the awarding of Concession Contracts in a public and orderly manner is a constructive step.

Section 51.5

Comments:

1. The Regulations should set forth explicitly that the Director may consult with the concessioner during the development of the Fact Sheet.

Analysis:

There is no need to specify that the Director may consult with a concessioner. The NPS may discuss the proposed action with the concessioner, the public in general, or anyone interested in making a proposal for the purpose of gathering information. Concessioners and/or other interested parties may not, however, be a part of the decision making process in determining specific terms and conditions of any proposed new contract. The proposed regulations should not imply that concessioners are

a part of that process. Section 51.5(c) relating to the development of the terms and conditions of a fact sheet has been moved to § 51.4 as a new subsection (f). In doing so, the word "fact sheet" has been changed to "solicitation". This is done so as to provide that any solicitation for proposals must represent the requirements of the National Park Service.

2. Right of First Refusal (renewals) is the most serious concern. The process is not what the Congress intended and is contrary to the intent of the statute.

Section 5 of Pub. L. 89–249 is clear and unambiguous. The Secretary is mandated to give preference.

"Sec. 5. The Secretary shall encourage continuity of operation and facilities and services by giving preference in the renewal of contracts or permits and in the negotiation of new contracts or permits to the concessioners who have performed their obligations under prior contracts or permits to the satisfaction of the Secretary. To this end, the Secretary, at any time in his discretion, may extend or renew a contract or permit, or may grant a new contract or permit to the same concessioner upon the termination or surrender before expiration of a prior contract or permit. Before doing so, however, and before granting extensions, renewals or new contracts pursuant to the last sentence of section 4 of this Act, the Secretary shall give reasonable public notice of his intention so to do and shall consider and evaluate all proposals received as a result therof."

The Conference provided quotes from House Report concerning the need for private capital and then commented on the interrelated factors of possessory interest, compensation for possessory interest, protection against loss of investment, limitations on numbers of concessioners within a given unit, right of first refusal to provide additional facilities and preferential right of renewal.

The Conference stated that the Congress clearly intended the right of first refusal to apply to the providing of additional services and it very clearly uses a different terminology in the renewal of contracts.

The Conference also made the following comments. Language was added to provide for public notice of intent to renew but this was not to turn the renewal process into a bidding procedure. A right of first refusal is a part of a competitive system. Recent critics of the concession system recognize that an amendment is necessary to create a competitive situation. Until the Act is amended, the previous intent must control and any administrative efforts to vitiate the intent of Congress is contrary to law and cannot stand.

Analysis:

The interpretation of the right of preference to renewal as being in the nature of a right of first refusal represents the National Park Service's best judgment as to the intent of Congress in this matter.

If the law respecting this preference is unambiguous, as stated by the Conference, then the preference to renew a contract would seem to be almost absolute. Although the Conference did not use the word "absolute", their arguments certainly imply that.

The NPS has traditionally taken the position, administratively, that a fact sheet must be available in the event that someone wishes to make a proposal. This administrative process has been in effect for many years and was initiated shortly after the passage of 89–249 in 1967 or possibly 1968. (It should also be noted that there was a 1 year moratorium on contracting when the law was passed.) The point is that the renewal right was not then considered to be absolute.

The law mandates that a satisfactory concessioner be given a preference. The regulations set forth the Service's view on how the preference is applied and is a further refinement of the administrative procedures which have been in effect for many years.

In view of recent inquiries as to this issue, it is necessary that the preference be defined for the sake of preserving the Congressional intent of this legislation.

Section 51.7

Comment:

1. Subsections (d) and (e) are highly restrictive; may be in the public interest to allow flexibility, and Director's written approval is entirely adequate in approving sales.

2. The last two sentences contain such sweeping references that it is impossible to comment on their impact.

Analysis:

Subsection (d) is a condition stated in all contracts and has been in use for many years. Any other use of the assets, except for the purpose of enhancing in-park facilities and services would be inappropriate.

Subsection (e) does not restrict the flexibility of the Director. In our view, it provides the Director with added flexibility to act in the public interest where necessary, all of which will be supported by regulation.

Institute for Public Representation, Georgetown University Law Center

General Comments: The proposed regulation is an excellent idea. The procedure used to solicit contracts and make awards should certainly be standardized, just as the form of the contracts themselves should be standardized.

The proposed rules should refer explicitly to the standard form contract.

Offerors should be advised that departures from or revisions to the contract will not generally be permitted. There is serious possibility that the form contract will be diluted during the negotiation process. Any further dilution of the contract would be entirely unacceptable.

The NPS should advise potential offerors of all terms of the contract in advance. (Note: This is being done with the use of our new format for contract renewal.)

Section 51.4

Comments:

1. The regulations should spell out more detail on selection criteria and more emphasis on need to ensure protection of park resources. (Proposed language provided on P. 3 of their comments.)

Secondary factors as now in § 51.4(b) should state specifically how those factors are relevant and what weight will be given to them. Example, would NPS consider shorter or longer term to be a positive factor?

Analysis:

With one exception to the suggested additions these concerns are all covered in Pub. L. 89–249, in the new standard contract language, in the regulations as now proposed, or in the concession manual. Pub. L. 89–249 deals with preservation of the resource. The new contract language (Section 13(b)(1) deals with the management qualifications and experience of individuals or entities and requires them to operate in the public interest under the regulation of the Secretary.

It is felt that to specifically state how these factors are relevant and to assign a weight to them for all contract actions would be impractical. It may limit the Secretary's flexibility in selecting a concessioner whom it is felt could provide the best service to the public on a case-by-case basis and for a given set of circumstances.

2. NPS personnel should be required to document each stage of the negotiation process and prepare memoranda concerning all contracts with any offeror.

Analysis

Good point. In that we do this now in most cases for the sake of providing an administrative record on any changes to the proposed contract, this will be required in the Concessions Manual and policy guideline to field offices.

Material amendments to the terms and conditions of the contract cannot be made without readvertising under these regulations. Therefore, we will require that all changes in the proposed contract resulting from the negotiation process must be documented.

3. In § 51.4(c) the Director may resolicit or cancel a solicitation in his descretion. In that § 51.4(d) also mentions resolicitation or cancellation, it should be made clear that the decision to cancel or resolicit remains entirely in the discretion of the Secretary.

Analysis

It would seem that this goes without saying. However, in § 51.4(d), we will insert the words "in his discretion" after the third word in the last sentence.

4. Definition of "Right of Preference" and "Preferential Right" are not used consistently in §§ 51.5 and 51.6.

Analysis:

In the first paragraph of § 51.5 the word "preferential" on line 7 has been omitted for clarity.

5. Sections 51.6 and 51.3 should make clear that the right to provide additional services is contingent upon satisfactory performance.

Analysis

Good point. We have inserted the word "satisfactory" after the word "existing" on line 5 of § 51.6.

6. Section 51.6 is inconsistent with § 51.3 in that § 51.3 is not limited to facilities and services of generally the same character.

Section 51.6 should be given the broadest possible scope, and should be changed to make it clear that the procedure described will apply to all cases where some sort of "preferential right" exists under contract.

Analysis:

The distinctions between §§ 51.6 and 51.3 follow the distinctions in the two rights of preference established by Pub. L. 89–249.

7. We have serious questions as to whether the regulation on sale or assignment can be unilaterally applied to pre-existing contracts.

The language as proposed is inadequate. (See previous comments on the standard contract language.)

Section 51.7(a) seems to allow transfer of less than a controlling interest without approval of the Secretary. This is totally unacceptable.

51.7 refers to the concession operation, not the concessioner. Thus, a transfer of part of a concession operation could be made without approval. This provision should be revised to state that no interest in a contract or permit or a particular concession operation can be transferred without advance approval.

Analysis:

All contracts contain the provision that operations will be subject to rules, regulations, etc., whether now in force or hereafter promulgated. This provision will apply to pre-existing contracts.

The proposed regulation as written does not require prior approval for the sale or transfer of something less than a "controlling interest." We feel it is desirable to require notification and have: (1) Added subsection (d) and redesignated subsections (d) and (e) as (e) and (f); (2) added a new item (6) and redesignated item (6) as item (7); and (3) omitted the word "such" in § 51.7(c) so that we have to be notified of all sales or transfers.

Section 51.7(d) should be revised to parallel approval in § 51.7(c). Section 51.7(d) does not say "prior" approval.

Analysis:

For clarity the word "prior" has been added.

Gray Line Water Tours

General Comments:

None.

Section 51.5

Comments:

The right of first refusal to match superior terms offered by a challenger eliminates all competitive bidding. This should be amended to allow for competitive bidding.

Analysis:

We do not believe that the right of first refusal procedure eliminates all competition. Rather, that provision grants the degree of competition contemplated by the Congress in Pub. L. 89–249.

Other Changes

In § 51.3(a), second sentence, after the word "are" the words "to be" have been replaced by the word "Generally". This change is desirable so as to (1) permit the National Park Service to utilize something less than a contract in special circumstances; and (2) not to preclude the use of a contract when gross receipts are less than $100,000 or the term of contract is less than five years.

Drafting Information

The following National Park Service personnel were the primary authors of these regulations: L. E. Surles and Don Roush, National Park Service, Washington, D.C.

Impact Analysis

The National Park Service determined that this document is not a significant rule requiring preparation of a regulatory analysis under Executive Order 12044 and Part 14 of Title 43 of the Code of Federal Regulations; nor is it a major Federal Action significantly affecting the quality of the human environment, which would require preparation of an Environmental Impact Statement.

Implementation of these regulations will provide specific contracting processes.

Effective Date

As concession contracting operations are presently ongoing, it has been determined that it is not in the public interest to delay the effective date for 30 days after this publication. Therefore, the effective date shall be November 1, 1979.

Authority

The Act of August 25, 1916 (39 Stat. 535, as amended and supplemented, 16 U.S.C. 3, et seq., particularly, the Concessions Policy Act of 1965, 16 U.S.C. 20, et seq.

In consideration of the foregoing, Part 51, Concession Contracts and Permits, is added to 36 CFR, Chapter I, as follows:

PART 51—CONCESSION CONTRACTS AND PERMITS

Sec.

51.1 Authority.
51.2 Policy.
51.3 Definitions.
51.4 Solicitation and award of concession contracts and permits where no right of preference exists.
51.5 Solicitation and award of concession contracts and permits or extentions or renewal of concession contracts and permits, where a right of preference exists.
51.6 Preferential right for additional services where a right to additional services and facilities exists by specific contract provisions.
51.7 Sale, assignment, or encumbrance of concession contracts, permits, and assets.

Authority: The Act of August 25, 1916, as amended and supplemented, 16 U.S.C. 3 *et seq.*, particularly, the Concessions Policy Act of 1965, 16 U.S.C. 20 *et seq.*

§ 51.1 Authority.

Concession contracts and permits are awarded by the Director on behalf of the Secretary pursuant to the authority of the Act of August 25, 1916, as amended and supplemented, 16 U.S.C. 3 *et seq.*, particularly, the Concessions Policies Act of 1965, 16 U.S.C. 20 *et seq.* All concession contracts and permits are subject to the requirements of this Part 51.

§ 51.2 Policy.

It is the policy of the Secretary, as mandated by law, to permit concessions in park areas only under carefully controlled safeguards against unregulated and indiscriminate use so that heavy visitation will not unduly impair park values and resources. Concession activities in park areas shall be limited to those that are necessary and appropriate for public use and enjoyment of the park areas in which they are located and that are consistent to the highest practicable degree with the preservation and conservation of the park areas.

§ 51.3 Definitions.

The following definitions shall apply to this Part 51:

(a) "Concession Contracts" and "Concession Permits" (or "contracts" and "permits") are agreements between the Director and a concessioner whereby the concessioner agrees to provide certain public accommodations, facilities or services within a park area under the administration of the Director. Concession Permits are generally utilized where the authorized concession operations are not expected to gross more than $100,000 annually, where the term of the permit is less than five (5) years, where no possessory interest is to be granted to the concessioner, and where no preferential rights to additional services are authorized. In other instances, Concession Contracts are utilized.

(b) "Right of Preference" refers to the right of existing satisfactory concessioners to a preference in the renewal or negotiation of a new contract or permit covering substantially the same accommodations, facilities and services as provided by the concessioner under the terms of its existing contract or permit. Prior to the expiration or termination of a contract or permit a determination shall be made based on annual evaluations, as to whether or not the concessioner is entitled to a preference in the renewal of its contract or permit. An unsatisfactory rating, results in the loss of the right of preference.

(c) "Preferential Right" refers to the right to provide new or additional services and facilities which may be granted to a concessioner by Concession Contract as the Director may consider necessary for the accommodation and convenience of the public.

(d) The term "Director" refers to the Director of the National Park Service or his authorized representatives.

(e) The term "Secretary" refers to the Secretary of the Interior or his authorized representatives.

§ 51.4 Solicitation and award of concession contracts and permits where no right of preference exists.

(a) Where no right of preference exists, the Director shall issue a prospectus soliciting proposals describing the concession operation to be authorized, the material terms and conditions of the proposed Concession Contract or Permit, and the principal factors considered in selection. Public notice of the availability of the concession opportunity shall be published in the **Federal Register** and/or at least once in local or national newspapers or trade magazines, as appropriate, and will be distributed to interested parties and organizations. The prospectus will be made available upon request to all interested parties and will allow a minimum of sixty days for proposals to be submitted unless a written determination is made that a shorter period is necessary because of exceptional circumstances. All proposals received shall be evaluated by the Director, and the proposal considered best by the Director on an overall basis shall be selected as the basis for negotiation of the Concession Contract or Permit.

(b) The principal factors to be considered in selection of the best proposal shall be (1) the experience and related background of offerors, (2) the offeror's financial capability, and (3) conformance to the terms and conditions of the prospectus in relation to quality of service to the visitor. Secondary factors shall include franchise fee offered and other factors as may be specified.

(c) The Director may solicit from any applicant additional information, or written or verbal clarification of a proposal, and may extend the solicitation period in his discretion. The Director may choose to reject all proposals received at any time and resolicit or cancel the solicitation altogether in his discretion when in the best interest of the Government. Any material information made available to any applicant by the Director must be made available to all applicants, and will be available to the public upon request.

(d) Negotiation of a final contract and permit with the selected applicant shall commence promptly. Material amendments to the proposed terms and conditions of the Concession Contract or Permit, as described in the prospectus, may be negotiated only after resolicitation of the concession opportunity for an appropriate period of time by amendment to the prospectus and readvertising. After negotiation of Concession Contracts with anticipated gross receipts in excess of $100,000 or five (5) years or more in duration, such contracts shall be forwarded to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs for a 60-day waiting period prior to award. The Director may, in his discretion, terminate negotiation of a Concession Contract or Permit at any time prior to execution by the Government and resolicit or cancel the solicitation when in the best interest of the Government.

(e) The terms and conditions of the solicitation must represent the requirements of the National Park Service and not be developed to accommodate the capabilities or limitations of any particular party.

(f) Upon a written determination that exceptional circumstances warrant waiver of the procedures described in this subsection and that it is in the public interest to protect visitor or park resources or otherwise, the Director may negotiate a Concession Contract or Permit with any qualified party without public notice or advertising.

§ 51.5 Solicitation and award of concession contracts and permits or extensions or renewal of concession contracts and permits, where a right of preference exists.

The procedures described in § 51.4 shall apply to the solicitation, negotiation and award of extensions, renewals, or replacement of contracts or permits by a new contract or permit where an existing concessioner has a right of preference except as follows:

(a) A fact sheet rather than a prospectus will be developed by the Director and will describe the existing concessioner's right of preference as well as the material terms and conditions under which the National Park Service proposes to negotiate a new concession contract or permit with the existing satisfactory concessioner.

(b) The concessioner with the right of preference shall be required to submit a proposal in response to the fact sheet. If, after evaluation of all proposals

received, a proposal other than that of the existing concessioner is determined to be the best proposal, the existing concessioner shall be given an opportunity to meet the terms and conditions of the best proposal. If the existing concessioner does so and its proposal, as amended, is in the judgment of the Director, at least substantially equal to the best proposal, the existing concessioner shall be selected for negotiation of the contract or permit. If not, the contract or permit will be negotiated with the party that submitted the best proposal.

(c) The requirement for public notice and evaluation of proposals received may not be waived.

§ 51.6 Preferential right for additional services where a right to aditional services and facilities exists by specific contract provisions.

Where the Director seeks to authorize new or additional accommodations, facilities and services of generally the same character as provided by an existing satisfactory concessioner in a park area, and such concessioner by Concession Contract has a right to provide such additional services, the Director shall develop a description of the new or additional services and the terms and conditions upon which they are to be provided without reference to any private party and give the existing concessioner a reasonable opportunity to review such description to determine if it wishes to provide the services. If so, the Director shall authorize the additional services by amendment to the concessioner's contract. If the existing concessioner does not agree to provide the additional services upon the terms and conditions described, the Director shall authorize additional services to be provided by a new concessioner under substantially the same terms and conditions and pursuant to the procedures of § 51.4 hereof.

§ 51.7 Sale, assignment, or encumbrance of concession contracts, permits, and assets.

(a) Concession Contracts and Permits or operations authorized thereby or controlling interests therein may not be transferred, sold, or assigned, or assets thereof encumbered in any manner, including stock purchases, mergers, consolidations or reorganizations, except with the written approval of the Director. Transfers, sales, assignments, or encumbrances consummated in violation of this requirement shall be considered null and void by the Director and a material breach of the contract or permit.

(b) The term "controlling interest," as used herein means, in the case of corporate concessioners, an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the concessioner so as to permit exercise of managerial authority over the actions and operations of the concessioner or election of a majority of the Board of Directors of the concessioner, and, in the instance of a partnership, limited partnership, joint venture or individual entrepreneurship, beneficial ownership of the capital assets of the concessioner so as to permit exercise of managerial authority over the actions and operations of the concessioner.

(c) Prior to consummating any transfer, sale, assignment or encumbrance of a controlling interest, the concessioner will request approval of the Director in writing and provide the following information:

(1) All instruments proposed to implement the transaction;

(2) An opinion of counsel from the buyer to the effect that the proposed transaction is lawful under all applicable Federal and State laws;

(3) A narrative description of the proposed transaction and the operational plans for conducting the operation;

(4) Statement as to the existence of any litigation questioning the validity of the proposed transaction;

(5) Description of the management qualifications and financial background of the proposed transferee; and

(6) A statement as to whether the proposed sale constitutes a controlling interest and the particulars thereof as described in paragraph (b) of this section; and

(7) Such other information as the Director may require.

(d) Prior to the sale, transfer, assignment or encumbrance of anything other than a controlling interest, the concessioner must have notified the Director in writing and must have received acknowledgement from the Director. Information as to why it is not a controlling interest and identification of the transferee must be submitted with the required notification. Failure to comply with this provision shall make the subject sale or transfer null and void and constitute a material breach of the Contract or Permit.

(e) The Director may choose not to approve a proposed sale, transfer, assignment or encumbrance in his discretion or may place appropriate conditions on any approval as are necessary to protect the public interest. Concession Contracts and certain Concession Permits contain provisions which limit the purposes for which they may be encumbered. Such limitations are incorporated by reference herein as an element of the Director's review of such transactions.

Approved: October 8, 1979.

William J. Whalen,

Director, National Park Service.

[FR Doc. 79-33831 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-1350-2]

Notice—Clarification of the Suspension of Enforcement of the Lead Phasedown Standards for Small Refineries Contained in Federal Register Notices of April 1, 1977, and January 31, 1978

AGENCY: Environmental Protection Agency.

ACTION: Suspension of Enforcement of Lead Standards.

SUMMARY: On April 1, 1977, and January 31, 1978, the Environmental Protection Agency (EPA) suspended enforcement of the lead phase-down regulations until ninety days following promulgation of the phase-down regulations for small refineries. The small refinery regulations were published on August 7, 1979.

DATES: The suspension of enforcement of the lead standards for small refineries will continue until November 5, 1979. Since the suspension of enforcement terminates during a reporting quarter, EPA will not enforce the lead phase-down standards until January 1, 1980, for those small refineries which were subject to these two previous notices.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division at (202) 472-9367.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 1, 1977 (42 FR 17515), EPA suspended enforcement of 40 CFR 80.20(a)(4)(v) and the 0.8 gram per gallon (gpg) lead standard effective January 1, 1978, for all small refineries whose crude oil capacity is equal to or less than 30,000 barrels per day (bpd). This suspension of enforcement was effective until ninety days following promulgation of the small refinery lead phase-down regulations. In the Federal Register of January 31, 1978 (43 FR 4110), EPA published another notice suspending enforcement of the lead phase-down standards set forth in 40 CFR 80.20(a)(1) (both the 0.8 gpg and the 0.5 gpg lead standards) for another

group of small refineries which was not covered by the previous notice of April 1, 1977. This notice covered those small refineries which are larger than 30,000 bpd but not greater than 50,000 bpd and are owned or controlled by a refiner whose total capacity is 137,500 bpd or less. This suspension of enforcement was also effective until ninety days after promulgation of the small refinery lead phase-down regulations.

Suspension of enforcement of the lead standards for any refinery which was subject to relief under the January 31, 1978, notice extends until November 5, 1979 (ninety days following publication of the small refinery regulations on August 7, 1979 (44 FR 46275)). Since the lead standards for this group of small refineries become effective during a reporting quarter, EPA believes that it would not be equitable to require compliance with a quarterly standard for a period of time less than a full quarter. Therefore, any refinery which was subject to the January 31, 1978, suspension of enforcement will not be required to comply with its appropriate lead standard until the quarter beginning January 1, 1980. Although the suspension of enforcement contained in the April 1, 1977, notice expired October 1, 1979, EPA believes it would not be equitable to treat this group of small refineries more stringently than the small refineries covered by the January 31, 1978, notice. Therefore, any refinery which is covered by the April 1, 1977, notice will also not be required to comply with its appropriate lead standard until the quarter beginning January 1, 1980.

Any refiner who registered any or all of his refineries which have crude oil capacities of 30,000 bpd or less pursuant to 40 CFR 80.20(a)(6) for the 0.8 gpg optional lead standard must include the total gasoline production and unleaded gasoline production in the refiner's aggregate production for those registered refineries in compliance with the production requirements of 40 CFR 80.20(a)(7). However, these small refineries do not have to comply with the 0.8 gpg lead standard prior to January 1, 1980, because of the suspension of enforcement noted above.

If a refiner did not register his small refinery, the small refinery is subject to the 0.5 standard set forth in 40 CFR 80.20(a)(1) (assuming the refinery is not subject to relief under 40 CFR 80.20(a)(5)), but enforcement is suspended until January 1, 1980.

Dated: October 26, 1979.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-33829 Filed 10-31-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[General Order No. 16, Amdt. 32]

Rules of Practice and Procedure

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Commission's Rules of Practice are amended to clarify the time limit for determination to review by the Commission of initial decisions involving domestic rate cases. In the absence of exceptions such determination shall be accomplished within 30 days of service of the initial decision. The rules are also amended to highlight the more stringent time periods for filing of exceptions and replies in domestic rate cases.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 502.227 of the Commission's Rules of Practice and Procedure (46 CFR Part 502) prescribes that exceptions to an initial decision may be filed within 22 days of service with 22 further days permitted for the filing of replies to exceptions. In the absence of exceptions, the Commission may review the decision on its own initiative within 30 days of its service.

Section 502.67 governs the conduct of proceedings under section 3(a) of the Intercoastal Shipping Act, 1933. That section prescribes fixed time limits for the issuance of Commission decisions in general rate proceedings in the domestic offshore trades. The rule provides that exceptions to the initial decision may be filed within 15 days of service of the initial decision and replies thereto 10 days thereafter. There is no provision for Commission review in the absence of exceptions.

It is unclear from the above what time period applies to the Commission's review of Intercoastal Shipping Act proceedings, in the absence of exceptions. Also, the current failure to cross-reference the two rules could result in a reader being misinformed as to the more stringent time requirements for exceptions and replies which apply to Intercoastal Shipping Act proceedings. Accordingly, Part 502 of Title 46 CFR is amended in the following respects.

1. Section 502.67(g) is amended by adding two new sentences at the end reading as follows:

§ 502.67 Proceedings under section 3 of the Intercoastal Act.

* * * * *

(g) * * * In the absence of exceptions, the decision of the Administrative Law Judge shall be final within 30 days from the date of service unless within that period a determination to review is made by the Commission on its own initiative. Any such determination to review may be made in accordance with the procedures outlined in § 502.227 of this part.

2. Section 502.227(a) is amended by adding the following new sentence at the end.

§ 502.227 Exceptions to decisions or orders of dismissal of administrative law judges; replies thereto; and review of decisions or orders of dismissal by Commission.

* * * * *

(a) * * * The time periods for filing exceptions and replies to exceptions, prescribed by this section, shall not apply to proceedings conducted under § 502.67 of this part.

* * * * *

(5 U.S.C. 553 and Section 43 of the Shipping Act, 1916 [46 U.S.C. 841(a)])

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-33895 Filed 10-31-79; 8:45 am]

BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

45 CFR 1033

[Service Order No. 1405]

Illinois Central Gulf Railroad Co.; Authorized To Use Open Hoppers in Unit-Grain Trains

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1405.

SUMMARY: Service Order No. 1405 authorizes the Illinois Central Gulf Railroad Company to permit shippers to substitute open top hopper cars for covered hopper cars for shipments of corn and soybeans moving under ICG Tariff 4018.

EFFECTIVE: 11:59 p.m., October 26, 1979. Expires 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: October 26, 1979.

An acute shortage of covered hopper cars for transporting shipments of grain exists on the Illinois Central Gulf Railroad Company (ICG). That line has published certain rates in ICG Tariff 4018, ICC 4018, which require shipments of 5 consecutive lots of corn or soybeans, each to comprise 2,940 net tons loaded into 30 jumbo covered hopper cars. The jumbo covered hopper cars may be shipper or railroad owned or leased. There is available a supply of shipper owned or leased open hopper cars which can be substituted for covered hopper cars in sufficient numbers to meet the minimum weight requirements of these shipments. The use of open hopper cars will improve car utilization. The ICG has requested authority to substitute open hopper cars for covered hopper cars for shipments under this tariff.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1405 Illinois Central Gulf Railroad Co. authorized to use open hoppers in unit-grain trains.

(a) The Illinois Central Gulf Railroad Company (ICG) is authorized to permit shippers to substitute shipper owned or leased open top hopper cars for shipments of corn or soybeans, moving under tariff provisions of ICG Tariff 4018, ICC 4018, regardless of tariff provisions requiring the use of covered hopper cars.

(b) The minimum weight per shipment transported in shipper owned or leased open top hopper cars substituted for covered hopper cars shall be the minimum weight provided in this tariff. A sufficient number of open top hopper cars will be substituted to provide the required minimum weight for each shipment.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) In shipping corn or soybeans in open hopper cars in lieu of covered hopper cars as provided herein, the shipper shall be deemed to have acknowledged the terms and conditions of the contract of carriage embodied in the bill of lading that the carrier shall not be liable for injury, loss, of damage to the lading resulting from a defect or vice in such property.

(e) Bills of lading covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1405.

(f) The term "open hopper cars" means all cars listed in the Official Railway Equipment Register, ICC RER 6410–B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "HFA", "HK", "HM", "HMA", "HT", or "HTA".

(g) The term "covered hopper cars" means all cars listed in the Official Railway Equipment Register, ICC RER 6410–B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO".

(h) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(i) *Effective date.* This order shall become effective at 11:59 p.m., October 26, 1979.

(j) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads suscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–33834 Filed 10–31–79; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Opening of Valentine National Wildlife Refuge, Nebr., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Valentine National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Clear Lake—January 1, 1980 through December 31, 1980; Dewey Lake—January 1, 1980 through December 31, 1980; Duck Lake—January 1, 1980 through December 31, 1980; Rice Lake—January 1, 1980 through December 31, 1980; Hackberry Lake—December 1, 1979 through March 15, 1980 for ice fishing only.

FOR FURTHER INFORMATION CONTACT: Robert M. Ellis, Refuge Manager, Fort Niobrara-Valentine NWR Complex, Valentine, Nebraska 69201, Telephone Number—AC 402–376–3789.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

Sport fishing is permitted on the Valentine National Wildlife Refuge, Nebraska, only on the areas designated by signs as being open to fishing. The areas comprising Clear, Dewey, Duck, Rice and Hackberry Lakes are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Lakewood, Colorado 80225. Sport fishing shall be in accordance with all State regulations and subject to the following conditions:

1. Sport fishing with hook-and-line, bow-and-arrow, and handspear is permitted.

2. Sport fishing may be closed on specific lakes by posting for emergency or special management projects.

3. All recreational use of the refuge, including fishing, is permitted during daylight hours only. Camping is prohibited.

4. The use or possession of live or dead minnows or whole fish for bait, or the possession of any seine or net for capturing live minnows is prohibited. Parts of dead fish or minnows may be used as bait.

5. Boats propelled with oars, paddles, or electric motors may be used. Internal combustion type motors are prohibited, and may not be mounted on boats used on refuge lakes.

6. Cars and other motorized vehicles are not permitted on the ice.

7. Littering is not allowed and waste receptacles are available for public use.

The provisions of this special regulation supplement the regulations

which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

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

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

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Robert M. Ellis,

Refuge Manager.

October 24, 1979.

[FR Doc. 79-33886 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Bluefin Tuna; Closure and Summary of Management Measures; Purse Siene Fishery in 1979

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

ACTION: Notice of closure and summary of management measures for the giant-size bluefin tuna purse seine fishery in 1979.

SUMMARY: This publication summarizes management measures and provides official notice of the closure of the 1979 purse seine fishing season for giant-size Atlantic bluefin tuna.

EFFECTIVE DATE: The closure was effective on September 12, 1979, at 0830 hours e.d.t.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 10930. Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: Final regulations governing the 1979 Atlantic bluefin tuna fishery, promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. Sections 971-971h), became effective on June 14, 1979. Those regulations appeared in the **Federal Register** (44FR 36043) on June 20, 1979.

Section 285.30(a)(2) of those regulations established an annual quota of 300 short tons for giant-size Atlantic bluefin tuna taken by purse seine vessels. Section 285.29(a)(2) provided that the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, monitor the catch of giant tuna and project a date when the quota for the giant-size bluefin tuna purse seine fishery would be exhausted. Notice of the date and time when the fishery would close would be published in the **Federal Register** by the Assistant Administrator.

Based upon directed and incidental catch data and landings of giant-size bluefin tuna, and recognizing the ability of purse seine vessels to harvest large numbers of giant-size bluefin tuna within a short period of time, the Assistant Administrator projected that the purse seine quota of giant-size bluefin tuna would be exhausted by August 24, 1979, at 2359 hours e.d.t. and published a notice to that effect (44 FR 51801). The four purse seine vessels holding a valid certificate for this fishery were individually given actual notice that the fishery would be closed at that time.

Records compiled by the National Marine Fisheries Service after that date, however, indicated that the total amount of giant-size bluefin tuna taken by purse seine vessels totaled 212 short tons. Consequently, 88 short tons of the quota were left unharvested. Therefore, in order to allow purse seine vessels to harvest the remainder of the quota, i.e., 88 short tons, actual notice was again given to all four vessel captains on August 30, 1979.

On September 10, 1979, the fishing captains realized that they had caught the remaining 88 short tons and stopped fishing. This was confirmed the following day, and the Assistant Administrator formally notified them of the closure effective 0830 e.d.t., September 12, 1979. The four vessels holding valid certificates for that fishery were given actual notice that the fishery would close at 0830 hours e.d.t., September 12, 1979.

Issued at Washington, D.C., and dated October 26, 1979.

(16 U.S.C. 971-971h)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-33882 Filed 10-31-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 213
Thursday, November 1, 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 989

Raisins Produced From Grapes Grown in California; Proposed Preliminary Free and Reserve Percentages for 1979–80 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites written comments on preliminary marketing percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins from the 1979 production. The estimated 1979 production of these raisins is in excess of domestic and Western Hemisphere market needs, and the proposal is intended to tailor the supply to these needs. Excess supplies would be available primarily for export to approved countries outside the Western Hemisphere.

DATES: Comments must be received by November 13, 1979. Proposed effective dates: August 1, 1979 through July 31, 1980.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: The proposal under consideration pertains to designating preliminary free tonnage percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins of 65 percent and 56 percent, respectively, for the 1979–80 crop year. Also proposed for that crop year are preliminary reserve tonnage percentages for these raisins of 35 percent and 44 percent, respectively. The 1979–80 crop year began August 1, 1979.

These designations would be pursuant to § 989.55 of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended under § 989.54(b) by the Raisin Administrative Committee, established under the order as the agency to administer its terms and provisions under USDA supervision.

Under § 989.54(b) of the order, the Committee is required to recommend on or before October 5, a preliminary free tonnage percentage for any varietal type of raisin for which a free tonnage has been computed which when applied to the estimated production of that varietal type would release 85 percent of the free tonnage for that varietal type—if the field price is firmly established. In accordance with § 989.54(a), the Committee computed free tonnages for Natural (sun-dried) Seedless and Dipped Seedless raisins of 185,757 natural condition tons and 9,586 natural condition tons, respectively. The field price for each of these varietal types has been firmly established and the 1979 production of Natural (sun-dried) Seedless and Dipped Seedless raisins is estimated to be 244,572 natural condition tons and 14,500 natural condition tons, respectively.

Eighty-five percent of the free tonnage quantity (185,757 tons) for Natural (sun-dried) Seedless would be 157,893 tons. Dividing this by the estimated production (244,572 tons) and rounding to the nearest full percent results in a preliminary free tonnage percentage of 65 percent. Eighty-five percent of the free tonnage quantity (9,586 tons) for Dipped Seedless raisins would be 8,148 tons. Dividing 8,148 tons by the estimated production (14,500 tons) and rounding to the nearest full percent results in a preliminary free percentage of 56 percent.

Section 989.54(b) also provides that any difference between the preliminary or final free tonnage percentages and 100 percent should be the reserve percentage. Thus, the preliminary reserve percentages for Natural (sun-dried) Seedless and Dipped Seedless would be 35 percent and 44 percent, respectively.

The proposed preliminary free tonnage percentages would make 157,893 tons of the estimated 1979 production of Natural (sun-dried) Seedless raisins, and 8,148 tons of the Dipped Seedless raisin production available for immediate sale in any marketing channel. No later than February 15, the Committee shall recommend free tonnage percentages which will tend to release full free tonnage for those varietal types. By then, the Committee will have firmer estimates of the 1979 raisin production and the trade demand for raisins.

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 any percentages established as a result of this proposal would apply to all Natural (sun-dried) Seedless or Dipped Seedless raisins acquired by handlers during the 1979–80 crop year. Furthermore, handlers have already begun to acquire 1979 crop raisins and will be marketing these raisins soon. Handlers therefore must know what groundrules may be applicable to the marketing of raisins during the 1979-80 crop year so that they can plan accordingly.

A determination has been made that this action should be classified "significant". An impact analysis is available from William J. Higgins, (202) 447–5053.

The proposal is as follows:

Section 989.233 would be added as follows:

§ 989.233 Free and reserve percentages for the 1979–80 crop year.

The preliminary percentages of standard Natural (sun-dried) Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning August 1, 1979, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural (sun-dried) Seedless	65	35
Dipped Seedless	56	44

Dated: October 29, 1979.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 79-33955 Filed 10-31-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Reg. K; Docket No. R-0259]

International Banking Operation; Interstate Banking Restrictions For Foreign Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed interpretation.

SUMMARY: The Board of Governors of the Federal Reserve System has issued an interpretation of section 211.2(b) of its proposed amendments to the Board's Regulation K (12 CFR § 211), which defines "agency" for the purposes of Regulation K.

DATE: Comments must be received by January 4, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0259, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, Northwest, Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR § 261.6(a)).

FOR FURTHER INFORMATION CONTACT: C. Keefe Hurley, Jr., Senior Counsel (202/452-3269), or James S. Keller, Attorney (202/452-3582), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Section 5(a) of the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*) ("IBA") provides that, with the exception of grandfathered offices, no foreign bank may directly or indirectly establish and operate either a Federal or a State branch outside its "home State" unless the foreign bank enters into an agreement or undertaking with the Board to accept only such deposits at the out-of-home State branch as would be permissible for an Edge Corporation. Under the Edge Act (12 U.S.C. 611 *et seq.*), Edge Corporations may only receive deposits in the U.S. as may be "incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States." In addition to the requirement of an agreement to restrict deposit-taking, a *Federal* branch or agency may be established or operated outside a foreign bank's home State only if the operation of such an office is expressly permitted by the receiving State, while a *State* branch, agency or commercial lending company may be established outside a foreign bank's home State only if it is approved by the bank regulatory authority of the receiving State. Subsection (a) also prohibits a foreign bank from acquiring directly or indirectly an interest in a bank located outside of the foreign bank's home State if the acquisition would be prohibited under section 3(d) of the Bank Holding Company Act ("BHCA") if the foreign bank were a bank holding company whose State of principal banking operations was the foreign bank's home State.

Subsection 5(b) grandfathers for purposes of the interstate banking restrictions, any branch, agency, bank or commercial lending company subsidiary that commenced operation or for which an application to commence business had been filed on or before July 27, 1978. Subsection 5(c) provides that the home State of a foreign bank that has any combination of branches, agencies, subsidiary lending companies, or subsidiary banks, in more than one State, is whichever State is chosen by the foreign bank (or by the Board in the event the foreign bank does not make a choice).

California offices. Section 1(b) of the IBA defines "agency" as an office that maintains credit balances but at which "deposits may not be accepted from citizens or residents of the United States," while it defines "branch" as any office "at which deposits are received." While offices of foreign banks in California have generally been prohibited from accepting deposits by a requirement of State law that such offices obtain Federal deposit insurance (an office of a foreign bank could not obtain such insurance before the passage of the IBA), California law does permit officers of foreign banks, with approval of the Banking Department, to accept deposits from any person that resides, is domiciled and maintains its principal place of business in a foreign country. Therefore, according to a literal reading of the IBA, a California office of a foreigh bank that accepts deposits from certain foreign sources (e.g., a U.S. citizen residing abroad) is a branch rather than an agency. If the Board were to determine such an office, established or applied for prior to July 27, 1978, to be a branch rather than an agency, then it would be grandfathered as a branch. Accordingly, a foreign bank in this situation could elect a State other than California as its home State, obtain deposit insurance, and convert its California office to a full domestic deposit-taking facility. If, however, the Board were to determine such an office to be an "agency," then it would be grandfathered as such and could not expand its deposit-taking capabilities (unless the foreign bank selected California as its home State). The proposed interpretation indicates that, for purposes of section 5 of the IBA, the Board will regard offices of foreign banks that accept foreign source deposits, but not domestic deposits, as agencies rather than branches. Both the legislative history of section 5 of the IBA and the purposes of that section support such an interpretation. Furthermore, funds that may be received by these California offices are the type that Edge Corporations and, therefore, branches established and operated outside of a foreign bank's home State may receive. Treating these offices as agencies appears to be consistent with their method of operation and with the purpose of section 5 of the IBA.

Pursuant to its authority under the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*), the Board has issued the following interpretation of its proposed amendments to section 211.2(b) of its Regulation K:

§ 211.113 Grandfather status of certain agencies for purposes of the International Banking Act restrictions on interstate banking operations.

The Board has considered the question of whether a foreign bank's California office that may accept deposits from certain foreign sources (e.g., a United States citizen residing abroad) is a branch or an agency for the purposes of the grandfather provisions of the International Banking Act of 1978 (12 U.S.C. 3103(b)). The question has arisen as a result of the definitions in the International Banking Act of "branch" and "agency," and the limited deposit-taking capabilities of certain California offices of foreign banks.

The International Banking Act defines "agency" as "any office . . . at which deposits may not be accepted from citizens or residents of the United States," and defines "branch" as "any office . . . of a foreign bank . . . at which deposits are received" (12 U.S.C. 3101 (1) and (3)). Offices of foreign banks in California prior to the International Banking Act were generally prohibited from accepting deposits by the requirement of State law that such

offices obtain Federal deposit insurance (Cal. Fin. Code § 1756); until the passage of the International Banking Act an office of a foreign bank could not obtain such insurance. California law, however, permits offices of foreign banks, with the approval of the Banking Department, to accept deposits from any person that resides, is domiciled, and maintains its principal place of business in a foreign country (Cal. Fin. Code § 1756.2). Thus, under a literal reading of the definitions of "branch" and "agency" contained in the International Banking Act, a foreign bank's California office that accepts deposits from certain foreign sources (e.g., a U.S. citizen residing abroad), is a branch rather than an agency.

Section 5 of the IBA establishes certain limitations on the expansion of the domestic deposit-taking capabilities of a foreign bank outside its home State. It also grandfathers offices established or applied for prior to July 27, 1978, and permits a foreign bank to select its home State from among the States in which it operated branches and agencies on the grandfather date. If a foreign bank's office that was established or applied for prior to June 27, 1978, is a "branch" as defined in the International Banking Act, then it is grandfathered as a branch. Accordingly, a foreigh bank could designate a State other then California as its home State and subsequently convert its California office to a full domestic deposit-taking facility by obtaining Federal deposit insurance. If, however, the office is determined to be an "agency," then it is grandfathered as such and the foreign bank may not expand its deposit-taking capabilities in California without declaring California its home State.

In the Board's view, it would be inconsistent with the purposes and the legislative history of the International Banking Act to enable a foreign bank to expand its domestic interstate deposit-taking capabilities by grandfathering these California offices as branches because of their ability to receive certain foreign source deposits. The Board also notes that such deposits are of the same type that may be received by an Edge Corporation and, hence, in accordance with section 5(a) of the International Banking Act, by branches established and operated outside a foreign bank's home State. It would be inconsistent with the structure of the interstate banking provisions of the International Banking Act to grandfather as full deposit-taking offices those facilities whose activities have been determined by Congress to be appropriate for a foreign bank's out-of-home State branches.

Accordingly, the Board, in administering the interstate banking provisions of the IBA, regards as agencies those offices of foreign banks that do not accept domestic deposits but that may accept deposits from any person, that resides, is domiciled, and maintains its principal place of business in a foreign country.

Board of Governors of the Federal Reserve System, October 29, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-33833 Filed 10-31-79; 8:45 am]

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12 CFR Part 211

[Reg. K; Docket No. R-0258]

International Banking Operations; Interstate Banking Restrictions for Foreign Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The International Banking Act of 1978 limits the expansion of the interstate domestic deposit-taking capabilities of foreign banks by restricting the establishment of branches and subsidiary banks by a foreign bank outside of its "home State." The proposed amendments to Regulation K (International Banking Operations) implement these provisions of the International Banking Act.

DATE: Comments must be received by January 4, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0258, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, Northwest, Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR § 261.6(a)).

FOR FURTHER INFORMATION CONTACT: C. Keefe Hurley, Jr., Senior Counsel (202/452-3269), or James S. Keller, Attorney (202/452-3582), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Section 5(a) of the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*) ("IBA") provides that, with the exception of grandfathered offices, no foreign bank may directly or indirectly establish and operate either a Federal or a State branch outside its "home State" unless the foreign bank enters into an agreement or undertaking with the Board to accept only such deposits at the out-of-home State branch as would be permissible for an Edge Corporation (such agreement to be filed on a form provided by the Board). Under the Edge Act (12 U.S.C. 611 *et seq.*), Edge Corporations may only receive deposits in the U.S. an may be "incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States." In addition to the requirement of an agreement to restrict deposit-taking, a *Federal* branch or agency may be established or operated outside a foreign bank's home State only if the operation of such an office is expressly permitted by the receiving State, while a *State* branch, agency or commercial lending company may be established outside a foreign bank's home State only if it is approved by the bank regulatory authority of the receiving State. Subsection (a) also prohibits a foreign bank from acquiring directly or indirectly an interest in a bank located outside of the foreign bank's home State if the acquisition would be prohibited under section 3(d) of the Bank Holding Company Act ("BHCA") if the foreign bank were a bank holding company whose State of principal banking operations was the foreign bank's home State.

Subsection 5(b) grandfathers for purposes of the interstate banking restrictions any branch, agency, bank or commercial lending company subsidiary that commenced operation or for which an application to commence business had been filed on or before July 27, 1978. Subsection 5(c) provides that the home State of a foreign bank that has any combination of branches, agencies, subsidiary lending companies, or subsidiary banks, in more than one State, is whichever State is chosen by the foreign bank (or by the Board in the event the foreign bank does not make a choice).

Several issues arise in connection with the interstate restrictions of the IBA that are not addressed in the statute. The Board has attempted to resolve these issues in a manner consistent with the purposes of section 5 and its legislative history. There follows a discussion of the issues unresolved by section 5 and the Board's proposed responses.

Selection of Home State. Section 5(c) is silent as to the appropriate home State of a foreign bank that either has one deposit-taking office in the United States or is making its initial deposit-

taking entry into the United States. The statute also makes no distinction between foreign banks with deposit-taking offices (i.e. branches or subsidiary banks) and foreign banks that have have only non-deposit-taking offices (i.e. agencies or commercial lending company subsidiaries).

The legislative history of section 5 indicates Congress' intent that the home State of a foreign bank having no deposit-taking operations in the United States be the State in which that foreign bank opens its initial deposit-taking office. Conisitent with this expressed intent, the Board proposes that: (1) a foreign bank with no deposit-taking offices in the U.S., even though it may have offices in more than one State that do not take deposits, is not required to select a home State; and (2) the home State of a foreign bank with one branch or subsidiary bank, and no other offices, in the United States is the State in which that branch or subsidiary bank is located.

The Board proposes that a foreign bank with more than one office as of the grandfather date, one of which accepts domestic deposits, be required to select a home State within 90 days after the Board's regulations on this matter become final. In the event a foreign bank fails to select a home State, the Board proposes to exercice its authority to determine a foreign bank's home State. The Board proposes to use a test analogous to that used in section 3(d) of the BHCA for determining the home State of a bank holding company (that State in which the total deposits of all its banking subsidiaries is largest) to determine a foreign bank's home State. In applying this test to foreign banks, the deposits as of the latest report of condition would be determinative in the Board's designating a home State for a foreign bank that fails to do so.

Change of Home State. No provision in the IBA explicitly allows a foreign bank to change its home State. Nevertheless, it is clear from the legislative history of this section that Congress intended that the Board provide by regulation "a suitable procedure for registering with the Federal Reserve the home State and for changing it." In this regard, the most relevant consideration with respect to the change of home State for any foreign bank would be whether, and to what extent, the foreign bank has made use of its current home State to establish additional deposit-taking offices. The Board recognizes that the ability of a foreign bank to change its home State could, if unrestricted, afford a foreign bank a significant advantage over a domestic bank. A domestic bank is, for the most part, restricted to operating in the State where it is organized and, depending upon State law, may be restricted to a particular city or county. In order to afford a foreign bank some flexibility in its operations without causing competitive imbalance, the Board proposes that a foreign bank be permitted to change its home State only *once*, and that such a change in home State be conditioned upon the foreign bank: (1) either closing branches opened in reliance on its original home State designation, converting the branches to agencies or entering into an agreement with the Board regarding deposit-taking at such branches as prescribed in section 5(a) of the IBA, and (2) divesting any interests acquired in banks in reliance upon its original home State designation. This procedure would be self-implementing in that it would require notification to the Board but no Board action (unless divestiture should require a control determination under section 2(g)(3) of the BHCA).

Out-of-home State mergers. Under section 5(a) of the IBA and section 3(d) of the BHCA, a foreign bank with a subsidiary bank in one State (State X) and a branch in another State (State Y), that declares State Y as its home State is prohibited from: (1) acquiring more than 5 per cent of the shares of an additional bank in State Y (by the provisions of section 3(d) of the BHCA); or (2) acquiring more that 5 per cent of the shares of an additional bank in State X (by the provisions of section 5(a)(5) of the IBA). The Board is concerned that a foreign bank might be able to acquire an additional bank *by merger* in State X and at the same time continue to expand its deposit-taking capabilities in State Y by further branching.

The ability of a foreign bank to expand its deposit-taking capabilities significantly in more than one State appears to contravene the intent of section 5. Accordingly, the Board proposes that a foreign bank with a subsidiary bank (or banks) and branches located in different States that chooses as its home State a State other than where its subsidiary bank is located be required to give the Board 60 days' notice prior to acquiring all or substantially all of the assets of a bank outside its home State. The Board would then make a determination as to whether the foreign bank should be required to show cause as to why its home State should not be changed to the State where it subsidiary bank is located. Absent an adequate showing by the foreign bank, the home State of the foreign bank would be redesignated upon consummation of the transaction. Redesignation would require that the foreign bank terminate any domestic deposit-taking operations undertaken as a result of its original home State selection. In addition, the foreign bank would be precluded from future expansion of its domestic deposit-taking capability in its original home State. Such a procedure would enable the Board to ensure that home State selection is not used in a manner to circumvent the domestic deposit limitations of the IBA.

The factors to be considered by the Board in making its preliminary and final determinations would include: the size of the proposed acquisition relative to the foreign bank's other operations in the United States; the ability of the foreign bank to change its home State; and the existence of other potential acquirers.

Credit balances. As discussed, the interstate restrictions of the IBA were designed to limit the future deposit-taking capabilities of foreign banks. Therefore, agencies and commercial lending companies, which by law may not receive deposits, are not affected by the restrictions. Agencies do, however, receive funds in the form of credit balances, which have many of the characteristics of deposits. While the distinction between credit balances and deposits is a narrow one, it is this distinction that separates a branch from an agency. Currently each State determines the types of funds that may be maintained in the form of credit balances. Since these determinations have been made, for the most part, through the regulations or administrative practices of the State banking authorities rather than by statute, there is variation from State to State as to what constitutes a permissible credit balance. The Board is proposing, therefore, minimum criteria by which an account, if it satisfies the criteria, would be presumed to be a credit balance. The Board believes that, absent a workable Federal standard for determining whether an account at an office of a foreign bank is a credit balance or a deposit, the interstate banking restrictions of the IBA would be difficult to enforce.

The criteria proposed by the Board may be divided according to the sources of funds placed as credit balances and the uses of such accounts.

Sources. 1. Funds must be derived from the exerise of other lawful banking powers;

2. Funds must be placed in an account to serve a specific purpose; and

3. Funds may not be solicited from the general public.

Uses. 1. Accounts may not be used to pay operating expenses in the United States such as salaries, rent or taxes;

2. Funds must be withdrawn within a reasonable period of time after the specific purpose for which they were placed in the account has been accomplished; and

3. Draft usage must be reasonable in relation to the size and nature of the accounts.

These proposes minimum criteria are generally consistent with standards that have been applied by the Board as well as by States through their statutes, regulations and practices governing credit balances.

Attribution of home State. Section 5 of the IBA states that "no foreign bank may directly or *indirectly* establish and operate a Federal [or State] branch outside of its home State." Under section 2(A)(2)(a) of the BHCA, a company is considered to control a bank or another company if the company directly or indirectly has the power to vote 25 per cent or more of any class of voting shares of the bank or company. The Board believes that, in consideration of the differences between banking in foreign countries and banking in the United States, this statutory test for determining control of banks and companies should not be imposed upon foreign organizations. Rather, the Board proposes that the test for what constitutes acting indirectly be ownership or control of a majority of the voting shares of a bank. While majority ownership would be a conclusive presumption of ownership or control, the Board would reserve the right to determine administratively whether the ownership of less than a majority of the voting shares constituted acting indirectly. Under this proposal, the Board would treat as one organization entitled to one home State a foreign bank or company and its majority owned subsidiaries. Also treated as a part of the same organization would be those subsidiaries that the Board determines after notice and opportunity for a hearing are actually controlled by the foreign organization.

Pursuant to its authority under the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*), the Board proposes to amend Regulation K (12 CFR Part 211) as follows:

1. Section 211.1 (b) would be revised to read as follows:

§ 211.1 Authority, purpose, and scope.

(b) *Purpose and scope.* This Part is in furtherance of the purposes of the FRA, the BHCA, and the IBA. It applies to corporations organized under section 25(a) of the FRA (12 U.S.C. 611–631), "Edge Corporations"; to corporations having an agreement or undertaking with the Board under section 25 of the FRA (12 U.S.C. 601–604(a)), "Agreement Corporation"; to member banks with respect to their foreign branches and investments in foreign banks under section 25 of the FRA (12 U.S.C. 601–604(a));[1] to bank holding companies with respect to the exemption from the nonbanking prohibitions of the BHCA afforded by section 4(c)(13) of the BHCA (12 U.S.C. 1843(c)(13)); and to foreign banks with respect to the limitations on interstate banking under section 5 of the IBA (12 U.S.C. 3103).

2. Section 211.2 is amended by adding definitions of the terms "Agency," "Banking subsidiary," "Commercial lending company," and "Domestic branch," and by adding a sentence at the end of the definition of "Foreign Bank." Paragraph designations are revised where appropriate to maintain alphabetical arrangement of the terms. As amended, the section reads as follows:

§ 211.2 Definitions.

For the purposes of this part:

(a) An "affiliate"***

(b) "Agency" means any office or any place of business of a foreign bank located in any State of the United States at which credit balances are maintained, checks are paid, or money is lent but at which deposits may not be accepted from a citizen or resident of the United States. An account will not be considered a credit balance unless funds placed in the account: (1) are derived from the exercise of other lawful banking powers; (2) are to serve a specific purpose; (3) are not solicited from the general public; (4) are not used to pay operating expenses in the United States such as salaries, rent or taxes; (5) are withdrawn within a reasonable period of time after the specific purpose for which they were placed there has been accomplished; and (6) are drawn upon a manner reasonable in relation to the size and nature of the account.

(c) "Banking subsidiary," with respect to a specified foreign bank, means a United States bank that is a subsidiary as those terms are defined in section 2 of the BHCA (12 U.S.C. 1841).

(d) "Capital and surplus"***

(e) "Commercial lending company" means any institution, other than a bank or an organization operating under section 25 of the FRA, organized under the laws of any State of the United States or the District of Columbia, which maintains credit balances and engages in the business of making commercial loans. An account will not be considered a credit balance unless funds placed in the account conform to the criteria set forth in the definition of "agency" in subsection (b) of this section.

(f) "Directly or indirectly"***

(g) "Domestic branch" means any office or any place of business of a foreign bank located in any State of the United States that may accept domestic deposits and deposits that are incidental to or for the purpose of carrying out transaction in foreign countries or dependencies or insular possessions of the United States.

(h) An Edge Corporation is "engaged in banking"***

(i) "Engaged in business in the United States"***

(j) "Foreign" or "foreign country"***

(k) "Foreign bank"***. For purposes of § 211.8 of this Part, an institution organized under the laws of a foreign country that engages in the business of banking is a "foreign bank" even though all of the criteria of the preceding sentence are not satisfied.

(l) "Foreign branch"***

(m) "Investment"***

(n) "Investor"***

(o) "Joint venture"***

(p) "Listed activities"***

(q) "Organization"***

(r) "Person"***

(s) "Portfolio investment"***

(t) "Subsidiary"***

3. Regulation K would be amended by adding a new section, § 211.8, as follows:

§ 211.8 Interstate banking operations of foreign banks and foreign bank holding companies.

(a) *Determination of home State.* A foreign bank shall have its home State determined according to this section. A foreign bank that is authorized to select its home State shall do so by filing a declaration of home State within 90 days of the effective date of this section. In the absence of such selection, the Board will determine a foreign bank's home State. Within one year after the home State of a foreign bank has been determined: the foreign bank shall close its domestic branches that are not permissible under section 5(b) of the IBA or convert such domestic branches to agencies or enter into an agreement with the Board regarding deposits at such branches as prescribed in section 5(a) of the IBA and the foreign bank shall divest voting shares of, interests in or assets of banks that are not permissible under section 5(b) of the IBA.

[1] Section 25 of the FRA, which refers to national banking associations, also applies to State member banks of the Federal Reserve System by virtue of section 9 of the FRA (12 U.S.C. 321).

(1) A foreign bank that does not operate a domestic branch or banking subsidiary shall not be required to select a home State and shall not have its home State designated by the Board.

(2) A foreign bank (except a foreign bank to which subsection 4 of this section applies) that has any combination of domestic branches, banking subsidiaries, agencies, or commercial lending company subsidiaries that, before July 27, 1978, were established or applied for in more than one State may select its home State only from those States in which the foreign bank has continuously operated such offices.

(3) A foreign bank that before July 27, 1978, had established or applied for one domestic branch or one banking subsidiary, and was not otherwise engaged in banking in the United States on that date, shall have its home State determined to be the State in which such domestic branch or banking subsidiary is located.

(4) A foreign bank that before July 27, 1978, had no domestic branches or banking subsidiaries or had only agencies or commercial lending companies, and, after that date, has established or establishes either a domestic branch or a banking subsidiary shall have as its home State that State in which its initial domestic branch or banking subsidiary is located.

(b) *Change of home State.* A foreign bank may change its home State once if:

(1) Prior notification of the proposed change is filed with the Board; and

(2) Domestic branches established and investments in banks acquired in reliance on its original home State designation are conformed to that which would have been permissible had the new home State been designated as its home State originally.

(c) *Bank mergers.* (1) A foreign bank with one or more banking subsidiaries that selects as its home State a State other than that in which a banking subsidiary is located shall, if it proposes to acquire all or substantially all of the assets of a bank located outside its home State:

(i) Give 60 days' prior notification to the Board concerning the proposed acquisition, and

(ii) If the Board makes a preliminary determination that the proposed acquisition would be inconsistent with the foreign bank's home State selection, show cause why its home State should not be redesignated as a result of the proposed transaction; and

(iii) If after reviewing the foreign bank's submissions the Board makes a final determination that the proposed acquisition would be inconsistent with the foreign bank's home State selection, change it home State to the State where such acquisition is to be made in accordance with subsection (b)(2) of this section.

(2) Factors to be considered by the Board in making its preliminary and final determinations will include: the size of the proposed acquisition relative to the foreign bank's other operations in the United States; the ability of the foreign bank to change its home State; and the existence of other potential acquirers.

(d) *Attribution of home State.* (1) A foreign bank or organization and the other foreign banks or organizations over which it exercises actual control shall be regarded as one foreign bank and shall be entitled to one home State.

(2) Actual control shall be conclusively presumed to exist in the case of a bank or organization that owns or controls a majority of the voting shares of another bank or organization.

(3) Where it appears to the Board that a foreign bank or organization exercises actual control over the management or policies of another foreign bank or organization, the board may inform the parties that a preliminary determination of control has been made on the basis of the facts summarized in the communication. In the event of a preliminary determination by the Board, the parties shall within 30 days (or such longer period as may be permitted by the Board): (i) indicate to the Board a willingness to terminate the control relationship; or (ii) set forth such facts and circumstances as may support the contention that actual control does not exist (and may request a hearing to contest the Board's preliminary determination); or (iii) accede to the Board's determination in which event the parties will be regarded as one foreign bank and will be entitled to one home State.

(4) Until otherwise advised by the Board, a foreign bank or organization and any foreign bank or organization of which it owns 10 percent or more of the voting shares shall be regarded as one foreign bank entitled to one home State.

Board of Governors of the Federal Reserve System, October 29, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-33896 Filed 10-31-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 23, 25, and 135

[Docket No. 18600; Notice No. 78-17D]

Light Transport Airplane Airworthiness Review; Notice of Conference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice announcing a conference.

SUMMARY: This notice announces the location, dates and time of a Light Transport Airplane Airworthiness Review Conference to consider expanding the applicability of proposed Part 24 to include aircraft with 31–60 passengers and between 35,000 and 50,000 pounds gross weight and sets forth the conference procedures.

DATES: This Light Transport Airplane Airworthiness Review Conference will be held November 19–20, 1979.

ADDRESSES: This Light Transport Airplane Airworthiness Review Conference will be held at the Federal Aviation Administration, 3rd Floor Auditorium, 800 Independence Avenue SW., Washington, D.C. Copies of the compilation of FAA proposals to be discussed at the conference will be available November 16, 1979 and may be picked up at the address below in Room 338.

FOR FURTHER INFORMATION CONTACT: Mr. Everett W. Pittman, Safety Regulations Staff, Regulatory Review Branch, AVS–22, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202–755–8714.

SUPPLEMENTARY INFORMATION:

Background

Information relating to the objectives of this review are contained in Notice No. 78–17 "Light Transport Airplane Airworthiness Review" (43 FR 60846; December 28, 1978); Notice No. 78–17A "Light Transport Airplane Airworthiness Review Discussion Forum" (44 FR 7057; February 5, 1979); Notice No. 78–17B "Invitation to Submit Proposals for Consideration; Postponement of Review Conference" (44 FR 16856; March 19, 1979); and Notice No. 78–17C "Light Transport Airplane Airworthiness Review, Notice of Conference", (44 FR 22656; April 16, 1979).

At the Light Transport Airplane Airworthiness Review Conference held in Phoenix, Arizona on September 17–21, 1979, the conference chairman

announced that the FAA would consider expanding the applicability of proposed Part 24 to include airplanes with passenger capacities of 31 to 60 and maximum gross weight between 35,000 and 50,000 pounds. It was stated that a conference would be held in Washington, D.C. to present the FAA proposals for aircraft in the 31–60 passenger, 35,000–50,000 pound gross weight range that would be in addition to the proposals for aircraft with less than 31 passengers and less than 35,000 pounds gross weight. This Notice announces that the conference will be held on November 19–20, 1979.

Conference Procedures

Those who plan to attend the conference should be aware of the following procedures which are established to facilitate the working of the conference:

(a) There will be no admission fee or other charge to attend and participate. All conference sessions will be open, on a space-available basis, to all persons who register. If practicable, the conference may be accelerated to enable adjournment in less than the time scheduled.

(b) The conference will be chaired by the FAA. It will convene and remain in plenary session to discuss the proposals forming the conference agenda. If the need arises to resolve a specific issue, the conference chairpersons may form a special committee, identifying its various members. The chairperson of this committee will be an FAA employee, who will report the committee's recommendation to the conference chairpersons.

(c) All conference sessions will be recorded by a court reporter. Anyone interested in purchasing a copy of the transcript of proceedings should contact the court reporter directly. A copy of the transcript will be docketed.

(d) The FAA will not consider material presented at the conference by participants on any issue that concerns the 30 passenger or less rules discussed at the September 17–21 conference. Position papers or other handout material concerning the rules applicable to airplanes with greater than 30 passengers and 35,000 pounds may be accepted at the discretion of the chairpersons. However, enough copies must be provided for distribution to all conference participants.

(e) Proposals discussed at the conference will not necessarily be included in a notice of proposed rule making. The FAA will decide, in postconference analysis, which proposals will be revised, expanded, or accepted without change and which will be deferred or rejected. Statements made by FAA participants at the conference should not be taken as expressing a final FAA position.

(f) The proposals in both compilation of proposals and related conference discussions will be used by the FAA as a basis for developing a notice of proposed rule making which will be published in the **Federal Register**. This notice, when published, will provide interested persons with an opportunity to comment on specific proposed amendments to the Federal Aviation Regulations. Final rules adopted pursuant to that notice will be issued after consideration of all comments received.

Tentative Conference Schedule

The conference will begin at 9:00 a.m. both days and will start with Subpart A of proposed Part 24. It will proceed through those rules applicable to airplanes with greater than 30 passengers and 35,000 pounds gross weight in each of the Subparts and will adjourn at 5:00 p.m.

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

Issued in Washington, D.C. on October 29, 1979.

Charles R. Foster,

Associate Administrator for Aviation Standards.

[FR Doc. 79-33891 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 79-ASW-51]

Airworthiness Directives; Mooney M20K Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an AD that would require modification of fuselage tubular structure on Mooney M20K airplanes. The proposed AD is needed to prevent failure of the fuselage tubular structure which could result in loss of the airplane. This AD is prompted by failures of the fuselage tubular structure of the M20K airplane during static testing.

DATES: Comments must be received on or before November 30, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attn. Docket 79–ASW–51, Southwest Region, FAA, P.O. Box 1689, Fort Worth, Texas 76101. The applicable service bulletin may be obtained from: Service Manager, Mooney Aircraft Corporation, P.O. Box 72, Kerrville, Texas 78028. A copy of the service bulletin is contained in the Rules Docket of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Michele M. Owsley, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817–624–4911, Extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. 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 FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The FAA has determined that the tubular structure in the fuselage is understrength for certain flight conditions which could cause loss of the airplane. Failures have occurred during structural tests. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require reinforcement of the fuselage tubular structure with a clamped split-sleeve on Mooney M20K airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Mooney Aircraft Corporation. Applies to Models M20K airplanes, Serial Numbers 25–0001 through 25–0247, certificated in all categories.

Compliance is required as indicated unless already accomplished.

To prevent possible failure of the fuselage tubular structure, accomplish the following:

(a) Within the next 90 days after the effective date of this AD, reinforce the lower right fuselage tubular structure

with a split-sleeve and clamps in accordance with Mooney Service Bulletin No. M20–220 dated September 28, 1979, or equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(b) Aircraft may be flown in accordance with FAR 21.197(a)(1) to a location where the modification required by this AD may be accomplished.

(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 11.85.))

Issued in Fort Worth, Texas, on October 18, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79–33656 Filed 10–31–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 78–EA–60]

Alteration of Transition Areas and Revocation of Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter three transition areas and revoke four control areas in the New York, N.Y. area. The New York Ocean Modernization Plan was implemented in 1978 and resulted in some overlaps with dual designation of airspace. The proposed amendment would eliminate the dual designations.

DATES: Comments must be received on or before December 1, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 78–EA–60, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules docket, (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D. C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington D.C. 20591; telephone: (202) 426–8525.

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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before December 1, 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 Rule Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart E and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would revoke control areas 1145, 1147, 1148, and 1169, and alter the Barnegat, N.J. Control Area, the Riverhead, N.Y. Transition Area and the New Jersey Transition Area. This amendment would eliminate airspace areas now incorporated under other airspace designations when the Ocean Modernization Plan was implemented.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. The contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.163 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 347,442) as follows:

Under § 71.163:

Control 1145 title and text would be revoked; Control 1147 title and text would be revoked; Control 1148 title and text would be revoked; and Control 1169 title and text would be revoked.

Under § 71.181:

In Riverhead, N.Y., "excluding the portion below 3,000 feet MSL within W–106" would be deleted.

In New Jersey, all after "thence north along that line 3–NM east and parallel to

the State of New Jersey shoreline to lat. 40°17'30"N., long. 73°54'45"W.," would be deleted.

In Nantucket, Mass., "SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket RBN, on the N. by Control 1144 on the SW by Control 1145; and that airspace from FL 240 to FL 300, inclusive, SW of Nantucket, bounded on the N. by Control 1169, on the E. by Control 1145, and on the S. and W. by the arc of a 10.2-mile radius circle centered on the Nantucket RBN;" would be deleted and "SE of Nantucket, beginning at lat. 41°20'19"N., long. 70°09'28"W., and following a line drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket RBN and the Kindley, AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area to lat. 41°09'21"N., long. 69°58'50"W.; thence bounded by a 13-mile radius centered on the Nantucket RBN to the north and east boundary of Control 1144, back to the beginning and that airspace from FL 240 to FL 300, inclusive, beginning at lat. 41°09'41"N., long. 70°13'06"W.; thence to lat. 41°07'13"N., long. 70°11'33"W.; thence to lat. 41°08'40"N., long. 70°17'21"W.; thence to the point of beginning." would be substituted therefor.

Barnegat Control Area would be rewritten as follows:

Barnegat, N.J., that airspace extending upward from 700 feet MSL beginning at lat. 39°40'00"N., long. 73°29'00"W.; to lat. 39°40'00"N., long. 72°50'00"W.; to lat. 39°34'00"N., long. 72°50'00"W.; thence along 39°34'00"N., to lat. 39°34'00"N., long. 72°39'15"W., to lat. 39°19'00"N., long. 72°20'12"W.; thence to lat. 38°33'00"N., long. 73°08'00"W., to lat. 38°33'33"N., long. 73°46'48"W., to lat. 38°58'00"N., long. 73°50'00"W.; to lat. 38°58'00"N., long. 73°15'00"W., to lat. 39°09'00"N., long. 73°13'00"W.; to lat. 39°09'00"N., long. 73°29'00"W., to point of beginning; and that airspace extending upward from 1,200 feet MSL beginning at lat. 39°44'00"N., long. 73°14'29"W., to lat. 37°45'35"N., long. 71°10'38"W.; thence along the New York Oceanic CTA/FIR to lat. 37°25'07"N., long. 72°1–'36"W., lat. 39°07'24"N., long. 74°37'28"N.; thence along the east boundary of V139 to lat. 39°44'00"N.; thence to the point of beginning. The portion within the North Atlantic control area is excluded.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65).

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

Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on October 24, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-33657 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 19469; Petition Notice No. PR 79-11A]

Petition for Rulemaking of the Air Line Pilots Association, International

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction and republication of petition for rule making; request for comments.

SUMMARY: Petition Notice No. PR 79-11 (44 FR 60746; October 22, 1979) published for public comment the petition of the Air Line Pilots Association, International (ALPAI), dated July 25, 1979, to amend § 97.3 of the Federal Aviation Regulations (FAR), 14 CFR Part 97. The ALPAI petition was to have been published verbatim; however, it was inadvertently omitted. The ALPAI petition is published in this notice and editorial corrections are made to the preamble. Petition Notice No. PR 79-11 is superseded by this action.

ALPAI asks that § 97.3(b), aircraft approach category speeds, be based on 1.4 V_{so}, at maximum certificated landing weight, instead of the current aircraft approach speeds based on 1.3 V_{so}. This notice does not propose regulations for adoption or represent and FAA position on the merits of the Petition.

DATES: Comments must be received on or before December 21, 1979.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 19469, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they desire. Communications should identify the regulatory docket or petition notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before December 21, 1979, will be considered by the Administrator before taking action on the petition for rule making. 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 substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of Notice

Any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the petition notice number of this document.

Background Information

On July 25, 1979, the ALPAI submitted a petition for rule making, in accordance with Part 11 of the FAR, to amend § 97.3(b) of the FAR. This petition is published in its entirety as part of this notice.

The substantive FAR section cited in the ALPAI petition is § 97.3(b). Section 97.3(b) sets forth the conditions under which aircraft approach speeds would be based on 1.3 V_{so} (at maximum certificated landing weight). Section 97.3(b) states that "Aircraft approach category" means a grouping of aircraft based on a speed of 1.3 V_{so} (at maximum certificated landing weight). V_{so} and the maximum certificated landing weight are those values as established for the aircraft by the certificating authority of

the country of registry. The categories are as follows:

(1) Category A: Speed less than 91 knots.

(2) Category B: Speed 91 knots or more but less than 121 knots.

(3) Category C: Speed 121 knots or more but less than 141 knots.

(4) Category D: Speed 141 knots or more but less than 166 knots.

(5) Category E: Speed 166 knots or more.

The petitioner contends that: (1) the current rule employing 1.3 V_{so} to determine aircraft approach categories is no longer valid for today's generation of large jet aircraft; (2) the rule prior to the recent amendment of § 97.3 on March 15, 1979, protected large aircraft by considering weight as well as speed; (3) the 1.3 V_{so} as it pertains to the certification process is not a real-world speed that is used operationally when conducting instrument approaches; and (4) that the true 1 g stall speed is always much higher than the stall speed established by the aircraft manufacturer, which is in reality the FAR minimum speed.

Although this notice sets forth the contents of the ALPAI petition as received by the FAA without changes, it should be understood that its publication to receive public comment is in accordance with FAA procedures governing the processing of petitions for rule making. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and to reach a conclusion on the merits of the ALPAI proposal after it has had an opportunity to carefully evaluate it in light of the comments recieved and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking procedures on the ALPAI petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The ALPAI Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rule making of the Air Line Pilots Association, International, dated July 25, 1979.

Issued in Washington, D.C., on October 26, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Before the Federal Aviation Administration

In the matter of proposed rule making: Part 97, Subpart A, § 97.3(b) of the Federal Aviation Regulations.

Petition for Rulemaking of Airline Pilots Association, International;

Guy E. Hairston, Jr.,
James A. Forgas,
Air Line Pilots Association, Int'l, 1625 Massachusetts Avenue, NW., Washington, D.C. 20036 (202) 797–4194.

Dated: July 25, 1979.

The Air Line Pilots Association hereby petitions the Federal Aviation Administration under Subchapter B, Part 11, § 11.25, "Petitions for Rule Making or Exemptions," to amend Part 97, Subpart A, § 97.3(b) of the Federal Aviation Regulations to read as follows:

§ 97.3 Symbols and terms used in procedures.

* * * * *

(b) "Aircraft approach category" means a grouping of aircraft based on a speed of 1.4 Vso (at maximum certificated landing weight). Vso and the maximum certificated landing weight are those values as established for the aircraft by the certificating authority of the country of registry. The categories are as follows:

(1) Category A: Speed less than 91 knots.

(2) Category B: Speed 91 knots or more but less than 121 knots.

(3) Category C: Speed 121 knots or more but less than 141 knots.

(4) Category D: Speed 141 knots or more but less than 166 knots.

(5) Category E: Speed 166 knots or more.

Arguments

The current rule employing 1.3 Vso to determine aircraft approach categories is no longer valid for today's generation of large jet aircraft. The rule prior to the recent amendment of FAR 97.3, on March 15, 1979, protected large aircraft by considering weight as well as speed. The 1.3 Vso as it pertains to the certification process is not a real-world speed that is used operationally when conducting instrument approaches. The true 1G stall speed is always much higher than the stall speed established by the aircraft manufacturer, which in reality the FAR minimum speed. The FAA Flight Standards Service took a series of photographic measurement of active operational landings at Kansas City and New York in 1970. Again in 1961, FAA conducted a second series of photo measurements at Chicago, San Francisco, Denver and Dallas. The FAA report, Flight Standards Service, Release 470, dated August 8, 1962, entitled *"Statistical Presentation of Operational Landing Performance Parameters for Transport Jet Airplaines,"* concluded that there is little correlation between typical airline operation and the operation used during aircraft certification. The average threshold speed measured in normal operations was 9 knots faster than the corresponding value used during the certification process. The measured threshold speed was a mean 1.39 Vso (FAR).

In addition, the FAA recorded approach speeds utilized by three types of jet transport aircraft from July 1968 to June 1971. This resulted in publication of Report No. FAA RD–71–79 in September 1971, entitled *"Airline Operational Data From Unusual Events Recording Systems in 707, 727, 737 Aircraft,"* which states that the stall margin averages for all data from each aircraft indicated the 707 and 727 operated at 1.40 and 1.45 stall margins, respectively, during final approach. In fact, most airlines have established policy that requires the pilot to fly V-ref (1.3 Vso) plus at least 5 knots, or one-half the steady wind velocity, whichever is higher, plus all of the reported gusts, as the proper final approach speed. When there is appreciable wind shear and/or gusts, additional airspeed in proportion to the shear or gusts is required on final approach for safety. See DOT Advisory Circular 00–50A, *Low Level Wind Shear*, page 13, paragraph 7b, (Exhibit A). The application of the higher speeds above stall and airspeed corrections for gusts, which are contained in FAA-approved flight operations handbooks, is mandatory in order to provide an additional margin of safety on final approach.

The FAA reports and current airline operation policies are sufficient evidence that aircraft are just not flown on final approach at 1.3 Vso airspeed. The controlling minima on instrument approach procedures, which is visibility, are based on the closure rate of aircraft to the runway, which affects both the descent rate required to complete a normal and safe landing as well as the pilot's ability to obtain and assess the required visual references to enable him to make a proper decision whether to continue to land or execute a missed approach. If aircraft are flying at higher than FAR speeds of 1.3 Vso in normal

daily operations, the FAR should be amended to reflect the real-world normal operational speeds rather than a speed based on certification operations only.

Conclusion

For the foregoing reasons, it is the position of the Air Lines Pilots Association, International, that it would be in the best interest of the public to amend § 97.3 in accordance with our proposal.

Respectfully submitted,

Guy E. Hairston, Jr.,

Director.

J. A. Forgas,

Staff Engineer.

Engineering and Air Safety Department, Air Line Pilots Association, Int'l 1625 Massachusetts Avenue, NW., Washington, D.C. 20036.

Dated in Washington, D.C., this 25th day of July 1979.

Advisory Circular

Department of Transportation,
Federal Aviation Administration,
Washington, D.C., January 23, 1979.
Subject: Low Level Wind Shear

1. *Purpose.* This advisory circular is intended to provide guidance for recognizing the meteorological situations that produce the phenomenon widely known as low level wind shear. It describes both preflight and in-flight procedures for detecting and predicting this phenomenon as well as pilot techniques that minimize its effects when inadvertently encountered on takeoff or landing.

2. *Cancellation.* AC 00-50, dated April 8, 1976, is canceled.

3. *Background.*

a. Wind shear is best described as change in wind direction and/or speed in a very short distance in the atmosphere. Under certain conditons, the atmosphere is capable of producing some dramatic shears very close to the ground; for example, wind direction changes of 180 degrees and speed changes of 50 knots or more within 200 feet of the ground have been observed. It has been said that wind cannot affect an aircraft once it is flying except for drift and groundspeed. However, studies have shown that this is not true if the wind changes faster than the aircraft mass can be accelerated or decelerated.

b. The most prominent meteorological phenomena that cause significant low level wind shear problems are thunderstorms and certain frontal systems at or near the airport.

c. Appendix 1 contains a bibliography of FAA publications on wind shear.

* * * * *

g. *Adding Speed for Wind Shear.* The possibility of having to trade speed for altitude in wind shear makes it attractive to carry a great deal of extra speed. However, on landing, if the airspeed margin is not used up in the shear and the airplane touches down at an excessive speed, the airplane may not be able to stop on the available runway. It is generally agreed that if a speed margin in excess of 20 knots above V_{ref} appears to be required, the approach should not be attempted or continued.

h. *Difficulties of Flying Near V_{ss}.* Paragraph f stated that in simulations, wind shear "accidents" had been prevented by trading speed for altitude all the way down to V_{ss}. There are difficulties associated with flying at or near V_{ss} which should be recognized. These include:

(1) The pilot often does not know V_{ss}.

(2) The stickshaker mechanism may be miscalibrated (especially on older aircraft).

(3) The downdraft velocity may vary, which requires a change in pitch attitude to hold speed.

(4) It is hard to fly a precise airspeed in turbulence, which is often associated with wind shear.

(5) Turbulence might abruptly decrease the airspeed from V_{ss} to V_s.

(6) Pilots have historically had little training in maintaining flight at or near V_{ss}.

7. *Procedures for Coping With Wind Shear.* The most important elements for the flightcrew in coping with a wind shear environment are the crew's awareness of an impending wind shear encounter and the crew's decision to avoid an encounter or to immediately respond if an encounter occurs.

a. *Takeoff.* If wind shear is expected on takeoff, the PIREPS and weather should be evaluated to determine if the phenomena can be safely traversed within the capability of the airplane. This is a judgment on the part of the pilot based on many factors. Wind shear is not something to be avoided at all costs, but rather to be assesed and avoided if severe. Some rules of thumb for coping with wind shear on takeoff follow:

* * * * *

(5) If severe wind shear is encountered on takeoff, the pilot should immediately confirm that maximum rated thrust is applied and trade the airspeed above V_2 (if any) for an increased rate of climb. Depending on the airplane's gross weight, pitch attitudes of 15 to 22 degrees are to be expected during this energy trade, especially if a downdraft is present. A sudden decrease in headwind will cause a loss in airspeed equal to the amount of wind shear. At this point, the pilot should quickly evaluate his airplane's performance in the shear. He/she should monitor airspeed and vertical velocity to ensure that an excessive rate of descent does not develop. If it becomes apparent that an unacceptable rate of descent cannot be prevented at V_2 speed or ground contact appears to be certain at the current descent rate, the pilot should gradually increase the airplane's pitch attitude to temporarily trade airspeed for climb capability to prevent further altitude loss. The trade should be terminated when stickshaker is encountered. The airplane should be held in an attitude that will maintain an airspeed just above the airspeed where the stickshaker was initially encountered. A general rule is to reduce pitch attitude very slightly when stickshaker is encountered. Further pitch reductions in the shear could result in a large descent rate. As the airplane departs the shear, the pilot should reduce the pitch attitude and establish a normal climb. In several recent wind shear accidents, the National Transporation Safety Board (NTSB) has found that the full performance capability of the airplane was not used following a severe wind shear encounter. Post accident studies have shown that, under similar circumstances, had flight techniques of an emergency nature (such as those outlined above) been used immediately, the airplane could have remained airborne and the accident averted.

b. *Approach to Landing.* Considerations involved in flying an approach and landing or go-around at an airport where wind shear is a factor are similar to those discussed for takeoff.

(1) When wind shear weather analysis, PIREPS, or an analysis of airplane performance indicates that a loss of airspeed will be experienced on an approach, the pilot should add to the V_{ref} speed as much airspeed as he expects to lose up to a maximum of $V_{ref}+20$. If the expected loss of airspeed exceeds 20 knots the approach should not be attempted unless the airplane is specially instrumented and the pilots are specially trained. The pilot should fly a stabilized approach on a normal glidepath (using an electronic glidepath and the autopilot when available). In the shear when airspeed loss is encountered, a prompt and vigorous application of thrust is essential, keeping in mind that if airspeed has been previously added for the approach, the thrust application should be aimed at preventing airspeed loss below V_{ref}. An equally prompt and vigorous * * *.

[FR Doc. 79-33684 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 454

Advertising and Labeling of Protein Supplements Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Extension of the post-record comment period.

SUMMARY: In response to a request, the Commission is extending the time within which to file post-record comments on its proposed advertising and labeling of protein supplements trade regulation rule.

DATE: The post-record comment period is extended to October 31, 1979.

ADDRESSES: Comments should be sent to: Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Karen E. Chandler, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102, (415) 556-1270.

SUPPLEMENTARY INFORMATION: On October 23, 1979, the Commission received a request for a two-day extension of the time within which to

file post-record comments in this proceeding. The previously established deadline was October 24, 1979 (44 FR 54730). On that day, the Commission determined that the request justified an extension of the deadline and that the extension should be for one week in order to provide adequate notice to participants in this proceeding. All identifiable participants have been telephoned and informed of the extension of the time for filing post-record comments.

In accordance with the above, comments will now be accepted if received on or before October 31, 1979.

Carol M. Thomas,

Secretary.

[FR Doc. 79-33898 Filed 10-31-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 250 and 259

[Release No. 35-21267; File No. S7-802]

Annual Reports by Mutual and Subsidiary Service Companies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments.

SUMMARY: The Commission proposes to extend the filing date for the annual reports by mutual and subsidiary service companies under the Public Utility Holding Company Act of 1935 from April 1 to May 1 of each year, and to prescribe the use of an amended report form U-13-60, revised to conform to the amended Uniform System of Accounts for Mutual and Subsidiary Service Companies adopted by the Commission on February 2, 1979 (HCAR No. 35-20910) (44 FR 8247). The provision for an optional physical amendment process is deleted as not feasible under current microphotographic filing methods. Adoption of these proposals will make the annual report consistent with the system of accounts and (1) simplify the preparation of the annual report, (2) more clearly disclose financial, accounting, and operational information needed by Federal and state authorities which regulate the affiliated public utility companies served by the service companies and (3) facilitate the conduct of audit and account inspection programs.

DATES: Comments must be received on or before November 26, 1979. Proposed Effective Date: Not later than January 1, 1981.

ADDRESS: Comments should refer to File S7-802 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: Robert P. Wason, Division of Corporate Regulation, 500 North Capitol Street, Washington, D.C. 20549 (202)523-5159.

SUPPLEMENTARY INFORMATION: The Annual Report for Mutual and Subsidiary Service Companies on Form U-13-60 ("Annual Report") was adopted December 29, 1939 and revised on December 30, 1953. Service company activities have increased substantially since then, especially in the last decade, in order to meet the expanding needs of construction and fuel sources for the holding company systems. In 1969 the service companies subject to the Act rendered about $127 million of services, at cost, to the jurisdictional electric and gas operating utilities. In 1978 over $423 million of services were rendered, a 333% increase in ten years. This growth reflects an expansion of service company operations to make use of new management tools, such as computers, and to deal with new and varied problems affecting the operation of public utility companies. When the Commission adopted its present Uniform System of Accounts for service companies, Form U-13-60 (adopted December 29, 1939) became obsolete.

The Commission believes that the proposed revision will provide regulatory Commissions with certain information that should facilitate the conduct of audit and account inspection programs.

Accordingly, pursuant to provisions of the Act (Sections 13, 15 and 20(a), 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t), the Commission proposes to amend 17 CFR Chapter II as follows:

1. By revising § 250.94 to read as follows:

§ 250.94 Annual reports by mutual and subsidiary service companies.

(a) On or before the first day of May in each calendar year, every mutual service company and every subsidiary service company whose organization and method of conducting business the Commission, pursuant to § 250.88, has found sufficient to meet the requirements of section 13(b) (49 Stat. 825; 15 U.S.C. 79m), and every company whose application for approval, or declaration pursuant to § 250.88, is pending, shall file with the Commission a report for the prior calendar year, or any portion thereof during which there was effective as to such company any uniform system of accounts prescribed by any rules of the Commission. Every such report shall be submitted on the Form U-13-60 then in effect and shall be prepared in accordance with the instructions incorporated in such form. For appropriate cause shown, the Commission may extend the time within which any such report is to be filed.

(b) At the time of filing Form U-13-60 (§ 259.313 of this chapter) every mutual service or subsidiary service company filing such Form shall pay to the Commission a fee of $250, no part of which will be refunded.

§ 259.313 [Amended]

2. By revising *Form U-13-60, for annual reports pursuant to Rule 94 (§ 250.94 of this chapter) by mutual and subsidiary service companies required by Section 13 of the Act,* to conform to the amended Uniform System of Accounts for Mutual and Subsidiary Service Companies.

* * * * *

Copies of the proposed revised Form U-13-60 will be forwarded to mutual and subsidiary service companies registered under the Public Utility Holding Company Act of 1935. Copies of the form have been filed with the Office of the Federal Register and additional copies may be requested from Robert P. Wason, (202)523-5159, Division of Corporate Regulation.

By the Commission.

October 24, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33893 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

RAILROAD RETIREMENT BOARD

20 CFR 208 and 260

Miscellaneous Amendments

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board proposes to amend § 208.29 of Part 208 of its regulations to conform to applicable statutory provisions. It also proposes to amend § 260.1(c) of Part 260 of its regulations to provide an expanded procedure for notification to claimants, annuitants and payees of annuities of initial decisions by its Bureau of Retirement Claims.

DATE: Comments due by December 3, 1979.

ADDRESS: Send comments to: R. F. Butler, Secretary, Railroad Retirement

Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FUTHER INFORMATION CONTACT: R. F. Butler, (312) 751-4920.

PART 208—ELIGIBILITY FOR AN ANNUITY

1. It is proposed to amend 20 CFR 208.29 to read as follows:

§ 208.29 Cessation of eligibility for disability annuities.

(a) Eligibility for an annuity awarded to a person upon the basis of his/her having become permanently disabled for any regular employment, or upon the basis of his/her having become permanently disabled for work in his/her regular occupation, shall cease as of the last day of:

(1) The month preceding the month he/she attains age 65; or

(2) The second month after the month in which medical recovery from such disability is found to have occurred; or

(3) The month preceding the month in which he/she dies, regardless of his/her age; or

(4) The month in which the Board receives notice of his/her failure to appear for, or submit to, a required examination; or

(5) The month in which he/she was required to furnish the Board with any information relating to his/her employment, earnings and physical or mental condition, if he/she failed to furnish such information.

(b) The annuity based upon the disability described in § 208.7(a) (3) or (4) of a person who fails to relinquish his/her rights to return to service in accordance with Part 216 of this chapter shall be suspended as of the end of the month in which he/she attains age 65.

(c) Annuity payments which ceased by reason of noncompliance with one or more of the provisions of paragraphs (a) (4) and (5) of this section shall be restored if, within a reasonable time, the annuitant shows good cause for such noncompliance.

PART 260—APPEALS WITHIN THE BOARD FROM DECISIONS ISSUED BY THE BUREAU OF RETIREMENT CLAIMS OR THE BUREAU OF DATA PROCESSING AND ACCOUNTS

2. It is proposed to amend 20 CFR 260.1(c) to read as follows:

§ 260.1 Initial decisions by the Bureau of Retirement Claims.

* * * * *

(c)(1) In all cases except those described in paragraphs (c) (2), (3), and (4) of this section, written notice of an initial decision shall be mailed by the Bureau of Retirement Claims to the claimant, annuitant or payee of an annuity at his/her last known address within 30 calendar days after such decision is made. Such notice shall inform the claimant, annuitant or payee of an annuity of the reason(s) for the decision and his/her right to appeal such initial decision.

(2) No notice of an initial decision by the Bureau of Retirement Claims shall be required when the death of an annuitant causes the entitlement to an annuity to cease.

(3) When an initial decision is made that an annuitant's entitlement to a disability annuity has ended because the annuitant has recovered from his/her disability, written notice of that decision shall be mailed to the annuitant or payee of an annuity at his/her last known address. Such notice shall inform the annuitant or payee of an annuity: (i) of the date on which the recovery from disability is found to have occurred; (ii) of the reason(s) supporting such a finding of recovery; (iii) that entitlement to the annuity ends on the last day of the second month after the month in which recovery from disability is found to have occurred; (iv) that payment of the disability annuity will cease effective on either the last day of the second month following the month in which recovery from disability is found to have occurred or on the thirtieth calendar day after the day the notice provided by this paragraph is sent by the Board, whichever date is later; (v) that any annuity payments received after entitlement has ended will have to be repaid unless waiver of recovery is appropriate; (vi) that prior to the termination date of the annuity the annuitant or payee of an annuity may submit to the Board any evidence or writing which he/she desires to be considered by the Board in its review; and (vii) that if no evidence or writing is received by the Board before the termination date the annuity will be terminated as scheduled on that date.

(4) When an initial decision would result in the termination of an annuity for which there are competing claims or as a result of the reciept by the Board of information from a source other than the annuitant or payee of an annuity, written notice of the proposed decision shall be mailed to the annuitant or payee of an annuity at his/her last known address. Such notice shall inform the annuitant or payee of an annuity: (i) of the reason(s) for the annuity termination; (ii) that the annuitant or payee has 30 calendar days from the date of the notice to submit to the Board any evidence or writing which he/she desires to be considered by the Board in its review; (iii) that payment of the annuity will either cease or a decision to continue payment of such annuity shall be made after the Board has considered any evidence or writing which may be submitted to the Board within the period provided in paragraph (c)(4) (ii) of this section and (iv) if no evidence or writing is received within 30 calendar days from the date of the notice, payment of the annuity will cease at the end of that 30-day period.

(5) Whenever the Board receives any significant evidence or writing from an annuitant or payee of an annuity as a result of mailing the notice described in paragraph (4) of this subsection, the Board shall forward a copy of such evidence or writing to each of the persons who have filed a competing claim for such annuity, informing them that: (i) the annuity will either be terminated at the specified time or a decision to continue payment of the annuity will be made by the Board; and (ii) they may respond to such evidence or writing and their response will be considered by the Board provided that it is received by the Board within a reasonable time. When the Board decision in such cases is to continue payment of the annuity, the Board shall send notice of such initial decision to each of the competing claimants in accordance with paragraph (c) (1) of this section.

(6) The written notice of an initial decision provided by paragraph (c)(3) of this section and the written notice of the proposed decision provided by paragraph (c)(4) of this section shall also contain notification of appeal rights.

* * * * *

Dated: October 24, 1979.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 79-33860 Filed 10-31-79; 8:45 am]

BILLING CODE 7905-01-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket RM79-2]

Registration of Claims To Copyright in the Graphic Elements Involved in the Design of Books and Other Printed Publications; Advance Notice of Proposed Rulemaking: Extension of Comment Period

AGENCY: Library of Congress, Copyright Office.

ACTION: Extension of comment period.

SUMMARY: This notice extends to January 2, 1980 the period for comments in connection with our advance notice of proposed rulemaking concerning registration of claims to copyright in the graphic elements involved in the design of books and other printed publications. The original notice was published August 14, 1979 in the **Federal Register**, pages 47555–47557. Comments, views, and information are invited to assist the Copyright Office in considering all aspects of the question and in drafting regulations to be issued as proposed rules for additional comment at a later time.

DATE: The record of this proceeding will be kept open until January 2, 1980.

ADDRESSES: Ten copies of written comments or of supplemental statements should be addressed, if sent by mail, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Virginia 22202.

If delivered by hand, the copies should be brought to: Office of the General Counsel, Room 519, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (703) 557–8731.

SUPPLEMENTARY INFORMATION: The Copyright Office is considering the formulation of regulations governing our policies and practices in cases where claims to copyright registration are asserted in the graphic elements involved in the design of books and other printed publications. We believe our regulations on this question could have considerable impact on a number of persons and organizations, including: Graphic artists and designers; authors; publishers of books, newspapers, periodicals, and a variety of other types of publications; and various segments of the book manufacturing and printing industries.

On January 5, 1978, the Copyright Office published interim regulations (43 FR 965) establishing the essentials of the copyright registration system. At that time some portions of the existing Copyright Office regulations concerning registration were repealed, while other provisions were allowed to remain in effect for the time being. One provision not repealed was Copyright Office Regulation 202.1(a), 37 CFR, prohibiting registration of "mere variations of typographic ornamentation, lettering, or coloring."

On October 10, 1979, in accordance with an Advance Notice of Proposed Rulemaking (44 FR 47555), we held a public hearing to elicit information relevant to the formulation of regulations. At least one witness requested additional time to canvass the members of her organization before preparing a supplemental statement for the record. We have therefore decided that additional comment time is necessary to permit a full and thorough consideration of the issues implicit in this proceeding, and we will keep the record open for comments and supplemental statements until January 2, 1980.

Through this proceeding we are interested in exploring those elements going into the production of a book or other printed publication that, taken together, could be considered a copyrightable "work of applied art." We are not speaking here of the text as such or the illustrations as such—including ornamental illustrations and embellishments such as chapter headings and illuminated initial letters. We are inquiring about less obvious design elements such as the arrangement or juxtaposition of text matter, pictorial matter, or combinations of text and pictorial matter on a page or a group of pages, and typography in a narrower sense, including selections of typefaces and sizes, margins, spacing, color, and a range of other choices having design consequences. The problem is sometimes loosely referred to as "book design," but we are also interested in the graphic or design elements involved in all types of printed publications—hardcover books, paperbacks, catalogs, newspapers, magazines, pamphlets, leaflets, folders, booklets, card sets, broadsides, and advertisements, among a host of others. We are interested in finding out what goes into elements variously known as "layout," "format," "typography," "composition," "arrangement," "makeup," and "color schemes," and in exploring whether these elements should be regarded as uncopyrightable ideas or concepts, or whether, alone or in combination, they can be considered copyrightable "works of authorship."

This proceeding is *not intended* to reopen issues concerning the copyrightability of the designs of individual type faces or type fonts. However, we are interested in exploring whether choices of type faces or combinations of them, or choices of colors or combinations of them, can ever constitute copyrightable elements.

(17 U.S.C. 408, 702).

Dated: October 17, 1979.

Barbara Ringer,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 79-33837 Filed 10-31-79; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1349-8]

Standards of Performance for New Stationary Sources; Phosphate Rock Plants; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: The deadline for submittal of comments on the proposed standards of performance for phosphate rock plants, which were proposed on September 21, 1979 (44 FR 54970), is being extended from November 26, 1979 to December 26, 1979.

DATES: Comments must be received on or before December 26, 1979.

ADDRESSES: Comments should be submitted to Mr. David R. Patrick, Chief, Standards Development Branch (MD–13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5271.

SUPPLEMENTARY INFORMATION: On September 21, 1979 (44 FR 54970), the Environmental Protection Agency proposed standards of performance for the control of particulate emissions from phosphate rock plants. The notice of proposal requested public comments on the standards by November 26, 1979. Due to a delay in the shipping of the Support Document, sufficient copies of the document have not been available to all interested parties in time to allow their meaningful review and comment by November 26, 1979. EPA has received a request from the industry to extend the comment period by 30 days through December 26, 1979. An extension of this length is justified since the shipping delay has resulted in approximately a three-week delay in processing requests for the document.

Dated: October 26, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-33855 Filed 10-31-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 85

[FRL 1350-3]

Voluntary Aftermarket Part Self Certification Program

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period.

SUMMARY: This Notice extends the period for comments to the Notice of Proposed Rulemaking, published Wednesday, August 8, 1979, (44 FR 46687), regarding the proposed Voluntary Aftermarket Part Self Certification Program (hereinafter "NPRM") of section 207(a)(2) of the Clean Air Act (hereinafter "Act").

DATES: The Agency will consider all written comments regarding the Voluntary Aftermarket Part Self Certification Regulations received on or before January 15, 1980.

ADDRESS: All comments should be sent to: Public Docket EN-79-8, Central Docket Section (A-130), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Feldman, Field Operations and Support Division (EN-340), Office of Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 472-9350.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (hereinafter "EPA") has received requests for an extension of time to comment on the proposed voluntary aftermarket part self certification regulations. These requests have been based on the need for certain parties to have sufficient time to constructively address the issues raised by the proposed regulations, and also by associations that need additional time to canvass members or hold meetings on these issues.

EPA has considered the requests, and decided that an extension would be in the best interests of all parties concerned. Therefore, the Agency is extending the comment period until January 15, 1980. EPA encourages all interested parties to provide comments or other materials relevant to the part certification program, including its interface with the emission warranties of section 207 of the Act, on or before this date.

Accordingly, the comment period for the NPRM is hereby extended to January 15, 1980.

Dated: October 26, 1979.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-33857 Filed 10-31-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 61

[CGD 78-153]

Tailshaft Examination

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to amend the vessel inspection requirements for tailshafts with oil lubricated bearings to allow the shaft to be shifted for inspection in lieu of being drawn as currently required. Shifting the shaft allows for examination of all components that are prone to develop defects or experience failure, and accordingly, a drawing is unnecessary to ensure the satisfactory operational condition of the shaft.

The proposed amendments would also add specific inspection requirements for flanged tailshafts; specify bearing weardown criteria for tailshafts with oil lubricated bearings and water lubricated rubber bearings; and authorize the Officer in Charge, Marine Inspection to grant all extensions pertaining to tailshaft examination intervals.

DATE: Comments must be received on or before: December 17, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/TP24), (CGD 78-153), U.S. Coast Guard, Washington, D.C. 20593. Comments received on the proposed regulations will be available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Lieutenant Michael P. Rolman, Office of Merchant Marine Safety (G-MVI-1/TP24), Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202-426-1464).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 78-153) and the specific section of the proposal to which their comments apply, and give reasons for the comments. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed postcard or envelope. All comments received before the expiration of the public comment period will be considered before final action is taken on this proposal.

Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant Michael P. Rolman, Project Manager, Office of Merchant Marine Safety, and Lieutenant John W. Salter, Project Counsel, Office of the Chief Counsel.

Discussion of Proposals

Present regulations in § 61.20-15(b) of Title 46, Code of Federal Regulations, require tailshafts of vessels in ocean or coastwise service to be drawn for inspection at varying intervals. Proposed § 61.20-19 would add new examination procedures for each tailshaft with oil lubricated bearings that is designed to reduce stress concentrations or fitted with a propeller by means of a coupling flange. The proposed examination would allow these shafts to be shifted for inspection in lieu of being drawn as currently required. The shaft would be required to be drawn for examination only if the attending marine inspector notes any defects which warrant such action. The design and resulting reliability of tailshafts with oil lubricated bearings negates the necessity to draw the shaft for inspection. Prior drawings have shown that shifting the shaft to expose the aft end of its bearing contact area would expose for inspection all components of the shaft prone to develop defects or experience failure. This experience indicates that examination of these components by nondestructive testing would continue to ensure the satisfactory operational condition of the shaft. Additionally, not requiring a drawing would eliminate the possibility of damages to the shaft, seals, or bearings, caused by removal and reinstallation.

Section 61.20-19 would also add specific inspection requirements for tailshafts with a propeller fitted to the shaft by means of a coupling flange. At each examination the principle stress areas of these flanged tailshafts would be nondestructively tested to ensure their operational condition.

Proposed § 61.20–21 would combine and amend paragraph (d) and (e) of present § 61.20–15 which set out criteria for extending the interval between tailshaft examinations. The proposal would enable the Officer in Charge, Marine Inspection (OCMI) to grant all extensions pertaining to tailshaft examination. Currently certain extensions may only be granted by the District Commander. Since the Marine Inspection Offices supervise vessel inspection, authorizing the OCMI to grant all extensions will provide more expeditious processing of requests for extensions. The provisions of paragraph (d) specifying a four month limit for certain extensions would also be amended to allow an extension of up to six months. This change would make those provisions consistent with extension procedures pertaining to vessel drydocking. Currently the District Commander and the OCMI under certain conditions may extend a vessel's drydocking interval for a period of up of six months. Proposed § 61.20–21 would also amend the criteria for granting a two year extension for vessels that have tailshafts with oil lubricated bearings. The proposal deletes provisions of the present § 61.20–15(e) that repeat inspection requirements contained in proposed § 61.20–19. It is intended that these inspection requirements apply to the prior examination and not the examination performed when the request for extension is submitted. Deleting those provisions will clarify the extension procedures by retaining only those requirements that must be performed at the time the extension is requested.

Proposed § 61.20–23 would amend paragraph (c) of present § 61.20–15 by adding requirements on bearing weardown for tailshafts with oil lubricated bearings and water lubricated rubber bearings. These provisions are based on proposed American Bureau of Shipping Standards.

Draft Evaluation

The Coast Guard has determined, in accordance with the Department of Transportation's "Regulatory Policies and Procedures" published on February 26, 1979 (44 FR 11034), that these amendments are not significant. A draft evaluation for these proposed regulations has been prepared and is available for inspection at the Marine Safety Council address indicated above.

In consideration of the foregoing the Coast Guard proposes to amend Part 61 of Title 46, Code of Federal Regulations by revising § 61.20–15(a) and by adding new §§ 61.20–17 through 61.20–23 to read as follows:

§ 61.20–15 Tailshaft examination.

(a) The rules in §§ 61.20–15 through 61.20–23 apply only to vessels in ocean and coastwise service. Each examination, inspection and test prescribed by these sections must be conducted in the presence of a marine inspector.

* * * * *

§ 61.20–17 Examination intervals.

(a) Except as provided in paragraphs (b) and (c) of this section, each tailshaft on a vessel must be examined at least once within two years.

(b) Tailshafts fabricated of materials resistant to corrosion by sea water, or fitted with a continuous liner or a sealing gland which prevents sea water from contacting the shaft must be examined at the following intervals:

(1) A tailshaft on a vessel with a single tailshaft must be examined at least once within three years, except that a tailshaft with a taper, keyway, and propeller designed in accordance with American Bureau of Shipping standards to reduce stress concentrations must be examined at least once within four years.

(2) Each tailshaft on a vessel with multiple tailshafts must be examined at least once within four years.

(c) A tailshaft on a mobile offshore drilling unit is not subject to the examination intervals prescribed in paragraphs (a) and (b) of this section if it is:

(1) Examined during each regularly scheduled drydocking; or

(2) Regularly examined in a manner acceptable to the Commandant.

§ 61.20–19 Examination details.

(a) Except as provided in paragraphs (b) and (c) of this section, each tailshaft on a vessel must be drawn and visually inspected at each examination.

(b) Tailshafts with a taper, keyway, and propeller designed in accordance with American Bureau of Shipping standards to reduce stress concentration must be examined as follows:

(1) Each tailshaft with water lubricated bearings must be drawn for examination. At each examination, in addition to a visual inspection of the entire shaft, the forward ⅓ of the shafts' taper section must be nondestructively tested.

(2) Each tailshaft with oil lubricated bearings must be examined as prescribed in paragraph (b)(1) of this section or as follows:

(i) The shaft must be shifted aft, as directed by the attending marine inspector, to expose the after end of its bearing contact area;

(ii) The exposed bearing contact area and the forward ⅓ of the shafts' taper section must be nondestructively tested; and

(iii) The shaft's bearing clearance, seals, and lubricating system must be inspected.

(c) Tailshafts with a propeller fitted to the shaft by means of a coupling flange must be examined as follows:

(1) Each flanged tailshaft with water lubricated bearings must be drawn for examination. At each examination, in addition to a visual inspection of the entire shaft, the flange fillet at the propeller end and each coupling bolt must be nondestructively tested.

(2) Each flanged tailshaft with oil lubricated bearings must be examined as prescribed in paragraph (c)(1) of this section or as follows:

(i) The shaft must be shifted aft, as directed by the attending marine inspector, to expose the after end of its bearing contact area;

(ii) The exposed bearing contact area, flange fillet at the propeller end, and each coupling bolt must be nondestructively tested; and

(iii) The shafts' bearing clearance, seals, and lubricating system must be inspected.

(d) If any defects are detected after a tailshaft is shifted for examination, the attending marine inspector may direct that the tailshaft be drawn for further examination of the shaft, seals, and bearings.

§ 61.20–21 Extension of examination interval.

(a) The Officer in Charge, Marine Inspection, may extend the interval between tailshaft examinations as follows:

(1) An extension to the next drydocking period may be granted, except that the period of extension shall not exceed six months.

(2) If a vessel has had a long period of lay up after its last tailshaft examination, an extension equal to the time the vessel has been laid up may be granted, except that the period of extension shall not exceed one year for vessels that have tailshafts with oil lubricated bearings and six months for all other vessels.

(3) An extension of up to two years may be granted to vessels that have tailshafts with oil lubricated bearings if:

(i) Each tailshaft and propeller is examined in place with consideration given to the condition of the shafts' bearing clearance, seals, and lubricating system;

(ii) No major repairs by grinding or welding have ever been made to the shaft; and

(iii) Review of the vessel's file, drydock reports, and operations since its last tailshaft examination shows no deficiencies exist that would preclude the extension.

§ 61.20-23 Tailshaft clearance; bearing weardown.

(a) Water lubricated bearings, other than rubber, must be rebushed as follows:

(1) Where the propelling machinery is located amidship, the after stern tube bearing must be rebushed when it is worn down to 6.4 mm (0.25 in) clearance for shafts of 229 mm (9 in) or less in diameter, 7.95 mm (0.3125 in) clearance for shafts exceeding 229 mm (9 in) but not exceeding 305 mm (12 in) in diameter, and 9.53 mm (0.375 in) clearance for shafts exceeding 305 mm (12 in) in diameter.

(2) Where the propelling machinery is located aft, the after stern tube bearing must be rebushed when weardown is 1.6 mm (.0625 in) less than the applicable clearance for propelling machinery located amidship.

(b) Water lubricated rubber bearings must be rebushed when any water groove is half the original depth.

(c) Oil lubricated bearings must be rebushed when deemed necessary by the Officer in Charge, Marine Inspection. The manufacturer's recommendation shall be considered in making this determiation.

(46 USC 375, 390b, 391a, 416; 49 USC 1655(b)(1); 49 CFR 1.46(b))

Dated: October 24, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79-33888 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-267]

FM Channel Assignment To DeSoto and Potosi, Mo.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM assignment to DeSoto, Missouri, and the substitution of one Class A channel for another in Potosi, Missouri, both in response to a petition filed by Pinkney Cole. The proposed action would provide DeSoto with it first fulltime local aural broadcast service.

DATES: Comments must be filed on or before December 18, 1979, and reply comments must be filed on or before January 7, 1980.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: October 18, 1979.

Released: October 24, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (DeSoto and Potosi, Missouri), BC Docket No. 79-267, RM-3342.

1. The Commission has before it a petition for rule making [1] filed by Pinkney Cole ("petitioner"), proposing the assignment of FM Channel 261A to DeSoto, Missouri, as a first FM assignment, and the substitution of Channel 224A for Channel 261A [2] unoccupied and unapplied for) at Potosi, Missouri. Comments and supplemental comments [3] were filed by WIL Music, Inc. ("WIL"), licensee of WIL-FM (Channel 222), St. Louis, Missouri. Petitioner filed a reply.

2. DeSoto (pop. 5,984), in Jefferson County (pop. 105,248), [4] is located approximately 56 kilometers (35 miles) southwest of St. Louis, Missouri. DeSoto is served locally by daytime-only AM Station KHAD.

3. Petitioner states that DeSoto's economy is dependent largely on industry. According to the DeSoto Chamber of Commerce, the estimated population for 1979 of DeSoto is approximately 7,000 to 8,000, as compared to the 1970 population of 5,984. Numerous citizens in the area filed letters expressing their interest in having an FM channel assigned to DeSoto. Petitioner has submitted a community profile of DeSoto in order to show a need for an FM assignment to that community.

4. WIL asserts that it intends to file an application with the minimum separation requirements. WIL suggests, as an alternative, that the Commission requesting authority to relocate its WIL-FM antenna to a new site so that it can improve its service. It claims that the substitution of Channel 224A for Channel 261A at Potosi would result in a short spacing to WIL's planned new site. It proposes instead that Channel 249A be substituted at Potosi since assigning that channel would comply with the Commission could forego an assignment to Potosi, reserving these channels for future use at other communities in the area. In response, petitioner states that it has no objection to the alternative proposal of Channel 249A as a substitute for Channel 224A at Potosi. It requests that the Commission issue a *Notice* proposing Channel 249A for Potosi and Channel 261A for DeSoto.

5. Channel 249A could be assigned to Potosi provided the transmitter site is located approximately 11 kilometers (7 miles) southwest of the community. Since this assignment would avoid a short spacing to the planned new antenna site of Station WIL-FM (Channel 222), St. Louis, we are proposing to assign Channel 249A rather than 224A as a substitute for Channel 261A at Potosi, Missouri.

6. As for the requested assignment of Channel 261A to DeSoto, we note that a station operating on this channel would have to located approximately 12.6 kilometers (7.8 miles) southwest of DeSoto, in order to meet the 105 kilometer (65 miles) separation requirement to adjacent channel Station WZEN (Channel 262) in Alton, Illinois. Since a maximum facility Class A station may provide principal community coverage only to a distance of 12.8 kilometers (7.8 miles), petitioner should furnish information indicating whether it would be able to proide the requisite city coverage to DeSoto from an available site that meets the separation requirements.

7. In view of the apparent need for a first local fulltime aural broadcast service in DeSoto, and the fact that a substitute channel is available for Potosi, we belive that consideration of the proposal described above would be in the public interest.

8. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows for the below named communities:

City	Channel No. Present	Proposed
DeSoto, Missouri		261A
Potosi, Missouri	261A	249A

[1] Public Notice of the petition was given on March 19, 1979, Rept. No. 1168.

[2] Since Potosi and DeSoto are only 19 kilometers (12 miles) apart and the mileage separation requirement is 65 miles, it will be necessary to delete Channel 261A from Potosi in order to assign it to DeSoto.

[3] WIL filed a request for a one day extension of time to file the supplemental comments. Petitioner did not object to the extension and subsequently filed a response to WIL's supplemental comments. We have accepted WIL's supplemental comments since the information was helpful to consideration of the proposal at this stage and there was an adequate time period to file a reply.

[4] Population figures are taken from the 1970 U.S. Census.

9. Authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before December 18, 1979, and reply comments on or before January 7 1980.

11. For further information concerning this proceeding, contract Mildren B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time the notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 79-33769 Filed 10-31-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 666

[Docket No. 79-C]

UMTA Standards and Procedures for Third Party Contracts; Extension of Comment Period

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: In the **Federal Register** of September 20, 1979 (44 FR 54513), UMTA published a notice of proposed rulemaking concerning standards and procedures to provide guidance on third party contracting by recipients of Federal assistance from UMTA. Interested parties were given until November 5, 1979 to submit comments. Because of the complexity of the standards and procedures, requests have been received to extend the date for comments. A new closing date for comments is set out below.

DATE: Comments must be received on or before January 4, 1980.

ADDRESS: Comments should be submitted to UMTA Docket No. 79-C, Room 9320, 400 7th Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Arlan Eadie, Office of Procurement and Third Party Contract Review, (202) 426-2710.

Dated: October 26, 1979.

W. H. Lytle,

Director, Procurement and Third Party Contract Review.

[FR Doc. 79-33767 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-57-M

Notices

Federal Register
Vol. 44, No. 213
Thursday, November 1, 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

Farmers Home Administration

[FmHA Instruction 1980-E]

Business and Industrial Loans—Insured Loan Interest Rates

AGENCY: Farmers Home Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR 1980.423(b) is as follows: a. Insured Loans to private entrepreneurs will be at the rate of ten and three-quarters percent (10¾%). This rate will remain in effect until a change is published in the Federal Register.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. LaVerne Isenberg, Phone: 202-447-2852.

Dated: October 23, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-33613 Filed 10-31-79; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

Land and Resource Management Plan, Cleveland National Forest, Orange, Riverside and San Diego Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the Cleveland 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 Cleveland National Forest,

(c) Identify the goals and objectives of management,

(d) Describe the expected types 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.

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:

(a) In San Diego/El Cajon area, Santa Ana, Corona, El Centro, and Escondido;

(b) Exact times and specific locations to be announced at least 15 days prior to meeting dates;

(c) Any changes, modifications or additions to these locations, and specific presentations requested during the public involvement phase will be announced in advance, as much as possible.

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 September 1982. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately June 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: Richard E. Modee, Cleveland National Forest, 880 Front Street, Room 6-S-5, San Diego, CA 92188.

Dated: October 23, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-33752 Filed 10-31-79; 8:45 am]

BILLING CODE 3410-11-M

Lassen National Forest and Portion of the Shasta National Forest Administered by the Lassen National Forest, Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the Lassen 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 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 pubic issues and management concerns,

(b) Briefly describe the lands and resources of the Lassen National Forest,

(c) Identify the goals an 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 probably 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 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 alternative formulated to respond to major public issues and management concerns.

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 isues 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:

Thursday, November 29, 1979, Burney, California; Veterans Hall on Hwy. 299W

Tuesday, December 4, 1979, Chester, California; Memorial Hall, at corner of Gay and Stone Streets

Wednesday, December 5, 1979, Red Bluff, California; Tehama County Fairgrounds, Hwy. 36

Thursday, December 11, 1979, Susanville, California; U.S.F.S. Engineering Office, Conference Room, 1500 Main St.

All Meetings; 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 December 30, 1982. Following a three month public review period, a final environmental impact statement will be prepared and distributed approximately June 30, 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: C. H. Jacobson, Lassen National Forest, 707 Nevada Street, Susanville, CA 96130, (916) 257–2151.

Dated: October 23, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79–33754 Filed 10–31–79; 8:45 am]

BILLING CODE 3410–11–M

Land and Resource Management Plan, San Bernardino National Forest, San Bernardino and Riverside Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the San Bernardino 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 San Bernardino 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 issues 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, and

(b) One or more alternatives formulated to respond to major public issues and management concerns.

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:

Tuesday, November 27, 1979, Idyllwild Elementary School, 26618 National Forest Highway (Hwy 243), Idyllwild, CA 7:30–10:00 p.m.

Wednesday, November 28, 1979, California Room, San Bernardino Convention Center, 303 North "E" Street, San Bernardino, CA 7:30 p.m.–10:00 p.m.

Friday, November 30, 1979, Community Room, San Bernardino County Building, 26010 Hwy. 189, Twin Peaks, CA 7:30 p.m.–10:00 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 November 1982. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately June 1983.

For further information about the planning project, or the availability of the environmental impact statement, or other documents relevant to the planning process, contact: Gay L. Almquist, Land Management Planning Officer, San Bernardino National Forest, 144 No. Mountain View Avenue, San Bernardino, CA 92408 [714] 383–5616.

Dated: October 23, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79–33751 Filed 10–31–79; 8:45 am]

BILLING CODE 3410–11–M

Land and Resource Management Plan, Sequoia National Forest, Fresno, Tulare, and Kern Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an enviromental impact statement for the forest plan for the Sequoia 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 and opportunities,

(b) Briefly describe the lands and resources of the Sequoia 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 alternative 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.

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 the

(c) Elimination from detailed study of 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 at the following places and times:

Monday, November 26, 1979, 7:30 p.m.; Porterville Library, Fiction Room, 41 West Thurman Street, Porterville, California 93257.

Wednesday, November 28, 1979, 7:30 p.m.; Beale Memorial Library, 1315 Truxton Avenue, Bakersfield, California 93301 (Auditorium upstairs).

Thursday, November 29, 1979, 7:30 p.m.; Visalia Convention Center, Room Kaweah-A, 303 East Acequia, Visalia, California 93227.

Thursday, December 6, 1979, 7:30 p.m.; Chamber of Commerce, Kernville Road and Sierra Way, Kernville, California 93238.

Written comments and suggestions about these items are encouraged. To be most useful, they should be received by the Sequoia Forest Supervisor, Porterville, California, 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 January 1983. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately July 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:

Charles R. Pickering, Forest Land Management Planner, Sequoia National Forest, 900 West Grand Avenue, Porterville, California 93257, (209) 784–1500.

Dated: October 23, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79–33753 Filed 10–31–79; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Order 79–10–190; Docket 36118]

Denver-El Paso Show Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–10–190 [Doc. 36118], *Denver-El Paso Show Cause Proceeding.*

SUMMARY: The Board is issuing a final order in the *Denver-El Paso Show-Cause Proceeding* granting the authority to Hughes Airwest, Trans World, Western, Republic, Ozark, and Frontier. It also finds Southwest Airlines fit in this order, and will award the authority to Southwest if no opposing answers are filed within the 20 days allowed. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board's fitness finding for Southwest Airlines shall file, and serve upon all persons listed below, no later than November 19, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 36118, Docket Section, Civil Aeronautics Board, Washington, D.C., 20428.

FOR FURTHER INFORMATION CONTACT: Philip Reinke, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, (202) 673–5105.

SUMMARY INFORMATION: Objections should be served upon all persons listed in the service lists of Docket 36118.

The complete text of Order 79–10–190 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–10–190 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 26, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–33864 Filed 10–31–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–10–189; Docket 35706]

Houston-St. Louis-Chicago Show Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–10–189 (Docket 35706) *Houston-St. Louis-Chicago Show-Cause Proceeding.*

SUMMARY: The Board is issuing a final order in the *Houston-St. Louis-Chicago Show-Cause Proceeding* granting the authority to USAir, Braniff, Continental, DHL, Eastern, Hughes Airwest, Northwest, Ozark, Republic, Piedmont, Texas International, Trans Carib, Trans World, United, and Western. It also finds Southwest Airlines fit in this order, and will award the authority to Southwest if no opposing answers are filed within the 20 days allowed. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board's fitness finding for Southwest Airlines shall file, and serve upon all persons listed below, no later than November 19, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 35706, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Donna Kaylor, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, (202) 673–5380.

SUMMARY INFORMATION: Objections should be served upon all persons listed in the service lists of Docket 35706.

The complete text of Order 79–10–189 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–10–189 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 26, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–33863 Filed 10–31–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket 36764]

Miami-London Case; hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 17, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., October 26, 1979.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 79–33866 Filed 10–31–79; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Albany Medical College, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street N.W., Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall *on or before the 20th* day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.
>
> * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11. (Emphasis added.)

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates *within the 20-day* period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, of the **Federal Register** for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No.: 78–00373. Applicant: Albany Medical College, Department of Pathology, 47 New Scotland Avenue, Albany, New York 12208. Article: LKB 8800A Ultrotome III Ultramicrotome and

Accessories. Date of denial without prejudice to resubmission: December 4. 1978.

Docket No.: 78–00449. Applicant: University of Illinois-Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. Date of denial without prejudice to resubmission: May 7, 1979.

Docket No.: 79–00081. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, P.O. Box 999, Richland, WA 99352. Article: VIW2302A1 Portable Magnetometer. Date of denial without prejudice to resubmission: June 4, 1979.

Docket No.: 79–00178. Applicant: National Institutes of Health, 9000 Rockville Pike, Building 9, Rm. 1E126, Bethesda, MD 20014. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Date of denial without prejudice to resubmission: May 7, 1979.

Docket No.: 79–00182. Applicant: The Magic House, 4 Dromara Road, St. Louis, Missouri 63124. Article: Van De Graaf Generator. Date of denial without prejudice to resubmission: June 8, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79–33845 Filed 10–31–79; 8:45 am]

BILLING CODE 3510–25–M

Columbia University—Nevis Laboratories; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79–00309. Applicant: Columbia University—Nevis Laboratories, 136 South Broadway, Irvington, New York 10553. Article: Lead Glass Blocks (130 pcs.). Manufacturer: O'Hara Optical Glass Manufacturing Co. Ltd., Japan. Intended use of article: The article is intended to be used in Elementary Particle Physics experiments in which the lead glass will be mated to photomultiplier tubes and associated electronics. The assembly will be used to detect very high energy electrons and protons which deposit all their energy in the lead glass.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides optical transmission and clarity sufficient to yield an energy resolution

$$\left(\frac{\Delta E}{E}\right)$$

as low as 10±1.0 percent. The National Bureau of Standards advises in its memorandum dated October 12, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79–33839 Filed 10–31–79; 8:45 am]

BILLING CODE 3510–25–M

Texas A. & M. University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79–00337. Applicant: Texas A&M University, College Station, TX 77843. Article: Waverider Buoys and Waverider Receiver, Type Warep Mark II and Accessories. Manufacturer: Datawell by, The Netherlands. Intended use of article: The article is intended to be used for studies of characteristics of ocean waves along the Texas coast. Wave heights, periods, directions and energy density spectra will be investigated in pursuit of the following objectives:

1. To assemble reliable information on wave characteristics along the Texas Gulf Coast.

2. To analyze the data and present it in a usable form for engineers, planners, developers or state agencies concerned with the design of coastal and offshore structures.

3. Compare various methods of data analysis of each wave record.

4. Compare wave height climates for different seasons, years or locations.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 12, 1978). Reasons: The foreign article provides wave height determination based on the measurement of the vertical acceleration of its surface buoy, data transmission to receiving without the use of cables, and relatively long wave records for statistical analysis. The National Oceanic and Atmospheric Administration advises in its memorandum dated September 25, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79–33840 Filed 10–31–79; 8:45 am]

BILLING CODE 3510–25–M

University of Connecticut Health Center, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulation issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th street, N.W. (Room 735), Washington, D.C.

Docket No.: 79–00332 Applicant: University of Connecticut Health Center, 263 Farmington Ave., Farmington, Conn. 06032. Article: Electron Microscope, Model H–300 and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to examine a number of different biological materials, from many researchers, including fractionated cellular components, viruses, bacteria, tissue culture cell preparations, organelle tissue, whole tissue, bone and dental tissue at both the transmission and scanning electron microscope levels. Dependent upon the material to be examined, experiments will be carried out to determine:

(I) The purity of a fractionated preparation.

(II) The detection of cytomegalavirus in the urine of patients suffering from fever of undiagnosed origin.

(III) The morphology of bacterial mutants and bacteria and isolated cells after treatment with antimicrobial and chemotherapeutic agents.

(IV) The effects of cryosurgical techniques on the tissues of the teeth.

(V) The regenerative capacity of pulp tissue following cryosurgery.

The article will also be used for eduction purposes in the course Electron Microscopy of Biological Materials which is designed to introduce and familiarize students with the theory, techniques and applications of electron microscopy. Article ordered: March 13, 1979.

Docket No.: 79–00336. Applicant: Purdue University, FREH Building, West Lafayette, IN 47907. Article: Electron Microscope, Model EM 400 HMG and Accessories. Manufacturer: Philips Electron Instruments, The Netherlands. Intended use of Article: The article is intended to be used for several research programs, including:

(1) Macromolecular structure, localization, and development of enzyme complexes—experiments consisting of attempts to resolve the finest structure ofthe particles and experiments designed to locate the enzymes within cells.

(2) Growth the Reproduction of Fungi-determination of the role of various membranes and cell organelles in bringing about or influencing developmental processes,

(3) Insect Pathology—involving the study of insect viruses as well as other pathogens of insects in order to understand the ultrastructure of these pathogens and the ultrastructural changes resulting in the insect host during development of the disease,

(4) Plant Virology—studies to identify ultrastructural characteristics of isolated plant viruses and to study the cytopathology of plant viruses in the cells of their hosts,

(5) Mechanisms of action of herbicides—study is to obtain information that will help in understanding how chemical herbicides affect plants and to learn the mechanism of action, at the cellular level, by which herbicides inhibit plant growth and make weed control possible, and

(6) Miscellaneous studies of plant, microbial, and animal cell develpment most of which involve studies of the development of cells of plants, animals, and microorganisms of interest to agriculture.

Article ordered: September 6, 1978.

Docket No.: 79–00338. Applicant: Presbyterian Medical Center, 1719 East 19th Ave., Denver, Colorado 80218. Article: Electron Microscope, Model EM 109R and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used for the following research objectives:

(1) Examination of the electron microscopic properties of platelets that affect their function.

(2) Determination of whether viral diagnosis can be made in selected cases in a much shorter time (days) rather than the usual methods (weeks).

(3) Processing of all tumors of uncertain etiology for both research and practical purposes.

(4) Electron microscopy on peripherial blood and bone marrow aspirates of patients with blood dyscrasias in hopes to clarify the nature of the disease but also discover viral agents implicated in the development of leukemia.

The article will also be used as an eductional adjunct to diagnosis on all levels of physicians training on a daily or rotational basis; this includes interns, pathology residents, regional meetings, and continuing educations and quality control for practicing pathologists.

Article ordered: February 22, 1979.

Docket No.: 79–00341. Applicant: VA Medical Center, 300 East Roosevelt Road, Little Rock, AR 72206. Article: Electron Microscope, Model H–300 and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological tissues of diverse origins, mainly human, in order to elucidate the disease process at the ultrastructural level. Experiments will range from detailed studies of fine cell structure at high magnification to tissue morphology studies at very low magnifications. The article will also serve as an enhancement of a clinical facility and be actively involved in research of the respiratory system. Article ordered: March 31, 1978.

Docket No.: 79–00342. Applicant: Children's Hospital Medical Center of Akron, 281 Locust Street, Akron, Ohio 44308. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the following biological materials:

(1) Tissues from central and peripheral nervous system and other organs of primates (with vitamin B_{12} deficiency).

(2) Tissues from central and peripheral nervous system and other organs of primates with nitrous oxide intoxication.

(3) Cell cultures.

(4) Pathologic tissues specimens from experimental animals inoculated with tumors.

(5) A variety of human tissues (biopsy and autopsy material) for the purpose of clinical research.

The article will also be used to train pathology residents and fellows in the basic techniques of electron microscopy such as fixation and processing of tissues, ultrathin sectioning, electron microscopy, photographic techniques, and an introduction to the interpretation of fine structures. Article ordered: November 10, 1978.

Docket No.: 79–00347. Applicant: Duke University Medical Center, Department of Pathology, P.O. Box 3712, Durham, North Carolina 27710. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in the study of the ultrastructure of cells and their components, cell membranes and their components, virus particles and their components, and macromolecules (e.g., myosin, actin, etc.). The main objectives of the research are to determine the ultrastructure of a number of biological materials, notably various cell membranes, especially those of heart muscle of viruses, and to correlate these anatomical observations with functional biological phenomena (e.g., to understand which anatomical feature in heart muscle corresponds to what particular step during the contraction of that heart muscle).

Application received by Commissioner of Customs: July 10, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decisions:

Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes at these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing application relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-33842 Filed 10-31-79; 8:45 am]

BILLING CODE 3510-25-M

University of Michigan; et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before November 21, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666-11th Street N.W. Washington, D.C.

Docket No. 79-00434. Applicant: University of Michigan, Neuroscience Laboratory Building, 1103 E. Huron, Ann Arbor, MI 48109. Article: Electron Microscope, Model JEM-100S with Sheet Film Camera and Eucentric Side Entry Goniometer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine the central nervous system of experimental animals, mainly rats and to examine tissue culture specimens of mouse brain origin. Included in the different research projects will be:

1. Investigations of the synaptic connections made by certain cells in the brain.

2. Demonstration of synaptic connections made by cells in tissue culture preparations, and

3. Studies of the morphology, including the presence of light junctions, of brain capillary endothelial cells in tissue culture.

The general objectives of this work are (a) to study the presence of absence of synaptic connections between cells which have previously been identified by other techniques and (b) to determine if cells in other tissue culture preparations meet the morphologic criteria for being brain endothelial cells. The article will be used as an educational tool for graduate students of the neurosciences program. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79-00435. Applicant: Lahey Clinic Foundation, Inc., 605 Commonwealth Avenue, Boston, MA 02215. Article: TP-11 Treatment Planning System. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used in the planning of the administration of ionizing radiation in the treatment of malignant disease. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79-00436. Applicant: Cornell University, 625 Clark Hall, Ithaca, New York 14853. Article: Electron Microscope, Model JEM-100B/SEG with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for various research objectives including the following examples:

a. High resolution studies of grain boundaries.

b. Electron diffraction and high resolution studies of grain boundaries,

c. Lattice Imaging Studies of Na*B* Alumina,

d. Weak beam studies of heavily deformed material,

e. Lattice imaging studies of defects in germanium, and

f. Lattice imaging studies of defects and grain boundaries in silicon. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79-00438. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, MA 02115. Article: LKB 2128-010/Utrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section tissue specimens from immature and adult animals, particularly mice with inherited disease of the nervous system. Ultrastructural studies will be conducted to gain basic knowledge of the detailed interrelationships of cells of the nervous system, and to establish the principles underlying human developmental diseases, such as those leading to mental retardation. Application received by Commissioner of Customs: September 26, 1979.

Docket No. 79-00439. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal differentiating and malignantly transformed animal cells and tissues; immuno- and cytochemical studies on the subcellular localization of tissues specific antigens, enzymes and organelles; study of membrane interactions in normal and malignant transformations; and identification of subcellular changes induced by hormonal or carcinogen treatment. Application received by Commissioner of Customs: September 26, 1979.

Docket No. 79-00440. Applicant: Tennessee Dept. of Agriculture, C.E. Kord Diagnostic Laboratory, Division of Animal Industries, Box 40627 Melrose Station, Nashville, TN 37204. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine virus infected cells and virus-laden fluids by negative stain and ultra-thin-sectioning to detect diseases that cannot be diagnosed by any other means and to confirm other diagnoses.

Docket No. 79-00441. Applicant: University of California—Riverside, Department of Biochemistry, Riverside, CA 92521. Article: Automated X-Ray Diffractometer System and Accessories. Manufacturer: Enraff-Nonius, Holland. Intended use of article: The article is intended to be used for the

determination of the three dimensional structure of the biological macromolecules and the correlation of these properties with their biochemical function. The article will also be used to train students at the graduate and postgraduate levels in the rather sophisticated methods and techniques essential for the implementation of diffraction analyses. Application received by Commissioner of Customs: September 26, 1979.

Docket No. 79–00442. Applicant: Beth Israel Hospital, 330 Brookline Avenue, Boston, MA 02215. Article: Electron Microscope, Model EM 400 and Accessoris. Manufacturer: Philips Electronics Instruments, The Netherlands. Intended use of article: The article is intended to be used by faculty, postdoctoral fellows and technicians to study the ultrastructural features of human and experimental animal tissues in varied research projects including the following:

(1) Mechanisms of degranulation, vesicular transport and regranulation in basophils of human and guinea pig origin,

(2) Ultrastructure and modulation of basophil motile structures,

(3) Localization of an identification of basophils using ferritin labeled antibasophil serum,

(4) Scanning electron microscopy of guinea pig basophil degranulation,

(5) Guinea pig basophil esterases: Studies using ultrastructural cytochemistry and autoradiography,

(6) Complement-induced degranulation of human basophils,

(7) Electron microscopy of Bullous Pemphigoid,

(8) Electron microscopy of Fabrey's disease,

(9) Ultrastructural analysis of the inflammatory response to melanoma,

(10) Ultrastructural analysis of acute leukemias using peroxidase cytochemistry, application received by Commissioner of Customs: September 26, 1979.

Docket No. 79–00447. Applicant: Brigham Young University, 105 NICB, Chemistry Department, Provo, Utah. 84602. Article: Gas Chromatograph, Model 4160 and Accessories. Manufacturer: Carlo Erba Strumentazione, Italy. Intended use of article: The article is intended to be used in research to evaluate the performance of glass capillary columns which have been prepared by different procedures. The article will also be used for training in Chemistry 589R—Special Problems and Chemistry 729R—Selected Topics in Analytical Chemistry. Application received by Commissioner of Customs: October 3, 1979.

Docket No. 79–00448. Applicant: Washington University School of Medicine, Department of Physiology and Biophysics, 660 South Euclid, St. Louis, Missouri 63110. Article: Goniometer for Model EM 10A Transmission Electron Microscope. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is an accessory to an existing electron microscope being used by several groups of investigators. In general, these involve transmission electron microscopy of thin sections of biological material with the need for high resolution and for the ability to examine material at varying angles of tilt as provided by a goniometer. Research to be conducted will include studies of the following:

(1) Sensory receptors especially muscle spindles.

(2) Fine structure of synapses, of muscle and of epithelial cells in lamprey.

(3) Electron microscopic studies will be carried out in conjunction with research on the mechanisms determining the establishment and maintenance of synapses in sympathetic neurons.

(4) Mechanisms of uptake of lysosomal enzymes by macrophages utilizing ferritin-coupled ^{125}I-ligands as probes for transmission and radio-autographic electron microscopy. Application received by Commissioner of Customs: October 3, 1979.

Docket No. 79–00449. Applicant: University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Microthermometry Apparatus and Accessories. Manufacturer: Chaix-Meca Corporation, France. Intended use of article: The article is intended to identify fluid inclusions and associated phases in minerals, and by exposing these inclusions to a range of temperatures, to deduce important information about the temperatures, pressures and other conditions of deposition of the minerals. In addition use of the apparatus and application of the technique will be taught mainly as a part of regular courses on mineral deposits (Undergraduate: ESS 128A and ESS 128B, and Graduate ESS 227 and ESS 258). Application received by Commissioner of Customs: October 3, 1979.

Docket No. 79–00450. Applicant: University of Illinois—Urbana Champaign Campus, Purchasing Division, 223 Admin. Bldg., Urbana, Illinois 61801. Article: Ion Microanalyzer System, Model IMS–3F. Manufacturer: Cameca Instruments, France. Intended use of article: The article is intended to be used for research involving the study of the three dimensional chemical composition of a wide variety of materials. The major areas of study are:

(1) Studies for understanding the critical role of dopant and impurity distribution and redistribution in the electronic and photoelectronic properties of electronic materials, i.e., silicon and the III–V semiconductors such as gallium arsenide, indium phosphide, and compounds grown epitaxially on these materials as substrates.

(2) Studies of the lateral and in-depth distributions of impurity elements in metals chosen for their structural and engineering importance.

(3) Determination of the lateral distribution of biologically important elements, particularly metals. Application received by Commissioner of Customs: October 3, 1979.

Docket No. 79–00451. Applicant: U.C.L.A., Dept. of Physiology, Los Angeles, Calif., 90024. Article: Free Flow electrophoresis Unit, Model FF 48 and Accessories. Manufacturer: Desaga, West Germany. Intended use of article: The article is intended to be used to isolate and purify plasma membranes from cells obtained from the kidney, intestine, brain and other tissues. the purified membranes are needed for ongoing research projects on the role of plasma membranes in the transport functions of these cells and tissues, e.g., to study the molecular mechanism of ion and water transport across the renal proximal tubule. In addition, the article will be used for graudate student and post-doctoral training programs. Application received by Commissioner of Customs: October 5, 1979.

Docket No. 79–00453. Applicant: University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: LKB 2128–010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section specimens from all areas related to the study of pathologies in the ophthalmic field. Samples of retina, choroid, cornea, iris, muscles, etc. are to be studied. Investigations will include ultrastructural studies of normal and pathologic tissues, correlative studies of clinical, gross and microscopic impressions of surgical and autopsy materials. Application received by Commissioner of Customs: October 5, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-33843 Filed 10-31-79; 8:45 am]

BILLING CODE 3510-25-M

University of North Dakota School of Medicine, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79-00351. Applicant: University of North Dakota School of Medicine, Department of Anatomy, Grand Forks, North Dakota 58202. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article will be used for studying the ultrastructure of biological specimens to include, in part: (1) developing retina and choroid (ocular tissues), (2) brain (development, trace element deficiencies and retrograde degeneration), (3) subarachnoid space, (4) cardiac muscle, (5) tissues within regenerating limbs, (6) reproductive tract, (7) connective tissues and (8) biopsies of pathological tissues. Some experiments to be conducted involve the ultrastructural characterization of these biological specimens in normal health, under experimental conditions and during disease. The foreign article will also be used in training 12 to 16 graduate students in the basic medical sciences in the techniques of conventional transmission electron microscopy. Article ordered: March 29, 1979.

Docket No.: 79-0356. Applicant: Johns Hopkins University, Charles and 34th Streets, Baltimore, MD 21218. Article: Electron Microscope, Model JEM-100CX (Standard Side Entry Type) and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article will be used in studies of the structures of naturally occurring cells, tissues, cell organelles, macromolecules, macromolecular assemblies, and viruses which are isolated by cell fractionation and biochemical purification to relate the molecular architecture of biological specimens to their function. The foreign article will also be used for education in a course entitled "Optical Methods in Biology" and in students' thesis research. Article ordered: December 28, 1978.

Docket No.: 79-00358. Applicant: Hospital for Joint Diseases—Orthopaedic Institute, 301 East 17th Street, New York, New York 10003. Article: Electron Microscope, Model JEM-100CX (Standard Side Entry Type) and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article is intended to be used to study human cells and tissues of skeletromuscular diseases including soft tissue, cartilage, bone and other related tissues such as blood cells and bone marrow. Ultrastructural studies of benign and neoplastic conditions of the skeletromuscular system from both human and animal specimens are included. Investigation of the morphological characteristics of the musculoskeletal tissues in different diseases of humans at the ultrastructural level, as well as comparative studies of normal tissue, will be undertaken. The foreign article will also be used in education to train pathology residents, fellows, and medical students in tissue evaluation in Pathology. Article ordered: December 26, 1978.

Docket No. 79-00363. Applicant: University of Delaware, Evans Hall, Room 229, Newark, Delaware 19711. Article: Electron Microscope, Model EM 400 HTG and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of a wide variety of metals, ceramics, polymers and marine organisms. All of the experiments to be conducted can be classified into one or more of the following types: (1) Production of images and analyses of the internal or surface defect structure of metals, ceramics, and polymers.

(2) Normal and micro electron diffraction analyses of the constituents of metallic alloys, ceramics and polymers.

(3) Examination and photographic recording of tissue sections from marine organisms, both normal and experimentally altered.

(4) Microanalysis of constituents of metallic alloys, ceramics, polymers, and shells from marine organisms.

The article will also be used for educational purposes in the courses: Metallurgy 302 Material Science for Engineers, Metallurgy 401 Structure of Materials, and Metallurgy 801 Diffraction of Radiation by Matter. Article ordered: June 6, 1979.

Docket No.: 79-00364. Applicant: Cornell University—Boyce Thompson Institute, Tower Road, Ithaca, New York 14853. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the examination of changes in cellular membranes following exposure to stress. In addition, a group of insect pathogenic viruses, which have excellent potential as viral pesticides will be investigated. Of particular importance, is the characterization of these viruses by ultrastructural studies on virion morphology, nucleic acid structure, antibody-antigen complexes, and morphogenetic changes in virus-infected insect cells. Article ordered: July 16, 1979.

Docket No.: 79-00370. Applicant: University of Texas Medical Branch, Galveston, TX 77550. Article: Electron Microscope, Model EM 201 with Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural studies on pathologic human tissues and normal and pathologic animal tissues, cyto- and histochemical studies on enzymes and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in cellular biochemical and physiological environments. The article will also be used in a training program to expose students to the use and application of electron microscopy as a research and diagnostic aid. This exposure will include ultramicrotomy and the use of the electron microscope in evaluating pathological changes in tissues. Article ordered: June 19, 1979.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for

which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce known of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-33844 Filed 10-31-79; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center at Houston; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00266. Applicant: The University of Texas Health Science Center at Houston—Medical School, P.O. Box 20036, 6431 Fannin Street, Houston, Texas 77025. Article: Temperature-Jump Spectrometer and Accessories. Manufacturer: Messanlagen Studien-gesellschaft mbH, West Germany. Intended use of article: The article is intended for investigation of the kinetics of the folding-unfolding reactions of globular proteins. These are large, biologically important polymers of amino acids which fold into different types of three dimensional structures depending on the sequence of the amino acids in the particular protein under study. Kinetic methods (stopped flow and fast temperature jumps) will be used to study the rates at which particular steps infolding (unfolding) take place. It is hoped that these studies will lead to an understanding of how sequence is related to folding.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a combination of sensitivity to small changes (±0.001 optical density units) in absorbance, microsecond response, and operation in the ultraviolet light region. The Department of Health, Education, and Welfare advises in its memorandum dated September 13, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-33841 Filed 10-31-79; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Level of Restraint for Certain Wool and Man-Made Fiber Products Imported From the Polish People's Republic

October 29, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Adjusting the level of restraint established for wool and man-made fiber suits in Category 443/643/644 from Poland for the agreement year which began on January 1, 1979 by the application of carryover, carryforward, and swing.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and January 12, 1978, as amended, between the Governments of the United States and the Polish People's Republic provides that specific ceilings may be increased by designated percentages (swing), that a prescribed amount of yardage may be borrowed from a succeeding year's level, (carryforward), and that a certain percentage of shortfall may be carried over a applied to the succeeding year's ceiling (carryover). Pursuant to those terms of the bilateral agreement, the import restraint level for Category 443/643/644 is being increased from 12,751 dozen to 14,367 dozen during the twelve-month period which began on January 1, 1979.

EFFECTIVE DATE: November 2, 1979.

FOR FURTHER INFORMATION CONTACT: Shirley Hargrove, Trade and Industry Assistant, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-5423).

SUPPLEMENTARY INFORMATION: On January 3, 1979, a letter dated December 27, 1978 was published in the **Federal Register** (44 FR 931) from the Chairman of the Committee for the Implementaton of Textile Agreements to the Commissioner of Customs which established the levels of restraint applicable to certain specified categories of cotton, wool and man-made fiber textile products which have been produced or manufactured in Poland and exported to the United States during the twelve-month period which began on January 1, 1979. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry of wool and man-made fiber textile products in Category 443/643/644, produced or manufactured in Poland, at the increased level of 14,367 dozen during the agreement year which began on January 1, 1979.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

October 29, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: On December 27, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979 of cotton, wool and man-made fiber textile products in certain specified

categories, produced or manufactured in Poland, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and 12, 1978, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on November 2, 1979, to increase the twelve-month level of restraint for Category 443/643/644 to 14,367 dozen.[2]

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of wool and man-made fiber textile products from the Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-33838 Filed 10-31-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Modification of Procedures Regarding Review of Decisional Documents Issued by the Army, Navy, and Air Force Discharge Review Boards

Notice is hereby given of a revision to procedures implementing requirements regarding the review of decisional documents issued by the Army, Navy, and Air Force Discharge Review Boards. The revision requires that the review of decisional documents be conducted by a Joint Service Review Activity (JSRA) comprised of judge advocates.

The decisional documents issued by the Discharge Review Boards are subject to review by the JSRA as a result of the Court's order in *Urban Law Institute of Antioch College, Inc. v. Secretary of Defense*, No. 76-0530 (D.D.C., Nov. 9, 1978) and implementing procedures issued by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) ASD(MRA&L) reprinted at 44 Fed. Reg. 5185-93 (1979). By memorandum dated December 9, 1978, 44 Fed. Reg. 5191-92 (1979), the ASD(MRA&L) established procedures for the operation of the JSRA and delegated to the Deputy Assistant Secretary of Defense (Military Personnel Policy) (DASD(MPP)) authority to modify those procudures.

As established by the ASD(MRA&L), the JSRA was comprised of one officer in grade 0-6 from each Military Department, with counsel to be provided by the Military Departments on a rotating basis. It has been determined that the goal of processing complaints expeditiously will be served best if the JSRA is comprised solely of attorneys from each Department. Accordingly, the memorandum of December 9, 1979, has been modified to provide that the JSRA will be comprised of a judge advocate from each Military Department. The revised memorandum also contains nonsubstantive conforming changes. The revision is set forth below.

Joint Service Review Activity Procedures

1. These procedures, for a Joint Service Review Activity, implement the Stipulation and Court Orders in *Urban Law Institute of Antioch College, Inc. v. Secretary of Defense*, No. 76-0530 (D.D.C.) (Stipulation of Dismissal: Jan. 31, 1977, Court Order: Nov. 9, 1978) and memorandum from ASD(MRA&L) dated October 28, 1978.

2. The Joint Service Review Activity (JSRA) is established for the sole purpose of assuring that decisional documents and index entries meet the requirements of the Stipulation in the subject case.

3. The JSRA shall conduct its operations and render its decisions under the provisions of this memorandum at the direction of the DASD(MPP)(MRA&L).

4. The procedures set forth herein may be modified or supplemented by the DASD(MPP)(MRA&L).

5. a. The JSRA shall consist of a judge advocate from each of the Military Departments. The members shall be appointed by the Military Department concerned and shall serve at the direction of the ASD(MRA&L).

b. A full-time Administrative Director shall assist the Chair in coordinating the operations of the JSRA and shall act as Recorder during meetings of the JSRA.

6. a. The JSRA chairmanship shall be rotated on a quarterly basis among the representatives of the Military Departments.

b. The JSRA shall develop a uniform docketing procedure for use by the JSRA and the Military Departments for the complaint process. Each Military Department shall provide the Chair with a weekly report of: (1) the number of complaints acted upon by its DRB which require further action by the JSRA, (2) the number of complaints acted upon by its DRB not requiring further action by the JSRA, and (3) the number of complaints pending review within the Military Department. The JSRA shall meet once a month, if necessary, or more frequently if the Chair determines that there are a sufficient number of complaints to warrant review by the JSRA.

7. Representation by the three Military Departments shall constitute a quorum. The presiding officer during a meeting of the JSRA shall be the representative of the Service whose decisional documents are under consideration. Matters before the JSRA shall be presented by the Administrative Director in his capacity as a nonvoting Recorder. Each of the three members of the JSRA shall have one vote. A majority of the votes of the members is required to approve action by the JSRA concerning a case with respect to which he previously took action in any capacity. A minority opinion may be appended to the JSRA's record of action if desired by a dissenting member.

8. The following procedures will be used in processing complaints:

a. When correspondence contains a specific complaint alleging that a decisional document or index entry contains a specifically identified violation of the Urban Law Stipulation and the Military Department determines that any portion of the corrective action requested is not warranted, the correspondence will be forwarded to the JSRA with a brief description of the bases for the Military Department's determinaton as set forth in Attachment 1.

b. If a Military Department determines that correspondence from a complainant does not include a specific complaint alleging that a decisional document or index entry contains a specifically identified violation of the Urban Law Stipulation, the Military Department shall forward the correspondence to the JSRA citing the bases for its

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and 12, 1978, as amended, between the Governments of the United States and the Polish People's Republic which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1978.

determination as set forth in Attachment 1.

c. If correspondence is forwarded to the JSRA under a. or b., above, a determination shall be made by the JSRA as to whether corrective action is required. If it is determined by the JSRA that corrective action is required, the Military Department shall be informed of the deficiencies noted so that corrective action may be taken. After corrective action by a Military Department has been completed, the corrected decisional document shall be forwarded to the JSRA for review and transmittal to the complainant. If it is determined by the JSRA that no corrective action is required, an appropriate response shall be provided the complainant by the JSRA citing the bases for the determination.

d. If the Military Department or the JSRA, in its review of a decisional document issued on or after March 27, 1978, determines that there has been a violation of the decisional document requirements of DoD Directive 1332.28, corrective action will be directed as appropriate.

9. For those new statements of findings, conclusions and reasons that are prepared by a Military Department in response to a complaint to the ASD(MRA&L) and that are not otherwise reviewed by the JSRA, the JSRA shall review on a quarterly basis enough of a sample of such new statements to ensure that they comply with the Urban Law Stipulation.

10. Action taken by the JSRA shall be reported to the ASD (MRA&L), ATTN: DASD(MPP).

11. The responsibility for filing complaints and other records of the JSRA, and for performing related administrative duties to assist the Administrative Director, is delegated to the Army.

12. Amended decisional documents issued by the Military Departments will be indexed by the Military Department under the terminology included in the quarterly index scheduled to be published during the last week of November 1978, and subsequent indexes.

13. The Administrative Director is responsible for disposition of the Records of Action (Attachment 1) prepared by the Military Departments and the JSRA.

14. The Urban Law Stipulation permits plaintiffs to submit complaints concerning any violation of the Stipulation to the General Counsel of the Department of Defense. The General Counsel may refer complaints about decisional documents and index entries to the JSRA for initial comment.

Complaints Review Record of Action

Service:
Date:
Name of Complaint:
Docket No.:

1. List specific complaints.

2. List other defects in the decisional document or index entries noted by the Military Department.

3. List Military Department's findings on each specific complaint or defect and the reasons for each finding.

4. List the Military Department's conclusions on each specific complaint or defect and the reasons for each conclusion.

5. *JSRA:* List specific complaints or other defects not noted by the Military Department.

6. List JSRA findings on each specific complaint.

7. List JSRA conclusions on each specific complaint or defect and the reason for each conclusion.

8. Action taken by JSRA:

Army Member _____
Navy Member _____
Air Force Member _____
Recorder _____

Final Action Taken
by: _____
on: _____

The response sent to the complainant is attached.

Attachment 1

Under the revised memorandum, there is no change in the general procedure for handling a complaint. The revision makes no change in the substantive standards of discharge review or in the legal standards for determining the legal sufficiency of a decisional document. In view of the interest of the public prompt action to further compliance with the court orders regarding processing of complaints, and in view of the manifest interest of applicants in expeditious processing of complaints, immediate implementation is required. Therefore, notice and prepublication of these matters or public comment thereon is impracticable, unnecessary, and contrary to the public interest.

FOR FURTHER INFORMATION CONTACT: Colonel John L. Fugh, JAGC, U.S. Army, telephone 202/697-9525, Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), The Pentagon, Room 3C980, Washington, D.C. 20301.

EFFECTIVE DATE: October 12, 1979.

H. E. Lofdahl,

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

[FR Doc. 79-33781 Filed 10-31-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Canadian Crude Oil Allocation Program Supplemental Allocation Notice for the October 1 Through December 31, 1979 Allocation Period

In accordance with § 214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a supplemental allocation notice to reflect the export levels of Canadian light crude oil and Canadian heavy crude oil for the month of November 1979.

The Canadian National Energy Board (NEB) recently announced that, beginning in October 1979, exports of crude oil from Canada would be authorized on a monthly basis, instead of a quarterly basis. Consequently, the volumes listed in the Allocation Notice issued on September 21, 1979 (44 FR 55927, September 28, 1979) and in the Supplemental Notice issued on October 17, 1979 (44 FR 61085, October 23, 1979) represented only volumes to be exported in October. This Supplemental Notice lists only Canadian crude oil volumes which must be exported in the month of November. Pursuant to § 214.32(c), this notice will be revised with the publication of an additional supplemental notice when the NEB notifies the ERA of Export levels for December.

The issuance of Canadian crude oil rights for November 1979 to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) The base period volume [1] of Canadian crude oil for each refiner's first or second priority refinery; (3) The base period volume of Canadian light and heavy crude oil, respectively, for each refiner's first or second priority refinery; (4) The nominations to ERA for Canadian light

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

and heavy crude oil, respectively, of each refinery or other firm; (5) The number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) The specific first or second priority refineries for which rights are applicable.

Murphy Oil Corporation and Marathon Oil Company have notified ERA that they are unable to accept the volumes of heavy crude oil available for allocation for the month of November. Murphy cannot produce asphalt in excess of storage limitations and Marathon cannot accept volumes for November which would be below practical scheduling and transport minimums. The nominations of these refineries have thus been reduced for the month of November.

The NEB has formally advised ERA that the total volume of Canadian light crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the month of November 1979 will be 50 B/D, all of which is operationally constrained through the Union Oil pipeline from the Reagan field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Montana. The total volume of Canadian heavy crude oil authorized for export and subject to allocation under Part 214 will be 122,711 B/D for the month of November.

Pursuant to 10 CFR 214.35, ERA is continuing to give effect to the operational constraint regarding the Thunderbird refinery in the revised issuance of Canadian crude oil rights for the month of November set forth in the Appendix. The Canadian light and heavy crude oil rights were computed in accordance with the formulas set forth in the Allocation Notice issued on September 21, 1979 (44 FR 55927, September 28, 1979).

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before December 3, 1979.

Issued in Washington, D.C. on October 23, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix.—*Canadian Allocation Program Rights—November 1979*

[Barrels per day]

Refiner/refinery	Priority	Base period volumes			Nominations		Allocation [1]	
		Total Canadian runs	Canadian light crude oil	Canadian heavy crude oil	Light	Heavy	Light	Heavy
Amoco:								
Whiting, Ind	II	26,751	25,560	1,191	0	0	0	0
Casper, Wyo	II	2,991	2,991	0	0	0	0	0
Mandan, N.D	II	8,995	8,995	0	0	0	0	0
Sugar Creek, Mo	II	317	317	0	0	0	0	0
Arco: Cherry Point, Wash	II	34,225	34,225	0	0	0	0	0
Ashland:								
Buffalo, N.Y	II	36,752	32,033	4,719	0	0	0	0
Findlay, Ohio	II	2,198	33	2,165	0	0	0	0
St. Paul Park, Minn	I	[2]14,707	[2]13,127	[2]1,580	40,000	31,000	0	[3]31,000
Clark: Blue Island, Ill	II	18,764	18,764	0	0	0	0	0
Consumers Power:								
Essexville, Mich	I	13,872	13,872	0	0	0	0	0
Marysville, Mich	I	27,306	27,306	0	17,500	0	0	0
Conoco:								
Billings, Mont	I	25,994	25,994	0	25,994	0	0	0
Denver, Colo	II	4,639	4,639	0	4,638	0	0	0
Ponca City, Ok	II	1,188	1,188	0	1,188	0	0	0
Wrenshall, Minn	I	20,651	20,651	0	20,651	0	0	0
CRA:								
Coffeyville, Kan	II	318	318	0	0	0	0	0
Phillipsburg, Kan	II	173	173	0	0	0	0	0
Scottsbluff, Neb	II	401	401	0	0	0	0	0
Crystal: Carson City, Mich	II	1,104	1,104	0	0	0	0	0
Dow Chemical, U.S.A.: Bay City, Mich	II	2,767	2,767	0	0	0	0	0
Energy Cooperative: East Chicago, Ind	II	10,804	10,267	537	0	0	0	0
Exxon: Billings, Mont	I	15,908	15,908	0	16,000	0	0	0
Farmers Union: Laurel, Mont	I	13,439	13,439	0	13,500	0	0	0
Gladieux: Fort Wayne, Ind	II	774	774	0	0	0	0	0
Gulf: Toledo, Ohio	II	13,253	13,253	0	0	0	0	0
Husky:								
Cheyenne, Wyo	II	4,865	4,865	0	0	0	0	0
Cody, Wyo	II	806	806	0	0	0	0	0
Koch: Pine Bend, Minn	I	[2]44,383	[2]3,396	[2]40,987	0	95,000	00	[3]74,383
Lake Superior D.P.: Ashland, Wisc	I	125	125	0	0	0	0	0
Lakeside: Kalamazoo, Mich	II	1,240	1,240	0	0	0	0	0
Laketon: Laketon, Ind	II	141	10	131	0	5,000	0	63
Little America:								
Casper, Wyo	II	2,248	2,248	0	0	0	0	0
Sinclair, Wyo	II	709	709	0	0	0	0	0
Marathon: Detroit, Mich	II	10,301	10,159	142	19,522	0	0	0
Mobil:								
Buffalo, N.Y	II	24,995	24,995	0	0	6,036	0	0
Ferndale, Wash	II	45,444	45,444	0	0	10,975	0	0
Joliet, Ill	II	14,606	2,132	12,474	0	12,989	0	6,025
Murphy: Superior, Wisc	II	25,625	20,253	5,372	10,000	8,000	0	8,000
NCRA: McPherson, Kan	II	836	836	0	0	0	0	0
Pester Refining Co.: El Dorado, Kan	II	196	196	0	0	0	0	0
Phillips:								
Great Falls, Mont	II	1,222	1,222	0	0	0	0	0
Kansas City, Kan	II	3,352	3,105	247	0	0	0	0
Rock Island: Indianapolis, Ind	II	1,063	1,063	0	0	0	0	0
Shell:								
Anacortes, Wash	II	55,919	55,919	0	0	0	0	0
Wood River, Ill	II	8,673	8,673	0	0	0	0	0
Sohio: Toledo, Ohio	II	29,182	29,182	0	15,000	10,000	0	0
Sun: Toledo, Ohio	II	16,427	16,427	0	0	0	0	0
Tenneco: Chalmette, La	II	1,767	1,767	0	0	0	0	0
Texaco:								
Anacortes, Wash	II	41,229	41,229	0	0	0	0	0
Casper, Wyo	II	1,380	1,380	0	0	0	0	0
Lockport, Ill	II	1,244	1,244	0	0	0	0	0
Texas American: West Branch, Mich	II	2,011	2,011	0	0	0	0	0
The Refinery Corp.: Commerce City Colo.	II	174	174	0	0	0	0	0
Thunderbird: Cut Bank, Mont	II	554	554	0	50	0	[4]50	0
Total Petroleum: Alma, Mich	II	9,727	3,020	6,707	0	8,000	0	3,240
Union Oil of Calif.: Lemont, Ill	II	11,711	11,711	0	10,000	20,000	0	0
United Refining: Warren, Pa	II	9,917	9,789	128	0	0	0	0
Wyoming Refining Co.: New Castle, Wyo.	II	676	676	0	0	0	0	0
Total priority I		202,010	154,071	47,939	143,645	134,000	0	113,383
Total priority II		469,029	440,588	28,441	50,398	68,000	50	9,328
Total I and II		671,039	594,659	76,380	194,043	202,000	50	122,711

[1] Although nominations were made on a quarterly basis, allocations reflect the volumes of crude oil which must be exported from Canada only during the month of November.

[2] Adjusted.

[3] Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.

[4] Operational constraint.

[FR Doc. 79-33611 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, DOE.

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 September. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance; with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations. For further information regarding these Consent Orders, please contact Leon Snead, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street NW., Washington, D.C. 20461, telephone number 202-254-6990.

Firm name	Firm address	Audit date
Law's Texaco	2201 Georgia Ave. NW., Washington, DC 20001.	9-10-79
Newsome's Shell	18th and Monroe St. NE., Washington, DC 20018.	9-10-79
Sisson's Shell	3560 Chain Bridge Rd., Fairfax, VA 22030.	9-10-79
Parklane Service Center.	6201 Marlboro Pike, District Heights, MD 20028.	9-27-79

Issued in Washington, DC on the 5th day of October 1979.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 79-33817 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Bennington Mobil; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Bennington Mobil, 2nd & Warehouse, Bennington, Nebraska. This Proposed Remedial Order charges Bennington Mobil with pricing violations in the amount of $65.10, in sales of the motor gasoline during the time period September 21, 1979, through October 12, 1979, in the State of Nebraska.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33814 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Clark "100"—Larry F. LaCompte; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration

(ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Clark "100"—Larry F. LaCompte, 5120 Natural Bridge, St. Louis, Missouri. This Proposed Remedial Order charges Clark "100"—Larry F. LaCompte with pricing violations in the amount of $155.64, in sales of the motor gasoline during the time period September 30, 1979, through October 2, 1979, in the State of Missouri.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33812 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Clarkins Elyria Service; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Clarkins Elyria Service, 1016 East Broad Street, Elyria, Ohio. This Proposed Remedial Order charges Clarkins Elyria Service with pricing violations in the amount of $323.30, in sales of the motor gasoline during the time period May 29, 1979, through July 15, 1979, in the State of Ohio.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33809 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Domestic Crude Oil Allocation Program; Entitlement Notice for August 1979

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: August 1979 Entitlement Notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for August 1979.

DATES: Payments for entitlements required to be purchased under this notice must be made by October 31, 1979. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by November 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128I, Washington, D.C. 20461, (202) 254-8660

Kristina Clark (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6744

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for August 1979 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, middle distillate imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); September 1979 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for August 1979 is calculated to be .218726.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of August 1979, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .578179 of the barrel of deemed old oil.

The issuance of entitlements for the month August 1979 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of August 1979 is hereby fixed at $17.26, which is the exact differential as reported for the month of August between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

10 CFR § 211.67(i)(4) was amended June 27, 1979 to eliminate the 21¢ entitlement penalty on imported and domestic exempt crude oils (44 FR 37940, June 29, 1979). The removal of the 21¢ penalty became effective beginning with August 1, 1979 crude runs to stills.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of August 1979 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of August 1979 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of August 1979 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall seel such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months

September 1975 through May 1979 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

Included in the Appendix are entitlements issued pursuant to the provisions of 10 CFR section 211.67(a)(5) under which ERA may approve a firm's application for designation as a producer of a petroleum substitute. Archer Daniels Midland Company is the only applicant thus far to receive this designation, by order issued August 23, 1979 (Docket No. ERA–APS–78–2).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Adminstrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, *see Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the August 1979 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its August 1979 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, *see Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the Government made no purchases of imported crude oil.

For the month of August 1979, imports of residual fuel oil eligible for entitlements issuances totaled 21,277,468 barrels.

For the month of August 1979, imports of middle distillated eligible for entitlement issuances totaled 4,106,606 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California lower tier crude oil	5,563,790	20°
California upper tier crude oil	7,477,943	22°

The total number of entitlements required to be purchased and sold under this notice is 21,446,684.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for August 1979, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes [1]
Lower Tier	64,689,684	$6.58	13.0
Upper Tier	92,705,116	13.86	18.6
Exempt Domestic:			
Heavy Oil	2,103,658	16.90	0.4
Alaskan	37,601,727	21.38	7.5
Stripper [2]	51,696,360	25.07	10.4
Naval Petroleum Reserve	3,536,885	21.16	0.7
Tertiary	34,068	16.74	0.0
Newly Discovered [2]	3,724,031	28.81	0.7
Total Domestic	256,091,549	15.73	51.3
Total Imported	243,032,572	23.98	47.7
Total Reported Crude Oil Receipts	499,124,121	19.75	100.0
Total Reported Crude Oil Runs to Stills	483,412,726		
Total Uncontrolled (Exempt Domestic and Imported)	341,729,321	23.84	68.5

[1] Volumes may add due to rounding.

[2] Due to reporting difficulties on the part of some refiners, a significant volume of newly discovered oil is appearing as stripper oil.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for August 1979 must be made by October 31, 1979.

On or prior to November 10, 1979, each firm which is required to purchase or sell entitlements for the month of August 1979 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of August. The monthly transaction report forms for the month August have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by October 31, 1979 are requested to contact the ERA at (202) 254–3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to October 31, 1979, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before December 3, 1979.

Issued in Washington, D.C., on October 25, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

Appendix.—*Notice of Entitlements for Domestic Crude Oil*

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and appeals	Entitlement position: Entitlements: Product	Entitlement position: Entitlements: California	Required to buy	Required to sell
-Consol'd-Sales	−36,057	0	0	0	0	0	[1]36,057
A-Johnson	5,418	126,803	0	0	0	0	121,385
Adm	0	23,711	0	0	0	0	23,711
Allied	115,245	68,176	0	0	0	47,069	0
Amer-Petrofina	777,129	988,190	0	0	0	0	211,061
Amerada Hess	1,399,063	2,987,071	0	103,567	0	0	1,588,008
Amoco	10,701,254	6,830,134	0	0	0	3,871,120	0
Anchor	2,366	28,162	0	0	472	0	25,796
Arco	2,648,987	5,500,107	0	0	−12,686	0	2,851,120
Arizona	101,975	65,918	0	0	31,175	36,057	0

Appendix.—*Notice of Entitlements for Domestic Crude Oil*—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Entitlements		Required to buy	Required to sell
				Product	California		
Asamera	126,959	110,470	0	0	0	16,489	0
Ashland	1,344,971	2,703,508	0	0	0	0	1,358,537
Basin	26,867	85,627	0	0	3,843	0	58,760
Bayou	44,184	33,736	0	0	0	10,448	0
Beacon	221,531	102,086	−7,395	0	17,315	119,445	0
Belcher	0	172,283	0	172,283	0	0	172,283
Bi-Petro	27,345	169,360	0	0	0	0	142,015
Bruin	177,610	115,598	0	0	0	62,012	0
C&H	0	136	0	0	0	0	136
Calcasieu	179,074	145,335	0	0	0	33,739	0
Calumet	19,808	19,372	0	0	0	436	0
Canal	109,541	58,720	0	0	0	50,821	0
Carbonit	114,535	43,390	0	0	0	71,145	0
Caribou	78,160	47,391	0	0	0	30,769	0
Champlin	1,779,303	1,394,540	0	0	112,136	384,763	0
Charter	471,834	386,719	−5,118	0	0	0	1,456,641
Chevron	6,405,574	7,862,215	[2]464,490	17,989	117,886	0	1,456,641
Cibro	0	137,956	0	23,617	0	0	137,956
Citgo	2,366,166	1,751,508	0	0	0	614,658	0
Claiborne	62,822	22,390	0	0	0	40,432	0
Clark	404,524	659,533	0	0	0	0	255,009
Coastal	195,631	1,474,674	37,051	45,081	0	0	1,279,043
Colonial	0	49,838	0	49,838	0	0	49,838
Conoco	2,934,362	2,385,563	0	24,122	53,964	548,799	0
Consumers-Power	0	75,565	0	75,565	0	0	75,565
Copano	10,701	17,304	0	0	0	0	6,603
Coral	42,143	174,305	0	0	0	0	132,162
Corco	0	831,767	0	287,214	0	0	831,767
Cra-Farmland	359,621	503,426	0	0	0	0	143,808
Cross	49,082	69,384	0	0	0	0	20,302
Crown	283,517	681,467	0	0	0	0	397,950
Crystal-Oil	132,465	93,711	0	0	0	38,754	0
Crystal-Ref	0	17,730	0	0	0	0	17,730
Delta	288,051	316,549	0	0	0	0	28,498
Demenno	16,064	68,300	0	0	2,478	0	52,236
Detroit-Ed	0	61,991	0	61,991	0	0	61,991
Dfsc	0	5,684	0	5,684	0	0	5,684
Diamond	587,145	378,039	0	0	0	209,106	0
Dillman	0	464	0	0	0	0	464
Dorchester	10,797	166,471	0		0	0	155,674
Dow	164,331	88,288	0	0	0	76,043	0
E-Seaboard	0	67,244	0	76,244	0	0	67,244
Eco	−17,719	49,991	0	0	−2,269	0	67,710
Eddy	46,203	26,950	0	0	0	19,253	0
Energy-Coop	0	711,990	0	0	0	0	711,990
Enterprise	0	1,736	0	1,736	0	0	1,736
Ergon	22,007	80,423	0	0	0	0	58,416
Erickson	0	90,469	0	0	0	0	90,469
Evangeline	32,713	23,082	0	0	0	9,631	0
Exxon	10,319,208	9,469,684	[3]341,163	590,633	0	849,524	0
Ez-Serve	25,924	29,231	0	0	0	0	3,307
Farmers-Un	181,132	276,861	0	0	0		95,729
Fletcher	23,499	203,639	0	0	3,123		180,140
Flint	6,294	5,015	0	0	0	1,279	0
Friendswood	88,497	61,487	0	0	0	27,010	0
Funding	71,479	41,649	0	0	0	29,830	0
Gary	199,127	86,635	0	0	0	112,492	0
Getty	1,241,536	1,275,711	0	0	0	0	34,175
Giant	39,851	49,027	0	0	0	0	9,176
Gibney & Shover	0	242	[2]242	0	0	0	242
Gibson	0	929	0	0	0	0	929
Glacier-Park	97,913	35,073	0	0	0	62,840	0
Gladieux	31,710	50,322	0	0	0	0	18,612
Golden-Eagle	0	117,674	0	0	0	0	117,674
Goldking	240,682	126,419	0	0	0	114,263	0
Good-Hope	42,291	348,245	0	0	0	0	305,954
Grand-Trunk	0	1,882	[2]1,882	0	0	0	1,882
Guam	0	286,639	0	0	0	0	286,639
Gulf	7,186,465	6,405,230	0	66,182	21,579	781,235	0
Gulf-energy	229,540	229,540	198,6010	0	0	0	
Gulf-STS	114,111	72,431	0	0	0	41,6800	0
Hiri	0	427,247	0	0	0	0	427,247
Howell	192,287	239,344	0	0	0	0	47,057
Hudson-Oil	40,418	138,412	0	0	0	0	97,994
Hunt	233,757	171,007	0	0	0	62,7500	0
Husky	566,732	566,732	247,753	0	0	0	[4]0
Independent-Ref	0	86,290	0	0	0	0	86,290
Indiana-Farm	47,875	152,568	0	0	0	0	104,693
Indust-Fuel	36,983	17,257	0	0	0	19,7260	0
Inter-Process	65,839	220,901	0	0	0	0	155,062
Irving	0	22,291	0	22,291	0	0	22,291
Kenco	28,833	27,436	0	0	0	6,0620	0
Kentucky	15,772	9,710	0	0	0	6,062	0
Kern	346,880	244,764	62,519	0	21,169	102,116	0
Kerr-McGee	961,795	740,045	0	0	0	221,750	0
Koch	1,209,731	927,165	0	22,505	0	282,566	0
Lagloria	343,897	237,518	0	0	0	106,379	0
Lake Charles	31,519	16,840	0	0	0	14,679	0
Lakeside	51,965	24,971	0	0	0	26,994	0

Appendix.—*Notice of Entitlements for Domestic Crude Oil*—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Entitlements		Required to buy	Required to sell
				Product	California		
Laketon	154,778	147,585	84,777	0	0	7,193	0
Little-Amer	1,472,871	572,602	29,113	0	0	900,269	0
Louisiana-Land	686,283	293,734	0	0	0	392,549	0
Macmillan	82,874	111,041	0	0	9,421	0	28,167
Mallard	29,866	39,805	0	0	0	0	9,939
Marathon	4,917,199	3,168,533	0	0	0	1,748,666	0
Marion	163,595	129,490	0	0	0	34,105	0
Metropolitan	0	51,570	0	51,570	0	0	51,570
Mid-Amer	3,146	23,320	0	0	0	0	20,174
Mobil	5,564,954	5,598,507	[3]69,802	44,013	142,807	0	33,553
Mobile-Bay	4,786	107,340	0	0	0	0	102,554
Mohawk	440,694	251,002	43,502	0	26,919	189,692	0
Monoco	0	11,302	0	11,302	0	0	11,302
Monsanto	384,747	230,657	0	0	0	154,090	0
Morrison	21,879,	5,984	0	0	0	15,895	0
Mountaineer	4,446	1,766	0	0	0	02,680	0
Mt-Airy	116,370	120,158	0	0	0	0	3,788
Murphy	1,126,099	824,952	0	0	0	301,147	0
N-Amer-Petro	230,189	177,431	0	0	0	301,147	0
Natl-Coop	217,546	375,190	0	0	0	0	157,644
Navajo	381,906	229,422	0	0	0	152,484	0
Nevada	45,312	23,004	0	0	0	22,308	0
New-Edgington	538,046	251,589	0	0	78,145	286,457	0
New-Engl-Petro	0	69,972	0	69,972	0	0	69,972
New-Engl-Power	0	69,972	0	69,972	0	0	69,972
Newhall	51,527	122,012	0	0	4,535	0	70,485
Northeast-Petro	0	49,894	0	49,894	0	0	49,894
Northland	51,374	51,374	35,543	0	0	0	0
Northville	0	57,983	0	57,983	0	0	57,983
OKC	145,927	168,757	0	0	0	0	22,830
Okla-Ref	70,532	93,784	0	0	0	0	23,252
Oxnard	17,085	24,976	0	0	3,053	0	7,891
Peerless	0	2,133	2,133	0	0	0	2,133
Pennzoil	477,354	364,577	0	0	0	112,777	0
Pester	113,609	159,184	0	0	0	112,777	45,575
Phillips	2,829,436	1,776,597	0	0	94	1,052,839	0
Phillips-Pr	0	184,705	0	184,705	0	0	184,705
Pioneer	88,792	49,854	0	0	0	38,938	0
Placid	660,609	299,594	0	0	0	361,015	0
Plateau	253,060	167,215	0	0	0	85,845	0
Port	6,565	9,891	0	0	0	0	3,326
Powerine	214,620	236,114	0	0	27,699	0	21,494
Pride	169,216	223,813	0	0	0	0	54,597
Quad	1,880	33,279	0	0	16,144	0	31,399
Quaker-St	46,464	189,970	0	0	0	0	143,506
Quitman	0	53,713	0	0	0	0	53,713
Rancho-Ref	18,183	15,895	0	0	0	2,288	0
Richards	176	48	0	0	0	128	0
Road-Oil	12,446	14,304	0	0	2,657	0	1,858
Rock-Island	165,874	279,208	0	0	0	0	113,334
Saber-Tex	22,346	133,957	0	0	0	0	111,611
Sabre-Cal	837	69,790	0	0	90	0	68,953
Saga-Creek	5,297	2,275	0	0	0	3,022	0
San-Joaquin	43,388	109,787	0	0	8,261	0	66,399
Scallop	0	185,448	0	185,448	0	0	185,448
Schulze	21,506	18,197	8,092	0	0	3,309	0
Sears	0	26,087	0	26,087	0	0	26,087
Seaview	0	188,019	0	0	0	0	188,019
Sector	53,918	9,023	−24,919	0	0	44,895	0
Seminole	9,797	85,495	0	0	0	0	75,698
Sentry	78,178	179,556	74,137	0	2,097	0	101,378
Shell	9,699,960	6,878,282	[2]797	0	150,010	2,821,678	0
Shepherd	33,639	79,274	0	0	0	0	45,635
Sigmor	20,877	172,105	0	0	0	0	151,228
Silver-Eagle	510	1,529	0	0	0	0	1,019
Slapco	168,698	75,817	0	0	0	92,881	0
So-Hampton	148,295	113,365	0	0	0	34,930	0
Sohio	1,196,510	3,188,023	0	0	0	0	1,991,513
Somerset	24,526	30,502	0	0	0	0	5,976
Sound	28,677	69,774	0	0	4,873	0	41,097
Southern-Union	198,566	254,095	0	0	0	0	55,529
Southland	393,405	221,232	41,031	0	0	172,173	0
Southwestern	8,882	4,804	0	0	0	4,078	0
Sprague	0	26,564	0	26,564	0	0	26,564
Steuart	0	37,359	0	37,359	0	0	37,359
Sunland	4,037	78,394	0	0	81	0	74,357
Sunoco	4,030,861	3,503,210	0	24,138	0	527,651	0
Swann	0	21,199	0	21,199	0	0	21,199
T&S	7,737	38	0	0	0	7,699	0
Tarricone	0	11,673	0	11,673	0	0	11,673
Tenneco	1,541,535	667,283	0	0	7,202	874,252	0
Tesoro	331,593	458,495	0	0	0	0	126,902
Texaco	8,171,953	7,523,899	[3]311,256	256,012	96,997	648,054	0
Texas-American	73,285	49,799	0	0	0	23,486	0
Texas-Asph	34,847	9,360	0	0	0	[4]25,487	0
Texas-City	599,530	810,507	0	0	0	0	210,977
Thagard	91,834	116,203	3,800	0	11,622	0	24,369

Appendix.—*Notice of Entitlements for Domestic Crude Oil*—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Entitlements		Required to buy	Required to sell
				Product	California		
Thriftway	41,648	33,582	0	0	0	8,066	0
Thunderbird	89,960	61,346	0	0	0	28,614	0
Tipperary	84,719	38,603	0	0	0	46,116	0
Tonkawa	97,041	49,019	0	0	0	48,022	0
Tosco	1,349,074	1,447,474	0	0	122,825	0	98,400
Total-Petroleum	21,475	595,625	0	0	0	0	574,150
Ucc-Caribe	0	116,224	0	116,224	0	0	116,224
Uni-Ref	11,564	93,866	0	0	0	0	82,302
Union-Oil	3,553,924	2,772,715	0	0	51,519	781,209	0
Untd-Ref	126,321	264,183	0	0	0	0	137,862
US-Oil	17,292	131,420	0	0	1,851	0	114,128
USA-Petrochem	93,595	152,807	0	0	10,599	0	59,212
Val-Verde	5,084	3,485	0	0	0	1,599	0
Vickers	151,468	447,368	0	0	0	0	295,900
Vicksburg	2,357	50,556	0	0	0	0	48,199
Waller	0	10,936	0	10,936	0	0	10,936
Warrior	44,169	32,004	8,505	0	0	12,165	0
West-Coast	42,382	42,994	0	0	7,428	0	612
Western	132,163	74,540	0	0	0	57,623	0
Winston	68,526	119,170	0	0	0	0	50,644
Wireback	0	566	0	0	0	0	566
Witco	66,598	102,557	0	0	6,505	0	35,959
Wyatt	0	22,518	0	22,518	0	0	22,518
Wyoming	75,389	87,809	0	0	0	0	12,420
Yetter	0	604	0	0	0	0	604
Young	65,451	40,575	15,455	0	0	24,876	0
Total	114,314,383	114,314,383	2,044,212	2,915,111	1,182,443	21,446,684	21,446,684

[1] See discussion in Notice.

[2] Entitlements issued pursuant to the regulation issued May 24, 1979 (44 FR 31162, May 31, 1979) which provides entitlements benefits for imports of middle distilates for the months May 1979 through August 1979.

[3] This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in *Husky Oil Co.* v. *DOE, et al.*, Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978), *remanded* —— *F.2d* —— (No. 10-18 TECA, August 10, 1978).

[4] This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co.* v. *FEA* Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 79-33798 Filed 10-?-79; 8:45 am]

BILLING CODE 6450-01-M

Don's Texaco; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Don's Texaco, 4420 Leavenworth, Omaha, Nebraska. This Proposed Remedial Order charges Don's Texaco with pricing violations in the amount of $13.35, in sales of the motor gasoline during the time period August 1, 1979, through September 28, 1979, in the State of Nebraska.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33813 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Fox Standard; Proposed Remedial Order

Pursuant to 10 CFR 2205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Fox Standard, 3421 South Highway 375, Council Bluffs, Iowa. This Proposed Remedial Order charges Fox Standard with pricing violations in the amount of $12.90, in sales of the motor gasoline during the time period August 26, 1979, through August 30, 1979, in the State of Iowa.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33807 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Long's Texaco; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Long's Texaco, 612 North Hamilton, Peoria, Illinois. This Proposed Remedial Order charges Long's Texaco with

pricing violations in the amount of $819.92, in sales of the motor gasoline during the time period August 1, 1979, through September 16, 1979, in the State of Illinois.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33806 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Paraots Standard; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Paraots Standard, Junction 59 & 30, Denison, Iowa. This Proposed Remedial Order charges Paraots Standard with pricing violations in the amount of $24.00, in sales of the motor gasoline during the time period October 11, 1979, through October 16, 1979, in the State of Iowa.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33808 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Jerry Rakowski—AMOCO Dealer; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Jerry Rakowski—AMOCO Dealer, 2009 West College Avenue, Milwaukee, Wisconsin. This Proposed Remedial Order charges Jerry Rakowski—AMOCO Dealer with pricing violations in the amount of $210.67, in sales of the motor gasoline during the time period August 1, 1979, through September 26, 1979, in the State of Wisconsin.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33805 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Saylorville Marina; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Saylorville Marina, P.O. Box 207, Polk City, Iowa. This Proposed Remedial Order charges Saylorville Marina with pricing violations in the amount of $640.00, in sales of the motor gasoline during the time period August 1, 1979, through October 19, 1979, in the State of Iowa.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33815 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

V. C. Warrensville; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to V. C. Warrensville, 18525 Miles Avenue, Warrensville, Ohio. This Proposed Remedial Order charges V. C. Warrensville with pricing violations in the amount of $112.67, in sales of the motor gasoline during the time period May 29, 1979, through July 15, 1979, in the State of Ohio.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before November 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 25th day of October 1979.

William D. Miller,

District Manager, Central Enforcement District.

[FR Doc. 79-33810 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Public Information Forum Status of Boulder Canyon Project and Central Arizona Project (Navajo) Marketing Plans

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Announcement of Public Information Forum, Status of Boulder Canyon Project and Central Arizona Project (Navajo) Marketing Plans.

SUMMARY: The Western Area Power Administration has scheduled a Public Information Forum on November 30, 1979, at 9:00 a.m. at the Showboat Hotel (Memphis Room) in Las Vegas, Nevada, to discuss the status of the Boulder Canyon Project and Central Arizona Project (Navajo) marketing plans. Topics will include: (1) Marketing alternatives for the Boulder Canyon Project (Hoover Dam) in the post-1987 period; and (2) marketing plans for Navajo Generating Station power and energy surplus to the needs of the Central Arizona Project.

1. Boulder Canyon Project (Hoover Dam)

The Boulder Canyon Project (Hoover Dam) was the first Federal power

development on the Colorado River. The dam is located in Black Canyon about 25 miles from Las Vegas, Nevada. Construction and operation of Hoover Dam and the associated powerplant were authorized by the Boulder Canyon Project Act of 1928. Commercial power generation began in 1936. The 17th and last generator was placed in commercial operation in 1961.

Hoover's powerplant is the largest hydroelectric power development serving southern California, southern Nevada, and Arizona with a thirty-five (35) year average annual gross energy generation of approximately 3.6 billion kilowatt hours and 1,345 megawatts installed capacity.

Issues to be discussed concerning the post-1987 disposition of the Hoover power resource, including upratings and modifications, are the renewal of electric service arrangements, allocation, and rates.

2. Central Arizona Project (Navajo)

Authorized in 1968 and now under construction, the Central Arizona Project will deliver water from the Colorado River to the Phoenix and Tuscon areas. In order to supply power and energy to satisfy pumping requirements, the United States participated in the coal-fired Navajo Generating Station located near Page, Arizona. The Federal capacity entitlement is approximately 547 megawatts.

Preliminary investigations indicate that some capacity and energy may be available for marketing from time to time from the Navajo Generating Station after the requirements of the Central Arizona Project and similarly authorized loads are met. A review of the engineering studies to date and the proposed marketing plans will be discussed.

DATES: The forum will be held November 30, 1979, beginning at 9:00 a.m. at the Showboat Hotel (Memphis Room) in Los Vegas, Nevada.

ADDRESSES: For further information or comments concerning the public information forum, contact: Mr. R. A. Olson, Area Manager, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005, (702) 293–8475.

SUPPLEMENTARY INFORMATION: The Public Information Forum will provide interested persons the opportunity to present oral and written comments concerning the marketing plans of the Boulder Canyon Project and the Central Arizona Project (Navajo).

Issued in Golden, Colorado, October 25, 1979.

Robert L. McPhail,

Administrator.

[FR Doc. 79-33816 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-24]

Transcontinental Gas Pipe Line Corp.; Application

October 26, 1979.

Take notice that on October 11, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80–24 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a temporary storage service of up to 1,015,000 dekatherms (dt) equivalent of natural gas for use in serving the market needs of eight purchasers of such service, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The proposed temporary storage service would occur at Transco's Washington Storage Field, St. Landry Parish, Louisiana, pursuant to agreements which have been or would be executed between Transco and the eight storage service purchasers, Transco asserts.

Pursuant to the order issued on February 26, 1975, in Docket No. CP74–33, Transco is authorized to acquire and develop the Washington Storage Field and render storage service from the field for its customers subscribing to such service. By amending order issued on September 1, 1978, Transco was authorized to increase the top storage capacity of the Washington Storage Field from 60,000,000 dt to 66,000,000 dt of top gas. Of this 66,000,000 dt capacity, a total of 60,378,319 dt is currently nominated for use during the 1979–80 winter heating season by long term customers pursuant to Transco's Rate Schedule WSS. The proposed temporary storage service would utilize 1,015,000 dt of the remaining 5,621,681 dt of storage capacity which is not being utilized during the 1979–80 winter heating season by Transco's rate schedule WSS customers.

The eight purchasers which have requested temporary storage service, along with the respective amounts of natural gas are City of Buford, Georgia, 5,000 dt; City of Lawrenceville, Georgia, 20,000 dt; Owens-Corning Fiberglas Corporation, 385,000 dt; Pennsylvania Gas and Water Company, 500,000 dt; City of Shelby, North Carolina, 75,000 dt; City of Social Circle, Georgia, 5,000 dt; City of Sugar Hill, Georgia, 5,000 dt; and Tri-County Natural Gas Company, 20,000 dt.

Transco states that the injection of the proposed storage quantities is to take place through October 31, 1979 (1979 summer season) and withdrawal of these quantities is to take place during the period November 1, 1979 through March 31, 1980 (1979–80 winter heating season).

The application indicates that the proposed temporary storage service would be subordinate to the service rendered by Transco pursuant to its Rate Schedule WSS. Each purchaser of temporary storage service would pay Transco 22.46 cents per dt of gas injected and the same amount per dt of gas withdrawn. Transco would retain 1.5 percent of the gas injected and 0.5 percent of the gas withdrawn for use as compressor fuel.

If any of the purchasers' gas has not been withdrawn by March 31, 1980, then, by mutually agreeable operating arrangements, between Transco and the purchasers, such gas shall be withdrawn within 60 days from March 31, 1980.

The rate of 22.46 cents per dt of gas injected and the same amount per dt of gas withdrawn is based on the 100 percent load factor rate for the long-term Washington Storage Field customers pursuant to Transco's Rate Schedule WSS, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-33870 Filed 10-31-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00086A; FRL 1350-4]

Pesticide Use and Production by Veterinarians; Statement of Policy on the Applicability of the Federal Insecticide, Fungicide, and Rodenticide Act to Veterinarians

AGENCY: Office of Pesticide Programs/ Office of Enforcement, Environmental Protection Agency (EPA).

ACTION: Notice of a policy for implementation of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, with respect to veterinarians.

SUMMARY: This notice explains EPA's policy for enforcement of various provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) (7 U.S.C. 136 et seq.), and regulations thereunder, with regard to Doctors of Veterinary Medicine (veterinarians) who use, mix, or prescirbe pesticides.

FOR FURTHER INFORMATION CONTACT: Ralph Colleli (TS-766), Office of Pesticide Programs, (202) 755-8030.

SUPPLEMENTARY INFORMATION: On Thursday, March 15, 1979, EPA's Office of Pesticide Programs and Office of Enforcement published a proposed statement of policy for the regulation of veterinarians who use or dispense pesticides in the course of their practice (44 FR 15768). That proposed policy statement pointed out that veterinarians who deal with pesticides are subject, to some extent, to legal responsibilities imposed by FIFRA and regulations thereunder, including regulations for pesticide applicator certification, product registration, establishment registration, and special (child-resistant) packaging. The March 15 notice also stated that the purpose of the proposed policy was to describe EPA's plan for applying these statutory and regulatory requirements to veterinarians. This plan would allow veterinarians to continue their usual practices without having to comply with all the procedural requirements to which they are technically subject, provided that they comply with certain minimal safety precautions specified in the policy statement. These conditions would not extent or augment in any way the legal responsibilities or liabilities of veterinarians. However, compliance with these precautions would permit EPA to allow beneficial and customary veterinary practices to continue, free from restraints which would otherwise apply.

The March 15 notice invited the public to comment on the proposed policy. The deadline for submitting comments was April 30, 1979. Only two commenters responded to this notice. One commenter (No. 1(00086)), speaking for the California Department of Food and Agriculture, objected generally to the idea that veterinarians should be treated any differently under this policy than other pesticide users. The commenter specifically stated that "Veterinarians should comply with applicator certification requirements and use registered pesticides in accordance with registered labeling."

EPA must reject this objection since, as the March 15 notice pointed out, veterinarians are exempted from certification requirements by regulations promulgated in 1975 (40 CFR 171.4(e)), and *not* by this policy. Also, as the proposed policy statement, and this final notice, expressly state, "veterinarians, like all other persons, must use all pesticides . . . consistently with their registered labeling."

The other commenter (No. 2(00086)) raised several points. First, he stated that this policy might set a precedent for other pesticide user and producer groups, and that the policy statement should be written with that consideration in mind. EPA has considered this issue and notes that this policy is not intended as a precedent for treatment of any persons other than practicing veterinarians. This policy was specifically developed to recognize the special status granted to veterinarians by regulation, and to obtain for the public the unique benefits this group can provide, while maintaining an acceptable level of safety in the use, production, and distribution of pesticides by veterinarians. This statement cannot, therefore, be extended to any other groups.

The same commenter also suggested that veterinarians who mix and dispense special pesticide blends for treating unusual cases should be required to keep special records on such treatments. This comment was rejected since most of the information specified by the commenter is routinely kept by veterinarians in their office files, and since the incremental benefits obtainable from such records would not justify imposing such a requirement on veterinarians.

These comments are available for public inspection in the Chemical Information Division (TS-793), Office of Toxic Substances, EPA, Room E-447, 401 M Street, S.W., Washington, D.C. 20024, from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Certain minor changes in the policy statement have been made since its proposal, however, in order to clarify or correct certain deficiencies in the proposed policy. For example, the sections relating to *Repackaging and Dispensing of Pesticides* and *Production of Special Pesticide Formulas* have been modified to require that the basic labeling information described therein be physically attached to the pesticide package, if space permits. In addition, in cases where the size of the package precludes insertion of human safety precautionary statements on the package itself, certain specific precautions must appear on a tag attached to the package.

Also, the final policy statement clarifies that veterinarians dispensing special pesticides formulations will be covered by the exemptions described herein only when the special blend is formulated for use on an affected animal. Special blends intended for other purposes (e.g., space sprays) are not covered by the exemption and must be registered by the veterinarian.

Accordingly, notice is hereby given that the Office of Pesticide Programs and the Office of Enforcement intend to implement immediately a policy on the subject of veterinarians using and dispensing pesticides, as described below.

Use of Restricted Use Pesticides

Under sections 3, 4, and 12(a)(2)(F) of FIFRA, no individual may use a restricted use pesticide unless he is an applicator certified under a plan approved by EPA, or is under the direct supervision of a certified applicator, or is expressly exempted from the certification requirement. Regulations promulgated under section 4 in 1974 established an exemption from the certification requirement for veterinarians who use restricted use pesticides in "the course of their normal practice" (40 CFR 171.4(e)). The regulations explained, however, that this

exemption does *not* apply to veterinarians who are "in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides" (40 CFR 171.3(b)(1)(ii)). Activities such as these would not be part of "normal practice," and veterinarians would have to be certified to use restricted use pesticides for such purposes. Although the meaning of a "normal practice" is broad and may vary according to local needs, some activities clearly do not come within the scope of that term. For instance, application of pesticides by a veterinairian as a "principal or regular occupation" (39 FR 36447 (October 1, 1974)), or solicitation of pesticide application business by veterinarians, is not considered part of a "normal practice." Veterinarians who use restricted use pesticides for such purposes, or in any other manner which is not part of their "normal practice," are required to become certified under an appropriate approved State or Federal certificiation plan, unless they use such pesticides under the direct supervision of a certified applicator.

Although EPA strongly recommends that verterinarians keep abreast of advances in pesticide use and technology through appropriate professional continuing education, veterinarians who practice within the bounds of 40 CFR 171.4(e) are exempt from the certification requirement. EPA interprets this exemption as also extending to regular employees of a veterinarian when applying restricted use pesticides "under the direct supervision" of the veterinarian. Such supervision requires, unless the pesticide labeling specifies otherwise, that the employee be a competent individual, acting under the supervision and control of a veterinarian who is available if and when needed, even though the veterinarian is not physically present at the time (section 2(e)(4) of FIFRA). Veterinarians are, however, subject to civil and criminal penalties for violations of FIFRA, including misuse of pesticides, committed by employees under their supervision (see section 14(b)(4) of FIFRA). Additionally, veterinarians (unless they have become certified applicators) are not authorized to supervise the use of restricted use pesticides by uncertified persons other than their employees.

Similarly, under section 12(a)(2)(F) of FIFRA, veterinarians, as all other persons, are forbidden to dispense restricted use pesticides to uncertified persons, including their clients, unless expressly allowed by EPA regulations. However, EPA will consider the need of veterinarians to dispense a particular pesticide to clients as part of any future decision on whether to restrict use of such a pesticide.

Finally, veterinarians, like all other persons, must use all pesticides, including those not classified for restricted use, consistently with their registered labeling. As authorized by section 2(ee) of FIFRA, this includes use against a pest not specified on the labeling as long as the animal or site treated *is* so specified, unless use against that pest is expressly forbidden by the Administrator of EPA.

Any veterinarian who uses or dispenses pesticides in violation of the provisions of FIFRA, as described above, may be penalized under section 14 of FIFRA for such actions.

Repackaging and Dispensing of Pesticides

Sections 3(a) and 7(a) of FIFRA, and regulations thereunder, require every "producer" of pesticides to register all pesticides produced by him, and to register the establishment in which they are produced, prior to sale or distribution of such pesticides. By regulation, the term "producer" includes all persons who "repackage or otherwise change the container of any pesticide * * *" (40 CFR 167.1(c) and (d)). Therefore, a veterinarian who prescribes or otherwise dispenses a pesticide in a new container, or a container which he has altered by changing the package or its labeling, after receipt of the original product, is considered a "producer." The veterinarian is then legally responsible for registering such a product with EPA (even though the original product may already have been registered by its producer); for registering his establishment; for complying with all applicable labeling and packaging standards established by EPA; and for keeping all records required of producers under section 7(c) of FIFRA and 40 CFR 167.5.

However, EPA recognizes the substantial benefits which may be gained by permitting veterinarians who obtain pesticides in bulk containers to dispense such pesticides to clients in individual containers better suited to the specific case for which each pesticide is prescribed. EPA also recognizes the care with which most veterinarians prescribe, repackage, and distribute pesticides. Therefore, EPA, as a matter of policy, will not subject veterinarians who prescribe and dispense repackaged pesticides to the requirements imposed on "producers," provided that the following minimal conditions are met:

1. The repackaged pesticide is registered by EPA for a use consistent with the use for which the pesticide is prescribed, and the EPA registered use is not classified as restricted.

2. The veterinarian supplies the client with labeling for the pesticide which contains:

(a) The common or trade name(s) and percentage(s) of the active ingredient(s);

(b) The EPA product registration number;

(c) Use directions for the use prescribed;

(d) The name and address of the veterinarian;

(e) An antidote statement;

(f) Directions for disposal of the pesticide and the package dispensed to the client; and

(g) Human safety precautionary statements, including but not limited to:

(i) "For application to animals only."

(ii) "Keep out of reach of children."

(iii) "In case of accident, contact local physician immediately."

If there is sufficient space on the package dispensed to the client, all of the information specified in (a)–(g) above must be physically attached to the package.

If space on the package is not sufficient to permit direct attachment of labeling containing all the information in (a)–(g), then, at a minimum, the information specified in (a), (b), (c), and (d) must be physically attached to the package. In addition, in such a case, the human safety precautionary statement specified in (g) above must be physically affixed to the container by wire, plastic, or similar means.

The information required by (e) and (f) above may be supplied to the client in the form of supplemental labeling, which may, if appropriate, consist of the original labeling of the pesticide as received by the veterinarian.

3. The container in which the pesticide is dispensed to the client is a child-resistant package as described in 40 CFR 162.16 of the "Special Packaging" rule (44 FR 7695), unless the veterinarian has determined that there is no reasonable possibility that the package will come within the reach of children.

4. The pesticide is prescribed and dispensed to the client for the treatment of a specific pest problem, on a case-by-case basis, as part of the veterinarian's "normal practice."

In addition to meeting the above requirements, all veterinarians distributing pesticides are urged to discuss labeling directions with the client at the time the pesticide is dispensed.

Any veterinarian who repackages and dispenses pesticides, and who does not satisfy conditions (1) through (4) above, must comply with all federal registration and recordkeeping requirements for "producers," and may be penalized under section 14 of FIFRA for failure to do so.

Producing and Dispensing Special Pesticide Formulas

Veterinarians who prepare their own special products for treatment of pests, other than by mere dilution of a registered pesticide in accordance with its labeling, may also be "producers." If the product formulated by the veterinarian is a "new animal drug" (as defined in 21 U.S.C. 321(w) and 321(g)(1)), the product and the veterinarian are subject to regulations of the U.S. Food and Drug Administration. If, however, the product is not a "new animal drug," or an animal feed containing a new animal drug, and is intended to prevent, repel, mitigate, or destroy any pest, it is a pesticide (section 2(u) of FIFRA) and is subject to the primary jurisdiction of EPA. The veterinarian is then considered a "producer" under FIFRA section 2(w).

As described above, "producers" are ordinarily required to register products and establishments, to keep records, and to meet labeling and packaging standards. If, however, the veterinarian produces a special pesticide blend solely for his own use, or use by persons in his presence and under his immediate supervision, then the veterinarian is exempt from these requirements (*see, e.g.*, 40 CFR 162.3(gg); 162.5(a); 167.2(a)). Nevertheless, when mixing or using special pesticide blends, veterinarians are still required to comply with the labeling directions of any registered pesticides used. In addition, EPA recommends that labeling meeting the minimum standards of 40 CFR Part 162 accompany the special blend, in order to promote safe use, storage, and disposal of such pesticides by the veterinarian and his employees. Also, when applying a special blend which may leave a residue in or on an animal intended for use as food, the veterinarian must ensure that the ingredients used have been granted necessary clearances under the Federal Food, Drug, and Cosmetic Act.

On the other hand, veterinarians who formulate special pesticide mixtures for distribution to others are legally subject to all registration, labeling, and packaging requirements imposed on producers. However, EPA recognizes the benefits which may be obtained by allowing veterinarians to formulate products to meet unusual cases. Therefore, EPA will not subject veterinarians who dispense such products to these requirements if:

1. The special pesticide blend is produced by mixing two or more pesticides already registered by EPA, or by adding new substances to an EPA registered persticide.

2. Special blends made from registered pesticides classified for restricted use by EPA are not dispensed to uncertified persons.

3. The special blend is formulated and dispensed in accordance with recognized clinical practices and not primarily for purposes of experimentation.

4. The product is prescribed solely for application to an affected animal consistent with the labeling of any registered product used as an ingredient, and the use directions in the labeling for the registered ingredient do not prohibit the mixing performed by the veterinarian.

5. The special product is prescribed and dispensed to individual clients of the veterinarian on a case-by-case basis to meet specific pest problems.

6. The veterinarian supplies the client with labeling for the special product which contains:

(a) The common or trade name(s) and percentage(s) of active ingredient(s);

(b) The EPA registration number for each registered product used as an ingredient;

(c) Use directions for the use prescribed, which are consistent with the directions found in the original labeling for the registered products used as ingredients;

(d) The name of the veterinarian;

(e) An antidote statement;

(f) Directions for disposal of the pesticide and its container; and

(g) Human and environmental safety precautionary statements including, but not limited to:

(i) "For application to animals only."

(ii) "Keep out of reach of children."

(iii) "In case of accident, contact local physician immediately."

If there is sufficient space on the package dispensed to the client, all of the information specified in (a)–(g) above must be physically attached to the package.

If space on the package is not sufficient to permit attachment of labeling containing all the information in (a)–(g), then, at a minimum, the information specified in (a), (b), (c), and (d) must be physically attached to the package. In addition, in such a case, the human safety precautionary statements specified in (g) above must be physically affixed to the container by wire, plastic, or similar means.

If the original labeling or any of the ingredients would satisfy the requirements of (e) and (f), copies of that labeling may be supplied to the client to fulfill those requirements.

7. The container in which the special product is sold to the client is a child-resistant package, as described by the "Special Packaging" rule, unless the veterinarian has determined that there is no reasonable possibility that the package will come within the reach of children.

In addition to meeting the above requirements, all veterinarians distributing their own special products are encouraged to discuss labeling instructions for the special product with the client at the time the pesticide is dispensed.

Veterinarians who do not meet these conditions when distributing specially formulated pesticides must comply with all registration, recordkeeping, labeling, and packaging requirements established for "producers." Failure to comply may result in the imposition of penalties under section 14 of FIFRA.

Special Packaging

As mentioned above, it is expected that veterinarians who "produce" pesticides for their clients' use will frequently be subject to the requirements of the "Special Packaging" rule by its own terms, That is, a veterinarian producing a pesticide which meets the toxicity requirements of the "Special Packaging" rule, and which is intended for "residential application", as defined by that rule, *must* package the product in a child-resistant container before dispensing it to a client.

In addition, in those cases where that rule will not apply by its own terms, but the prescribed pesticide may come within the reach of children, use of child-resistant packaging by the veterinarian is a prerequisite to exemptions from registration, recordkeeping, and labeling requirements described in the preceding sections of this policy.

These facts, coupled with the practical difficulty that some veterinarians may have in determining whether a prescribed pesticide is subject to the terms of the "Special Packaging" rule, make it to the veterinarians' advantage to comply with the rule whenever there is a reasonable possibility that a prescribed pesticise may come within the reach of children. Therefore, EPA strongly encourages veterinarians to voluntarily comply with packaging standards established by the rule when dispensing any repackaged or specially blended pesticides.

State Regulation of Veterinarians

This policy statement concerns only EPA policy under FIFRA and federal regulations. It does not affect State or local regulatory restrictions covering veterinarians who deal with pesticides. Therefore, all veterinarians should consult their local professional associations, licensing offices, and State and local pesticide regulatory agencies for detailed information on local requirements.

Dated: October 16, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Dated: October 24, 1979.

Richard O. Wilson,

Deputy Assistant Administrator for General Enforcement.

[FR Doc. 79-33835 Filed 10-31-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30000/33A; FRL 1350-1]

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing EPN; Extension of Period for Submission of Rebuttal Evidence and Comments

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

ACTION: Extension of comment period.

SUMMARY: EPA has extended the period for submittal of rebuttal evidence and other comments in regard to the rebuttable presumption against registration (RPAR) of pesticide products containing O-ethyl O-(p-nitrophenyl) phenylphosphonothioate (EPN).

DATE: The comment period closes on December 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Miller, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Room 722, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Crystal City, Virginia 22202, Telephone: 703/557-7973 Ext. 24. The file supporting the Agency's presumption against EPN is available for public inspection at this location.

SUPPLEMENTARY INFORMATION: On September 4, 1979, EPA issued an RPAR against EPN. This notice was published in the **Federal Register** on September 19, 1979 (44 FR 54384). The regulations governing RPAR's provide that the applicant or registrant of these pesticide products shall have forty-five days from the date this notice is sent to submit evidence in rebuttal of the presumption. If good cause is shown, however, an additional sixty days may be granted in which to submit evidence (40 CFR 162.11(a)(1)(i)).

The deadline for submitting rebuttal evidence in the RPAR notice was October 29, 1979. Requests for an additional sixty days in which to submit evidence to EPA have been received from registrants and others who were affected by the notice of presumption. They have specified a need for additional time to respond to the risk presumptions set forth in the September 19 notice (i.e., delayed neurotoxicity in test animals and acute toxicity to aquatic organisms) and to assess properly the benefits of EPN.

The Agency concludes that additional time would be beneficial to ensure the submission of complete and accurate responses to this notice of presumption. Therefore, all registrants, applicants, for registration, and other interested persons shall have until December 28, 1979, to submit rebuttal evidence and other comments or information. These submissions should be sent to the Document Control Officer, Chemical Information Division (TS-793), Office of Toxic Substances, EPA, Room 447, East Tower, 401 M Street, SW., Washington, D.C. 20460.

All comments should bear the identifying notation "OPP-30000/33A." Comments received on or before December 28, 1979, will be considered before the Agency decides whether a notice shall be issued under 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(d)(B)(1). Comments received after December 28, 1979, shall be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed will be available for public inspection in the office of the Document Control Officer at the above address from 8:30 a.m. to 4 p.m. on normal business days.

Dated: October 26, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-33828 Filed 10-31-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections, in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting Jan. 30, 1941.

September 19, 1979.

Canadian List No. 389

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length feet	
				800 kHz					
CBQ	Thunder Bay, Ontario, N. 48°18'38", W. 89°21'30" (In operation with changed antenna radiation pattern)	10D/5N	DA-1	U	II				
				1090 kHz					
CHRS	*Longueuil*, Quebec, N. 45°19'17", W. 73°18'36" (Change of studio location from St. Jean)	10	ND-180	D	II		120	360(ave)	

Canadian List No. 389

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length feet	
				1240 kHz					
CFNI	Port Hardy, British Columbia, N. 50°42'35", W. 127°26'10" (In operation)	1D/025N	ND-182	U	IV	135	120	318(Ave.)	
				1310 kHz					
CFGM	Richmond Hill, Ontario, N. 43°34'30", W 79°41'05" (Delete)	50	DA-2	U	III				
				1320 kHz					
CFGM	Richmond Hill, Ontario, N. 43°34'30", W 79°41'05" (In operation on new frequency)	50	DA-2	U	III				
				1600 kHz					
(New)	Cornwall, Ontario, N. 45°00'16", W. 74°45'00"	2.5	DA-1	U	III				Sept. 19, 1980.

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 79-33756 Filed 10-31-79; 8:45 pm]

BILLING CODE 6712-01-M

[Report No. A-6]

FM Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: October 24, 1979.

Cutoff date: December 14, 1979.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after December 14, 1979. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 14, 1979 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on December 14, 1979.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on December 14, 1979.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPH-790305AO, (KUDL), Kansas City, Kansas, Starr Broadcasting of Kansas, Inc. Has: 98.1 MHz; Channel No. 251C; ERP: 100 kW; HAAT: 240 ft. (Lic). Req: 98.1 MHz; Channel No. 251C; ERP: 100 kW; HAAT: 507 ft.

BPH-790412AA, (New), Bishop, Texas, Cismek Corporation. Req: 107.1 MHz; Channel No. 296A; ERP: 3 kW; HAAT: 300 ft.

BPH-790608AM, (New), Sidney, Montana, Sidney Broadcasting. Req: 93.1 MHz; Channel No. 226C; ERP: 100 kW; HAAT: 401 ft.

BPH-790615AF, (New), Toledo, Oregon, Charles A. Farmer. Req: 107.1 MHz; Channel No. 296A; ERP: 1.26 kW; HAAT: 432.3 ft.

BPH-790629AC, (New), Savannah, Tennessee, Tennessee River Broadcasting, Inc. Req: 93.5 MHz; Channel No. 228A; ERP: 3 kW; HAAT: 300 ft.

BPH-790710AA, (WZWZ), Kokomo, Indiana, Booth American Company. Has: 93.5 MHz; Channel No. 228A; ERP: 3 kW; HAAT: 190 ft. (Lic). Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: 300 ft.

BPH-790713AD, (New), Burlington, Iowa, Hensley Broadcasting Co. Req: 93.5 MHz; Channel No. 228A; ERP: 2.4 kW; HAAT: 328 ft.

BPH-790716AD, (WLAN-FM), Lancaster, Pennsylvania, Peoples Broadcasting Company. Has: 96.9 MHz; Channel No. 245B; ERP: 50 kW; HAAT: 76 ft. (Lic). Req: 96.9 MHz; Channel No. 245B; ERP: 50 kW; HAAT: 498 ft.

BPH-790718AA, (New), Solvang, California, Newport Broadcasting Company. Req: 96.7 MHz; Channel No. 244A; ERP: 3 kW; HAAT: −187 ft.

BPH-790723AB, (New), Moreauville, Louisiana, Cajun Broadcasting Corporation. Req: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 300 ft. (allocated to Marksville, La.)

BPH-790724AB, (New), King City, California, Ralin Broadcasting Corporation. Req: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: −59 ft.

BPH-790730AG, (New), Laredo, Texas, Good News Broadcasting Company. Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: 176 ft.

BMLH-790627AE, (WPVA-FM), Colonial Heights, Virginia, Atlanta Broadcasting Corporation. Has: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: 240 ft. (Lic) (Petersburg, Virginia). Req: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: 240 ft. (Colonial Heights, Virginia).

BMLH-790709AE, (WNIQ-FM), Hudson Falls, New York, Pathfinder Communications Corp. Has: 107.1 MHz; Channel No. 296A; ERP: .280 kW; HAAT: 840 ft. (Lic) (Glens Falls, New York). Req: 107.1 MHz; Channel No. 296A; ERP: .280 kW; HAAT: 844 ft. (Hudson Falls, New York)

BPED-790329AK, (KCCM-FM), Moorhead, Minnesota, Minnesota Public Radio, Inc. Has: 91.1 MHz; Channel No. 216C; ERP: 94 kW; HAAT: 300 ft. (Lic). Req: 91.1 MHz; Channel No. 216C; ERP: 100 kW; HAAT: 641 ft.

BPED-790507AD, (New), Park City, Utah, Community Wireless of Park City, Inc. Req: 91.9 MHz; Channel No. 220A; ERP: .103 kW; HAAT: −339 ft.

BPPED-790517AF, (New), Ponce, Puerto Rico, Catholic Univ. of PR Service Assoc. Req: 88.9 MHz; Channel No. 205B; ERP: 10.8 kW; HAAT: 2,914 ft.

[FR Doc. 79-33757 Filed 10-31-79; 8:45 am]

BILLING CODE 6712-01

New Rule Publication Issued for Personal and Amateur Radio

October 22, 1979.

To provide the public with copies of the Commission's rules in separate publications for each individual radio service, the Federal Communications Commission announced today that the following publications are now available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402:

Part 97, Amateur Radio Service. Price: $1.40, Stock No.: 004-000-00357-8.

Part 95—Subpart A, General Mobile Radio Service Rules and Regulations. Price: $1.00, Stock No.: 004-000-00340-3

Part 95—Subpart C, Radio Control Radio Service Rules and Regulations, Price: .80*, Stock No.: 004-000-00341-1

Part 95—Subpart D, Citizens Band Radio Services Rules and Regulations, Price: $1.25, Stock No.: 004-000-00356-0.

*Minimum charge of $1.00 for each mail order.

Part 95—Subpart E, Technical Regulations Personal Radio Services, Price: .80*, Stock No.: 004-000-00343-8.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 33755 Filed 10-31-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 13, 1979. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos. T-1839-A-3 & T-1839-B.

Filing Party: Louis Begley, Esquire, Debevoise, Plimpton Lyons & Gates., 299 Park Avenue, New York, N.Y. 10017.

Summary: Agreement No. T-1839-B, between South Louisiana Port Commission (Port) and La Place Elevator Company (La Place), provides for the acquisition and construction of certain additions, modifications and improvements to the existing grain storage and handling facility, to be financed by the isssuance of bonds of the Port and leased to La Place by virtue of an assumption of the lease by La Place from Bayside Warehouse Company.

Agreement No. T-1839-A-3, between the same parties, provides for renewal of the original lease at the option of La Place, modifies provisions relating to insurance, maintenance and repair of the facility, and provides for application of dockage fees collected by the Port and for an annual payment in lieu of taxes by La Place to the Parish of St. John the Baptist, Louisiana.

Dated: October 26, 1979

By order of the Federal Maritime Commission

Francis C. Hurney,

Secretary.

[FR Doc. 79-33819 Filed 10-31-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-94]

All-Freight Packers & Forwarders, Inc.; Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

All-Freight Packers & Forwarders, Inc. (All-Freight) has filed with the Commission an application for a license as an independent ocean freight forwarder. During the course of the Commission's investigation of the application it was determined that the firm had apparently engaged in at least nine instances of ocean freight forwarding, as specifically noticed in the Appendix attached hereto and made a part hereof, without holding a license issued by the Commission. At least three of these instances of forwarding had been conducted after warnings by the Commission's staff that freight forwarding activities could only be carried out by licenses.

Section 44(b) of the Shipping Act, 1916, requires that applicants be found fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission issued thereunder. Otherwise, such application shall be denied.

The applicant's above conduct would appear to reflect adversely upon its qualifications to be licensed.

By letter of July 12, 1979, the Commission notified All-Freight of its intent to deny its application for a license unless the applicant requests a hearing on the grounds that such denial is not warranted.

In a letter dated July 17, 1979, William M. Adams, President of the applicant firm, requested that he be given an opportunity to show at a hearing that such a denial is unwarranted. He further requested that the hearing be held in Los Angeles, California.

Now, therefore, it is ordered, That pursuant to sections 22 and 44 (46 U.S.C. 821 and 841(b)) of the Shipping Act, 1916, and section 510.8 of the Commission's General Order 4 (46 CFR 510.8), a proceeding is hereby instituted to determine:

1. Whether All-Freight Packers & Forwarders, Inc. violated section 44(a), Shipping Act, 1916 by engaging in unlicensed forwarding activities;

2. Whether civil penalties should be assessed against All-Freight Packers & Forwarders, Inc., pursuant to 46 U.S.C. 831(e), for violations of the Shipping Act, 1916, and, if so, the amount of any such penalty which should be imposed taking into consideration factors in possible mitigation of such a penalty;

3. Whether All-Freight Packers & Forwarders, Inc. is fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission issued thereunder;

It is further ordered, That All-Freight Packers & Forwarders, Inc. be named Respondents in 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 proceeding shall initially be limited to the submission of affidavits of fact and memoranda of law;

It is further ordered, That the following schedule be adhered to: December 14, 1979—Opening Memorandum of Law, Request for Penalty, and Affidavits of Fact from Hearing Counsel; January 14, 1980—Opening Memorandum of Law and Affidavits of Fact from Respondent; January 29, 1980—Reply Memorandum of Law and Affidavits of Fact from Hearing Counsel;

It is further ordered, That within two weeks following the Reply Memorandum of Law of Hearing Counsel, the parties will submit to the Administrative Law Judge written statements identifying any unresolved issues of fact and specifying the type of procedure they feel is best suited to resolve them. After consideration of these recommendations, the Administrative Law Judge will issue an appropriate order establishing the procedure for their resolution. However, any additional procedure shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a showing that there are issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue in such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That any person other than Respondent and Hearing Counsel, having an interest in and desiring to become party to this proceeding and to participate therein, may do so by filing a timely petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That a notice of this Order be published in the **Federal Register** and that a copy thereof be served upon Respondent and Hearing Counsel;

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 an 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.

[FR Doc. 79-33689 Filed 10-31-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of 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 23, 1979.

A. *Federal Reserve Bank of Richmond,* 701 East Byrd Street, Richmond, Virginia 23261:

This notice corrects a previous **Federal Register** notice (FR Doc. 79-32103) published in the third column of page 60165 of the issue for Thursday, October 18, 1979.

UNITED VIRGINIA BANKSHARES INCORPORATED, Richmond, Virginia (financing and insurance activities; Florida, Louisiana): 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 offices in Winter Park, Florida, and Shreveport, Louisiana, serving the cities in which those offices are located and the surrounding areas. Comments on this application must be received by November 9, 1979.

B. *Federal Reserve Bank of Kansas City,* 925 Grand Avenue, Kansas City, Missouri 64198:

SECURITY CORPORATION, Duncan, Oklahoma (finance activities; Oklahoma): to engage, in making or acquiring for its own account or the account of others loans and other extensions of credit. These activities would be conducted from an office in Duncan, Oklahoma, and would serve an area within a 50 mile radius of Duncan.

C. *Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120:*

1. BANKAMERICA CORPORATION, San Francisco, California (industrial banking, financing and insurance activities; California): to engage, through its subsidiary FinanceAmerica Thrift Corporation, in operating an industrial loan company as authorized by California law and in the sale of credit-related life, disability and property insurance, and the activities of a finance company to the extent of providing management facilities and related services to FinanceAmerica Corporation, a corporation duly engaged in finance activities under California law. The proposed activities would be conducted from existing offices of FinanceAmerica Company located in Concord, Fairfield, Livermore, Modesto, Redding and Sacramento, California and would serve the State of California.

2. This notice corrects a previous **Federal Register** notice (FR Doc. 79-32013) published in the third column of page 60165 of the issue for Thursday, October 18, 1979.

U.S. BANCORP, Portland, Oregon (financing, leasing and insurance activities; Oregon, California and Nevada): to engage, through its subsidiary U.S. Bancorp Financial, Inc., 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, Siskayou, Humbolt, Trinity, Modoc, Shasta and Lassen 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 24, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-33797 Filed 10-31-79; 8:45 am]

BILLING CODE 6210-01-M

Bradley Bancorporation, Inc.; Formation of Bank Holding Company

Bradley Bancorporation, Inc., Tomahawk, 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 percent or more of the voting shares (less directors' qualifying shares) of Bradley Bank, Tomahawk, Wisconsin. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 26, 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 24, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-33796 Filed 10-31-79; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Banks, Inc.; Acquisition of Bank

Midlantic Banks, Inc., West Orange, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Atlantic National Bank, Atlantic City, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 26, 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 24, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-33795 Filed 10-31-79; 8:45 am]

BILLING CODE 6210-01-M

Osakis Bancshares; Formation of Bank Holding Company

Osakis Bancshares, Osakis, Minnesota, 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 80.3 percent or more of the voting shares of First National Bank, Osakis, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 26, 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 25, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-33793 Filed 10-31-79; 8:45 am]

BILLING CODE 6210-01-M

Report of Intercompany Transactions for Foreign Bank Holding Companies and Their U.S. Bank Subsidiaries (F.R. Y-8f); Proposed Report Requirement

[Docket No. R-0257]

ACTION: Proposed report.

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve Systemis submitting for public comment the proposed Report of Intercompany Transactions for Foreign Bank Holding Companies and Their U.S. Bank Subsidiaries (F.R. Y-8f). The F.R. Y-8f, which is similar to the Report of Bank Holding Company Intercompany Transactions and Balances (F.R. Y-8) filed by domestic bank holding companies (BHCs), would be required on a quarterly basis from all foreign BHCs, that is, any BHC that meets the definition of a foreign BHC set forth in § 225.4(g) of Regulation Y.

The Board of Governors is proposing that this report be adopted for a two-year period with reporting beginning in the first quarter of 1980. This report would monitor intercompany transactions such as asset transfers or transfers associated with foreign exchange *between two major holding company groupings:* (1) U.S. bank subsidiaries and their direct and indirect subsidiaries and (2) all other members of the BHC group that are neither U.S. bank subsidiaries nor direct or indirect subsidiaries of such banks. The F.R. Y-8f will assist the Board in monitoring intercompany transactions which may have an adverse effect on the safety or soundness of the U.S. bank subsidiaries of foreign BHCs and will assist in ascertaining whether or not such foreign BHCs are serving as a source of financial strength to their U.S bank subsidiaries.

A copy of the proposed F.R. Y-8f is presented as Attachment A. Copies of the instructions to the report may be obtained from the Public Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

DATE: Comments must be received by January 4, 1980. Comments may be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th Street and Constitution Avenue NW., Washington, D.C. between 8:45 a.m. and 5:15 p.m. All comments should refer to Docket No. R-0257.

FOR FURTHER INFORMATION CONTACT: Susannah M. Lawrence, Financial Analyst, Division of Banking Supervision and Regulation (202-452-2711) or Kathleen M. O'Day, Attorney, Legal Division (202-452-3786), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: The Board is proposing the implementation of the Report of Intercompany Transactions for Foreign Bank Holding Companies and their U.S. Bank Holding Subsidiaries (F.R. Y-8f) for a two-year period with reporting beginning in the first quarter of 1980. The F.R. Y-8f is to be filed on a quarterly basis by all foreign BHCs, that is, any BHC that meets the definition of "foreign bank holding company" set forth in § 225.4(g) of Regulation Y. The proposed report is in accordance with the Board's "Statement of Policy on Supervision and Regulation of Foreign Bank Holding Companies" of February 23, 1979, which stated that the principle of national treatment shall be the governing principle in the administration of the Bank Holding Company Act of 1956.

The F.R. Y-8f is similar to the Report of Bank Holding Company Intercompany Transactions and Balances (F.R. Y-8) filed by domestic BHCs. The questions on the proposed report and the definitions of report items closely parallel those of the domestic report. Domestic BHCs with consolidated assets of $300 million or more are required to file the F.R. Y-8 on a quarterly basis.

The F.R. Y-8f will provide information on intercompany transactions *between two major holding company groupings:* (1) U.S. bank subsidiaries and their direct and indirect subsidiaries and (2) all other BHC members as this term is defined in the report. This report will assist in monitoring intercompany

transactions that may have an adverse effect ont he safety and soundness of U.S. bank subsidiaries of foreign BHCs and will assist in ascertaining whether or not such foreign BHCs are serving as a source of financial strength to their U.S. bank subsidiaries.

Report Definitions: Key terms or phrases used in the F.R. Y–8f are defined in the definitions section of the instructions to the report. The definition for three such terms might be specifically noted. They are as follows:

Subsidiary: This term is defined as in Section 2(d) of the Bank Holding Company Act and is to include (1) any company 25 per cent or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by a BHC or is held by it with power to vote; (2) any company the election of a majority of whose directors is controlled in any manner by such BHC; and (3) any company with respect to the management or policies of which such BHC has the power, directly or indirectly, to exercise a controlling influence, as determined by the Board.

U.S. bank subsidiaries and their subsidiaries: The phrase "U.S. bank subsidiaries and their subsidiaries" is defined for the purposes of this report to include (1) any U.S. bank that is a direct or indirect subsidiary (as defined in the Bank Holding Company Act) of a foreign BHC (that is, a company organized under the laws of a foreign country, and more than half of whose consolidated assets are located, or half of whose consolidated revenues are derived outside the United States) and (2) any direct or indirect subsidiary of such a U.S. bank. Organizations operating under Section 25 or 25(a) of the Federal Reserve Act (Agreement or Edge corporations) are to be included under the phrase "other BHC members" (see definition below) if they are 25 per cent or more owned by the foreign BHC parent company regardless of U.S. bank subsidiaries and their subsidiaries' ownership in such corporation.

Other BHC members: The phrase "other BHC members" is defined for the purposes of this report to include (1) the BHC parent company and (2) all direct or indirect subsidiaries through the first three tiers of that BHC's subsidiaries of these banks. The phrase "other BHC members" excludes all entities which fall under the definition set forth above of "U.S. bank subsidiaries and their subsidiaries."

United States branches and agencies of the foreign BHC parent are included under the holding company grouping referred to in the report as "other BHC members". Comment is specifically requested on the inclusion of U.S. domiciled branches and agencies with the BHC grouping comprised of U.S. bank subsidiaries and their subsidiaries.

Details of the Proposals: The F.R. Y–8f is a four-page letter size form with 32 numeric response fields and one request for a descriptive or expository response. An original and two copies of this report are to be submitted to the foreign BHC's Federal Reserve Bank no later than 45 calendar days after the close of each quarter. In addition to quarterly reporting requirements, certain large asset transfers are to be reported within 15 calendar days of their occurrence in an interim F.R. Y–8f.

Foreign BHCs are to file the F.R. Y–8f under one of two reporting options: (1) the report may be filed on the basis of the intercompany transactions of each U.S. bank subsidiary of a given BHC, in which case, the number of reports filed for a particular reporting period would be equal to the number of U.S. bank subsidiaries of a particular foreign BHC; or (2) one report may be filed on the basis of aggregate intercompany transactions effected during the period, in which case, one F.R. Y–8f would be filed in a particular reporting period.

It might be noted that any domestic BHC that is a subsidiary of a foreign BHC will be exempt from filing the domestic F.R. Y–8f. In addition, the instructions to the F.R. Y–8 provide that: "Reporting requirements for transactions of a recurring nature, or any transaction that would result in undue reporting burden or expense, may be waived upon written request to the Federal Reserve Bank to which this report is to be submitted (with the concurrence of the Board)."

Asset transfers. Section I of the F.R. Y–8f requests information on asset transfers affected during the reporting period that were greater than $100,000. Asset transfers involving loans that were delinquent, nonperforming, or renegotiated at the time of transfer are to be reported separately. In addition, descriptive detail is required on any such transfer that is equal to one per cent of the total equity of the bank participating in the transfer or $2 million, whichever is less.

Asset transfer data are to be provided in three separate categories: (1) securities, including obligations of states and political subdivisions (including any foreign political subdivision), but excluding U.S. Treasury securities, obligations of other U.S. government agencies and corporations, and securities issued by the foreign BHC parent company or any of its direct or indirect subsidiaries; (2) loans, lease receivables, and other assets representing extensions of credit; and (3) other noncash assets including premises, real estate owned other than premises, and debt or equity securities issued by the foreign BHC parent company or any of its direct or indirect subsidiaries.

Other Intercompany Transactions and Balances. Section II of the F.R. Y–8f requests information on five types of intercompany transactions and balances: (1) U.S. bank subsidiary expenses recognized during the period associated with amounts paid or owned to other BHC members; (2) intercompany liabilities and claims; (3) U.S. bank subsidiary participation in loans originated or syndicated by other BHC members; (4) U.S. bank subsidiary loans or commitments made in connection with credit extended by third parties to other BHC members; and (5) compensating balances.

Average balances required under Section II of the F.R. Y–8f are to be calculated using (1) daily balances or (2) weekly balances as of the close of business on each Wednesday falling in a given reporting period.

U.S. bank subsidiary expenses recognized during the period associated with amounts paid or owed to other BHC members. U.S. bank subsidiary payments to other BHC members during the period are to be reported in three separate categories: (1) interest, (2) management and service fees, and (3) other payments. Interest payments include those on loans, advances, or other extensions of credit made by other BHC members to U.S. bank subsidiaries. Management fees include those for loan servicing. Other payments include such things as operating lease payments. U.S. bank subsidiary dividend payments are not be reported in the F.R. Y–8f as such data are available from other sources.

Intercompany liabilities and claims. U.S. bank subsidiary liabilities and claims on other BHC members (average balance outstanding during the period) are to be reported under this item. Liabilities and claims are separated into those which are in the form of deposits and those which are in nondeposit form. Deposit claims on other BHC members are separated into those which are interest and noninterest bearing. Nondeposit claims include U.S. bank subsidiary loans to other BHC members.

U.S. bank subsidiary participation in loans originated or syndicated by other BHC members. Data on U.S. bank subsidiary participation in loans originated or syndicated by other BHC members are requested under this item in two forms: (1) average balance of loan participations outstanding during the period and (2) period-end balance of

such participations. Loan participations are defined under this item, as in the Consolidated Report of Condition, as any loan made in cooperation with and shared with at least one other lender. Participations in pools of loans and securities are to be included under this item if any member of the holding company is acting as manager of such a pool.

U.S. bank subsidiary loans or commitments made in connection with credit extended by third parties to other BHC members. The period-end balance of all loans or other obligations (balance sheet and contingent obligations) made by U.S. bank subsidiaries in connection with credit extended by third parties to other BHC members are to be reported. Such obligations include unused commitments for loans, "quarantees", and standby letters of credit.

Compensating balances. Data on compensating balances maintained by U.S. bank subsidiaries in connection with credit lines extended or services provided to other BHC members are requested under this item. This includes (1) the average balances maintained during the period and (2) total compensation recognized during the period by U.S. bank subsidiaries for maintaining these balances.

Foreign Exchange Transactions. Intercompany foreign exchange information is to be reported in Section III of the F.R. Y–8f. Under this section, the respondent it asked to report (1) whether any U.S. bank subsidiary (or one of its subsidiaries) has experienced a net realized loss *or* a net unrealized loss on foreign exchange transactions during the period and (2) whether during that period any U.S. bank subsidiary (or one of its subsidiaries) was a party to foreign exchange transactions with other BHC members at nonmarket rates.

If a given reporter answers both of these questions in the negative, it is not required to provide any additional information on foreign exchange transactions. If either of these questions has been answered affirmatively, the respondent must answer three additional foreign exchange questions.

The first of these questions requests information on the total volume of foreign exchange contracts negotiated by U.S. bank subsidiaries and their subsidiaries with any party during the period. The second question requests information on the total volume of such trading with *other BHC members.* Total volume is to be calculated using gross purchases and sales (book value at date of negotations). Spot and forward transactions are to be included.

The third foreign exchange question requests information on the profitability of foreign exchange trading. Respondents are to report (1) realized profit (loss) figures on all spot and forward contracts maturing during the period and (2) unrealized profit (loss) figures for the period on existing forward contracts.

For any given forward contract, unrealized gain (loss) is to be determined by multiplying the foreign currency amount of the particular contract by the difference between (1) the forward rate at which the contract was negotiated and (2) the forward rate for the foreign currency in question as of the reporting date.

With respect to Section III of the report, comment is requested on whether, in order to reduce reporting burdens, there should be established an amount below which realized or unrealized loss need not be reported. Comment is also invited on any other methods by which the burden on reporting organizations may be reduced.

Board of Governors of the Federal Reserve System, October 26, 1979.

Theodore E. Allison,

Secretary of the Board.

BILLING CODE 6210-01-M

F.R. Y-8f
Approved by the Federal Reserve Board _____
Approval expires _____

ATTACHMENT A

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Washington, D.C. 20551

REPORT OF INTERCOMPANY TRANSACTIONS FOR FOREIGN BANK HOLDING COMPANIES AND THEIR U.S. BANK SUBSIDIARIES

For the quarter ending on _____, 19 ____

Name of foreign bank holding company: _____

Address of principal office: _____
Street

_____
City Country

This report is being filed for:

A single U.S. bank subsidiary ☐ All U.S. bank subsidiaries ☐

Legal title of U.S. bank for which this report is filed (leave blank if filing one report for all banks):

_____

_____
Street

_____
City State Zip Code

I, _____ _____
Name Title

an authorized officer or agent of the foreign bank holding company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____ _____
Signature Date

Name, title, and phone number of person responsible for answering questions related to this report:

_____ _____
Name Title

_____
Area Code Number

This report is required by Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844). The Federal Reserve System regards the individual company information provided by each respondent as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

Please check: ORIGINAL _____ INTERIM _____ REVISED _____

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FR BANK USE ONLY

Year					Dist.
	Y	8	Q	8	

BHC No.	Yr.	Mo.	Day

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

SECTION I. ASSET TRANSFERS[1]

INDIVIDUAL TRANSFERS OF LESS THAN $100,000 NEED NOT BE REPORTED

	TOTAL AMOUNT TRANSFERRED DURING THE QUARTER						AMOUNT TRANSFERRED THAT WAS DELINQUENT, NONPERFORMING OR RENEGOTIATED					
	A. TO: U.S. Bank Subsidiaries and Their Subsidiaries FROM: Other BHC Members			B. TO: Other BHC Members FROM: U.S. Bank Subsidiaries and Their Subsidiaries			C. TO: U.S. Bank Subsidiaries and Their Subsidiaries FROM: Other BHC Members			D. TO: Other BHC Members FROM: U.S. Bank Subsidiaries and Their Subsidiaries		
	Bil.	Mil.	Thou.	Bil.	Mil.	Thou.	Bil.	Mil.	Thou.	Bil.	Mil.	Thou.
1. Securities	1.			2.			3.			4.		
2. Loans, lease receivables, and other assets that represent extensions of credit	5.			6.			7.			8.		
3. Other assets	9.			10.			11.			12.		

4. *Large asset transfers.* If any asset(s) of the type reportable *under Columns C or D of Section I* that was transferred between an individual U.S. bank subsidiary or one of its subsidiaries and other BHC members during the period is greater than one percent (1.0%) of the total equity of that bank or $2 million, whichever is less, the following information should be provided on a separate page to be attached to the report form: (1) the amount and date of each transfer making up the total reported, (2) the names of the organizations involved in each transfer, and (3) a brief statement as to the purpose of the transfer.

[1] Negative numbers should not be reported in Section I.

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FR BANK USE ONLY

Year					Dist.
	Y	8	Q	8	

BHC No.	Yr.	Mo.	Day

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

SECTION II. OTHER INTERCOMPANY TRANSACTIONS AND BALANCES[1]

	Dollar Amount In Thousands			
	Bil.	Mil.	Thou.	
1. Expenses recognized by U.S. bank subsidiaries and their subsidiaries associated with amounts paid or owed to other BHC members during the reporting period:				
a. Interest				13.
b. Management and service fees				14.
c. Other				15.
2. Intercompany liabilities and claims (average during reporting period):				
a. U.S. bank subsidiaries and their subsidiaries' liabilities to other BHC members:				
(1) Deposits				16.
(2) Nondeposit liabilities				17.
b. U.S. bank subsidiaries and their subsidiaries' claims on other BHC members:				
(1) Deposit claims				18.
(a) Interest-bearing				19.
(b) Noninterest-bearing				20.
(2) Nondeposit claims (include loans)				21.
3. U.S. bank subsidiaries and their subsidiaries' participation in loans originated or syndicated by other BHC members:				
a. Average amount of loan participation during reporting period				22.
b. Amount outstanding at the end of reporting period				23.
4. Period-end amount of all outstanding loans, unused commitments, "guarantees," or standby letters of credit made by U.S. bank subsidiaries and their subsidiaries in connection with credit extended by third parties to other BHC members				24.
5. Compensating balances:				
a. Average amount of compensating balances maintained during the reporting period by U.S. bank subsidiaries and their subsidiaries at unrelated banks in connection with credit lines extended or services provided to other BHC members				25.
b. Amount of compensation, if any, recognized during the reporting period by U.S. bank subsidiaries and their subsidiaries for maintaining the balances reported in 5(a)				26.

[1] Negative numbers should not be reported in Section II.

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FR BANK USE ONLY

Year				Dist.
	Y	8	0	8		

BHC No.	Yr.	Mo.	Day

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

SECTION III. FOREIGN EXCHANGE TRANSACTIONS

If the number one is entered in Cells 27 or 28, below, the respondent must answer Items 3-5, also below. If the number two has been entered in both cells, the respondent is not required to answer these additional items.

1. If a U.S. bank subsidiary or one of its subsidiaries has experienced a net realized loss *or* a net unrealized loss on foreign exchange transactions during the reporting period, enter the number one in the box to the right. If there was not a net loss during the period, enter the number two. ☐ 27.

2. If a U.S. bank subsidiary or one of its subsidiaries were a party to any foreign exchange transactions during the reporting period with other BHC members at non-market rates, enter the number one in the box to the right. If no such transactions were effected during the period, enter the number two. ☐ 28.

	Dollar Amount in Thousands			
	Bil.	Mil.	Thou.	
3. Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries				29.
4. Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries with other BHC members				30.
5. Realized and unrealized gain (loss) of U.S. bank subsidiaries and their subsidiaries during reporting period derived from foreign currency transactions:				
a. Realized gain (loss)				31.
b. Unrealized gain (loss)				32.

[FR Doc. 79-33794 Filed 10-31-79; 8:45 am]
BILLING CODE 6210-01-C

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: John W. Kluge is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Metromedia, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Divsion of the department of Justice in response to a request for early termination submitted by Mr. Kluge. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 17, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antritrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expriation and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79–33894 Filed 10–31–79; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

Advisory Committee on Preservation; Establishment

Establishment of Advisory Committee. This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), and advises of the establishment of the Advisory Committee on Preservation. The Administrator of General Services has determined that establishment of this advisory committee is in the public interest to ensure that the National Archives and Records Service obtains necessary advice relating to the preservation of the permanently valuable records in the National Archives of the United States.

Designation. Advisory Committee on Preservation.

Purpose. The committee shall advise the Archivist of the United States on the state of current preservation technology and research, preservation problems arising from the use of past technologies, potential preservation problems that may arise when records on new media are accessioned, and related matters of concern to the continued preservation of the records in the National Archives of the United States.

Dated: October 25, 1979.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 79–33758 Filed 10–31–79; 8:45 am]

BILLING CODE 6820–26–M

[F–79–4]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the North Carolina Utilities Commission involving intrastate telecommunications services rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant ot the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the North Carolina Utilities Commission involving the application of the Southern Bell Telephone and Telegraph Company for increases in rates for intrastate telecommunication services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: October 18, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79–33759 Filed 10–31–79; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Health Planning and Resources Development Amendments of 1979

The Bureau of Health Planning and the Bureau of Health Facilities Financing, Compliance, and Conversion will hold a meeting to brief representatives of consumer, provider, and public interest groups on the Health Planning and Resources Development Amendments of 1979 (Pub L. 96–79) and legislative implementation plans. A principal purpose of this meeting is to solicit comments from these groups on legislative implementation, including an indication from them as to any specific changes and issues on which they wish to be consulted and/or kept informed of current developments.

Date: Wednesday, November 14, 1979, 1:30–4:30 p.m.

Address: Room 7–32, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

For further information contact: Frances Dearman, Information Officer, Bureau of Health Planning, (301) 436–6110, or Dorothy Bailey, Information Officer, Bureau of Health Facilities Financing, Compliance and Conversion, (301) 436–8988.

Dated: October 29, 1979.

Henry A. Foley, Ph.D,

Administrator, Health Resources Administration.

[FR Doc. 79–33905 Filed 10–31–79; 8:45 am]

BILLING CODE 4110–83–M

National Institutes of Health

Board of Scientific Counselors, National Eye Institute; Meeting

Pursuant to Pub. L. 92–463, notice is herby given of the meeting of the Board of Scientific Counselors, National Eye Institute, December 3 and 4, 1979, Building 31, Room 6A–35, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on December 3 from 8:30 a.m. until 2:30 p.m. for general remarks by the Institute Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on December 3 from 2:30 p.m. until adjournment and the entire day on December 4 for review, discussion, and evaluation of individual projects conducted by the Laboratory of Vision Research, NEI. This evaluation and discussion could reveal personal information concerning individuals associated with the projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Consequently, this meeting is concerned with matters exempt from mandatory disclosure.

Mr. Julian Morris, Chief, Office of Program Planning and Scientific Reporting, National Eye Institute, Building 31, Room 6A–25, National Institutes of Health, Bethesda, Maryland 20205 (telephone 301/496–5248), will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, Building 31, Room 6A–03, National Institutes of Health, Bethesda, Maryland 20205 (telephone 301/496–2234).

Dated: October 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79–33804 Filed 10–31–79; 8:45 am]

BILLING CODE 4110–08–M

Cancer Control Merit Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control Merit Review Committee, National Cancer Institute, November 28–30, 1979, Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland 20205. The meeting will be open to the public on November 28, from 9:00 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 28, from 9:30 a.m. to adjournment on November 30, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert G. Burnight, Executive Secretary, National Cancer Institute, Blair Building, Room 7A17, National Institutes of Health, Silver Spring, Maryland 20910 (301/427–8630) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.394, National Institutes of Health)

Dated: October 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–33801 Filed 10–31–79; 8:45 am]

BILLING CODE 4110–08–M

Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens;

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens, National Cancer Institute, December 3, 1979, Building 31A, Conference Room 4, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to consider chemicals for bioassay and other matters relevent to chemical selection. Attendance by the public will be limited to space available.

Dr. James M. Sontag, Executive Secretary, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5108) will provide summaries of the meeting and substantive program information, upon request.

Dated: October 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–33802 Filed 10–31–79; 8:45 am]

BILLING CODE 4110–08–M

Clinical Cancer Program Review Subcommittee; Amended Notice of Meeting; Change in Agenda

Notice is hereby given of a change in agenda for the Clinical Cancer Program Project Review Subcommittee, National Cancer Institute, December 10–11, 1979, which was published in the **Federal Register** on October 16, 1979 (44 FR 59653).

The meeting will be held December 10–11, 1979, in Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. The meeting will be open to the public on December 10 from 8:30 a.m. to 10:30 a.m. to review administrative details, and from 4:00 p.m. to adjournment to review the current status of bone marrow transplatation research. Attendance by the public will be limited to space available.

The meeting will be closed to the public on December 10, from 10:30 a.m. to 4:00 p.m. and on December 11, from 8:30 a.m. to adjournment for the review of research grant applications, as stated in the original notice.

For further information, please contact Dr. Louise G. Thomson, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20205 (301/495–7924).

Dated: October 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–33803 Filed 10–31–79; 8:45 am]

BILLING CODE 4110–08–M

Office of the Secretary

White House Conference on Families; National Hearings

The White House Conference on Families was called by President Carter to "examine the strengths of American families, the difficulties they face, and the ways in which family life is affected by public policies."

The Conference is guided by a 41-person National Advisory Committee, which has adopted an innovative conference process to take the White House Conference on Families to the people. This process includes hearings, state activities, national organization activities, and issue work groups which will lead up to three White House Conferences across the country in the summer of 1980.

The purpose of the hearings is to give families an opportunity to discuss their concerns, ideas, successes and problems relating to contemporary family life. The hearings will help to identify key issues and concerns for the White House Conference on Families. Testimony

should identify the most pressing concerns facing American families today and into the 1980's, together with any recommended policies, programs, and strategies for meeting these concerns. Information from the hearings will be available to all the states and will be used as background material for delegates to the National Conferences.

The fourth of the national hearings will be held in Connecticut.

November 16—Hartford, Connecticut—Hartford Bulkeley High School, 300 Wethersfield Avenue
November 17—Stamford, Connecticut—Stamford Cloonan Middle School, 11 West North Street
Other hearing sites and dates are tentatively scheduled for Washington, D.C., November 30–December 1; Detroit, Michigan, December 7–8; and Seattle, Washington, January 11–12.

The hearings are open to the public. Members of the National Advisory Committee on the White House Conference on Families will serve as the hearing panel and are hoping to hear testimony from family members themselves, as well as from representatives of organizations and agencies that are concerned about families, members of the academic community, leaders in the regilious community, public officials, employers, and program administrators.

Requests to testify must be received by the White House Conference on Families, 330 Independence Avenue, S.W., Washington, D.C. 20201, no later than October 24, 1979, for the Colorado hearings. It is anticipated that more requests to testify will be received than time will permit. Advance registration is, therefore, strongly encouraged to accommodate as many people as possible. Persons wishing to testify should submit a written request which includes the following information: name; home address; telephone numbers at both home and office; whether or not testimony is on behalf of an agency or organization and, if so, the name of the group and individuals' position title; topic of proposed testimony; preferences of location and day or evening testimony and whether an English translator or other special arrangements will be needed.

Time limits will be strictly enforced on all persons giving testimony. Whenever feasible, participants will be grouped together when dealing with similar topics. Members of the National Advisory Committee will be given an opportunity to question individuals and group members after their presentations.

Each hearing will also have a limited time set aside for individuals who have not signed up in advance. Individuals not wishing to testify at the hearings are welcome to attend.

Written testimony is also strongly encouraged and will be included as part of the record of the hearing. It should be typed and not exceed 1,000 words.

FOR FURTHER INFORMATION CONTACT: HEW Regional Office: (617) 223–6830; WHCF Colorado Coordinator: (203) 227–1448 or White House Conference on Families, 330 Independence Avenue, S.W., Washington, D.C. 20201 (202) 472–4395.

John L. Carr,

Executive Director, White House Conference on Families.

[FR Doc. 79-33782 Filed 10-31-79; 8:45 am]
BILLING CODE 4110-12-M

Contribution and Benefit Base, Quarter of Coverage Amount, Retirement Test Exempt Amounts, Average of Total Wages, Formulas for Computing Benefits, and Extended Table of Benefit Amounts for 1980

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Contribution and Benefit Base, Quarter of Coverage Amount, Retirement Test Exempt Amounts, Average of the Total Wages, Formulas for Computing Benefits, and Extended Table of Benefit Amounts for 1980.

SUMMARY: The Secretary has determined—

(1) The social security contribution and benefit base to be $25,900 for remuneration paid in 1980 and self-employment income earned in taxable years beginning in 1980;

(2) The amount of earnings a person must have to be credited with a quarter of coverage in 1980 to be $290;

(3) The monthly exempt amount under the social security retirement test for taxable years ending in calendar year 1980 to be $416.66⅔ for beneficiaries aged 65 and over and $310 for beneficiaries under age 65; and

(4) The average of the total wages for 1978 to be $10,556.03.

The formulas we use to compute the benefits for a worker and his or her family who first becomes eligible for benefits in 1980 are also described below.

Finally, a table reflecting the new higher average monthly wage and related benefit amounts made possible by the higher average contribution and benefit base is also published. The table will be used primarily to compute the retirement benefits of workers who reached age 62 before 1979.

FOR FURTHER INFORMATION CONTACT: Harry Ballantyne, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–2466.

SUPPLEMENTARY INFORMATION: Sections 203(f)(8), 213(d) and 230(a) of the Social Security Act (42 U.S.C. 403(f)(8), 413(d) and 430(a)) require the Secretary of Health, Education, and Welfare to publish in the **Federal Register** on or before November 1, 1979, the contribution and benefit base, the amount of earnings required for a quarter of coverage, and the retirement test exempt amount, for calendar year 1980. In addition, section 215(a)(1)(D) requires that we publish the formula for computing a primary insurance amount for 1980, and section 203(a)(2)(c) requires that we publish the formula for computing a family's maximum benefits for 1980, by November 1, 1979.

Contribution and Benefit Base

The contribution and benefit base serves two purposes:

(1) It is the maximum annual amount of earnings on which social security taxes are paid.

(2) It is the maximum annual amount used in figuring a person's social security benefits.

Section 230(c) of the Social Security Act specifies that the amount of the contribution and benefit base for 1980 is $25,900.

Average of the Total Wages for 1978

The determination of the average wage figure for 1978 is based on the 1977 average wage figure of $9,779.44 announced in the **Federal Register** on December 29, 1978 (43 FR 61016) along with the percentage increase in average wages from 1977 to 1978 measured by annual wage data tabulated by the Internal Revenue Service (IRS). This was done because beginning in 1978, wages are reported to the Social Security Administration on an annual basis. Section 232 of the Social Security Act authorizes the Social Security Administration to obtain this information from the Internal Revenue Service. The average amounts of wages calculated directly from IRS data were $10,043.15 and $10,840.68 for 1977 and 1978, respectively. To determine an average wage figure for 1978 at a level that is consistent with the series of average wages for 1951–1977 (published December 29, 1978 at 43 FR 61016), we multiplied the 1977 average wage figure of $9,779.44 by the percentage increase in average wages from 1977 to 1978 (based on IRS data) as follows (with the result rounded to the nearest cent):

$$\text{Average wage for 1978} = \$9,779.44 \times \frac{\$10,840.68}{\$10,043.15} = \$10,556.03$$

Therefore, the average wage for 1978 is determined to be $10,556.03.

Quarter of Coverage Amount

Computation. The 1980 amount of earnings required for a quarter of coverage is $290. A quarter of coverage is the basic unit for determining whether a worker is insured under the social security program. For years before 1978, an individual generally was credited with a quarter of coverage for each quarter in which wages of $50 or more were paid, or for which $100 or more of self-employment income were credited, to the individual. Beginning in 1978, wages generally are no longer reported quarterly; annual reports are made. With the change to annual reporting, section 352(b) of the Social Security Amendments of 1977 (Pub. L. 95–216) amended section 213(d) of the Social Security Act to provide that a quarter of coverage would be credited for each $250 of an individual's total wages and self-employment income for calendar year 1978 (up to a maximum of 4 quarters of coverage for the year). Section 213(d) also provides that this $250 amount shall be redetermined each year and any change published in the **Federal Register** no later than November 1 of the year preceding the year for which the change is effective. Under the prescribed formula, the quarter of coverage amount for 1980 shall be equal to the 1978 amount of $250 multiplied by the ratio of (1) the average amount, per employee, of total wages for calendar year 1978 to (2) the average amount of those wages reported for calendar year 1976. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Average Wages. The average wage for calendar year 1976 was previously determined to be $9,226.48. This was published in the **Federal Register** on December 29, 1978, at 43 FR 61016. The average wage for calendar year 1978 has been determined to be $10,556.03 as stated in a previous section.

Amount. The ratio of the average wage for 1978, $10,556.03, compared to 1976, $9,226.48, is 1.144102. Multiplying the 1978 quarter of coverage amount of $250 by the ratio of 1.144102 produces the amount of $286.03, which must then be rounded to $290. Accordingly, the quarter of coverage amount for 1980 is $290.

Retirement Test Exempt Amount

Computation. The 1980 amount of $416.66⅔ for the retirement test monthly exempt amount for beneficiaries aged 65 through 71 is stated in the law. The corresponding annual retirement test exempt amount for those individuals is $5,000. Section 301 of the Social Security Amendments of 1977 amended section 203 of the Social Security Act to provide a higher retirement test exempt amount for beneficiaries aged 65 through 71 than for those beneficiaries under age 65.

The monthly exempt amount of $310 for beneficiaries under age 65 is determined according to a formula specified in the law, which automatically produces a mathematical result based upon reported statistics. Section 203(f)(8) of the Social Security Act provides that the retirement test monthly exempt amount for 1980 shall be equal to the 1979 amount of $290 multiplied by the ratio of (1) the average amount, per employee, of the wages of all employees reported under the program for calendar year 1978 to (2) the average amount of those wages reported for calendar year 1977. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

There is no limit on the amount an individual aged 72 or over may earn and still receive social security benefits. (Beginning in 1982, the age at which the retirement test no longer applies will be reduced from age 72 to age 70.)

Average Wages. Average wages for this purpose are determined in the same way as for a quarter of coverage. Therefore, the ratio of the average wages for 1978, $10,556.03, compared to 1977, $9,779.44, is 1.079410.

Exempt Amount for Persons under Age 65. Multiplying the 1979 retirement test monthly exempt amount of $290 by the ratio of 1.079410 produces the amount of $313.03. This must then be rounded to $310. Accordingly, the retirement test monthly exempt amount for persons under age 65 is determined to be $310 for 1980. The corresponding annual exempt amount for 1980 is $3,720.

Computing Benefits after 1978

The Social Security Amendments of 1977 changed the formula for determining an individual's primary insurance amount after 1978. This basic new formula is based on "wage indexing", and was fully explained with interim regulations published in the **Federal Register** on December 29, 1978 at 43 FR 60877. It generally applies when a worker after 1978 attains age 62, becomes disabled, or dies before age 62. This formula uses the worker's earnings after they have been adjusted, or "indexed," in proportion to the increase in average wages of all workers. Using this method, we determine the worker's "average indexed monthly earnings." We then compute the primary insurance amount, using the worker's "average indexed monthly earnings" and also adjust the computation formula to reflect changes in general wage levels.

Average indexed monthly earnings. To protect a worker's future benefits against inflation we adjust or "index" the worker's past earnings to take into account the change in general wage levels that has occurred during the worker's years of employment. These adjusted earnings are then used to compute the worker's primary insurance amount.

For example, to compute the average indexed monthly earnings for a worker attaining age 62, becoming disabled, or dying before attaining age 62, in 1980, we divide the average of the total wages for 1978, $10,556.03, by the average of the total wages for each year prior to 1978 in which the worker had earnings. We then multiply the actual wages and self-employment income credited for those years by this ratio to obtain the worker's adjusted earnings for that year. After determining the number of years we must use to compute the primary insurance amount, we pick those years with highest earnings, total those earnings and divide by the total number of months in those years. This figure is rounded down to the next lower dollar amount, and becomes the average indexed monthly earnings figure to be used in computing the worker's primary insurance amount for 1980.

Computing the primary insurance amount. The primary insurance amount is the sum of three separate percentages of portions of the average indexed monthly earnings. These portions were $180 and $1,085 in 1979. These amounts are adjusted for 1980 by multiplying them by the ratio between the average of the total wages for 1978, $10,556.03, and for 1977, $9,779.44. These amounts are then rounded to the nearer dollar. For 1980 the ratio is 1.079410. Multiplying the amounts of $180 and $1,085 by 1.079410 produces the amounts of $194.29 and $1,171.16. These must then be rounded to $194 and $1,171. Accordingly, the portions of the average indexed monthly earnings to be used in 1980 are determined to be $194 and $1,171.

Consequently, for individuals who first become eligible for old-age insurance benefits or disability insurance benefits in 1980 or who die in

1980 before becoming eligible for benefits, we will compute their primary insurance amount by adding the following:

(a) 90 percent of the first $194 of their average indexed monthly earnings, plus

(b) 32 percent of the average indexed monthly earnings over $194 and through $1,171, plus

(c) 15 percent of the average monthly earnings over $1,171.

This amount is then rounded to the next higher multiple of $.10 if it is not already a multiple of $.10. This formula and the adjustments we have described are contained in section 215(a) of the Social Security Act (42 U.S.C. 415(a)).

Maximum Benefits Payable to a Family

The 1977 Amendments continued the long established policy of limiting the total monthly benefits which a worker's family may receive based on his or her primary insurance amount. Those amendments also continued the then existing relationship between maximum family benefits and primary insurance amounts but did change the method of computing the maximum amount of benefits which may be paid to a worker's family.

Computing the family maximum. The formula used to compute the family maximum is similar to that used to compute the primary insurance amount. It involves computing the sum of four separate percentages of portions of the worker's primary insurance amount. These portions were $230, $332, and $433 in 1979. These amounts are adjusted for 1980 by multiplying them by the ratio between the average of the total wages for 1978, $10,556.03, and for 1977, $9,779.44. This amount is then rounded to the nearer dollar. For 1980, the ratio is 1.079410. Multiplying the amounts of $230, $332, and $433 by 1.079410 produces the amounts of $248.26, $358.36 and $467.38. These amounts are then rounded to $248, $358, and $467. Accordingly, the portions of the primary insurance amounts to be used in 1980 are determined to be $248, $358, and $467.

Consequently, for the family of a worker who becomes age 62, becomes disabled, or dies in 1980, the total amount of benefits payable to them will be computed so that it does not exceed:

(a) 150 percent of the first $248 of the worker's primary insurance amount, plus

(b) 272 percent of the worker's primary insurance amount over $248 through $358, plus

(c) 134 percent of the worker's primary insurance amount over $358 through $467, plus

(d) 175 percent of the worker's primary insurance amount over $467.

This amount is then rounded to the next higher multiple of $.10 if it is not already a multiple of $.10. This formula and the adjustments we have described are contained in section 203(a) of the Social Security Act (42 U.S.C. 403(a)).

Extension of Benefit Table Effective January 1980

The following is an extension of the Table for Determining Primary Insurance Amount and Maximum Family Benefits provided in section 215(a)(5) of the Social Security Act. This extension reflects the higher average monthly wage and related benefit amounts now possible under the increased contribution and benefit base published by this Notice effective January 1980 in accordance with section 215(i) of the Social Security Act. The extended portion of the benefit table shown here will apply primarily to benefits based on earnings of workers who reached age 62 before 1979.

BILLING CODE 4110-07-M

Table for Determining Primary Insurance Amount and Maximum Family Benefits Beginning January 1980

I (Primary Insurance Benefit under 1939 Act, as Modified)		II (Primary Insurance Amount Effective for June 1978)	III (Average Monthly Wage)		IV (Primary Insurance Amount)	V (Maximum Family Benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary amount as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
			1911	1915	860.90	1506.60
			1916	1920	861.90	1508.40
			1921	1925	862.90	1510.10
			1926	1930	863.90	1511.90
			1931	1935	864.90	1513.60
			1936	1940	865.90	1515.40
			1941	1945	866.90	1517.10
			1946	1950	867.90	1518.90
			1951	1955	868.90	1520.60
			1956	1960	869.90	1522.40
			1961	1965	870.90	1524.10
			1966	1970	871.90	1525.90
			1971	1975	872.90	1527.60
			1976	1980	873.90	1529.40
			1981	1985	874.90	1531.10
			1986	1990	875.90	1532.90
			1991	1995	876.90	1534.60
			1996	2000	877.90	1536.40
			2001	2005	878.90	1538.10
			2006	2010	879.90	1539.90
			2011	2015	880.90	1541.60
			2016	2020	881.90	1543.40
			2021	2025	882.90	1545.10
			2026	2030	883.90	1546.90
			2031	2035	884.90	1548.60
			2036	2040	885.90	1550.40
			2041	2045	886.90	1552.10
			2046	2050	887.90	1553.90
			2051	2055	888.90	1555.60
			2056	2060	889.90	1557.40
			2061	2065	890.90	1559.10
			2066	2070	891.90	1560.90
			2071	2075	892.90	1562.60
			2076	2080	893.90	1564.40
			2081	2085	894.90	1566.10
			2086	2090	895.90	1567.90
			2091	2095	896.90	1569.60
			2096	2100	897.90	1571.40
			2101	2105	898.90	1573.10
			2106	2110	899.90	1574.90
			2111	2115	900.90	1576.60
			2116	2120	901.90	1578.40
			2121	2125	902.90	1580.10
			2126	2130	903.90	1581.90
			2131	2135	904.90	1583.60
			2136	2140	905.90	1585.40
			2141	2145	906.90	1587.10
			2146	2150	907.90	1588.90
			2151	2155	908.90	1590.60
			2156	2160	909.90	1592.40

BILLING CODE 4110-07-C

(Catalog of Federal Domestic Assistance Programs Nos. 13.802–13.805, and 13.807 Social Security Programs)

Dated: October 29, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

[FR Doc. 79–33991 Filed 10–31–79; 8:45 am]

BILLING CODE 4110–07–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–4]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of certain projects under various HUD programs as described in the appendix to this Notice. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information that reports other environmental studies planned or completed in the project area; issues and data which the EIS should consider; recommended mitigating measures and alternatives if one identifies a major issue associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issues at Washington, D.C., October 26, 1979.

Richard H. Broun,

Director, Office of Environmental Quality.

Appendix

1. *EIS on Youngstown Housing Proposal, Hagerstown, Washington County, Md.*

The HUD Area Office in Baltimore, Maryland intends to prepare an EIS on a project described below and solicits information and comments for consideration in the EIS.

Description. The proposal calls for the construction of a multi-family housing development consisting of 596 dwelling units in Hagerstown, Washington County, Maryland. The site is on the south side of Robinwood Drive opposite the entrance to the Hagerstown Junior College.

Need. An EIS is being prepared because the project exceeds the threshold level for EISs established by HUD in its Procedures for Protection and Enhancement of Environmental Quality (HUD Handbook 1390.1). The Draft EIS is expected to be completed and distributed on or about February 1, 1980.

Alternatives perceived. At this time HUD has not yet identified alternatives to the proposed action.

Scoping. HUD doen not plan to hold a scoping meeting.

Comments. Comments should be forwarded within 21 days following publication in the **Federal Register** to the Environmental Officer, HUD Baltimore Area Office, 2 Hopkins Plaza, Baltimore, Maryland 21201.

2. *EIS on Carrolltowne Housing Proposal Eldersburg, Carroll County, Md.*

The HUD Area Office in Baltimore, Maryland intends to prepare an EIS on a project described below and solicits information and comments for consideration in the EIS.

Description. The proposal calls for the development of 750 single-family dwelling units in that area of Carroll County, Maryland known as Eldersburg. The site is on the south side of Liberty Road. approximately one mile east of the Maryland Route 32 intersection.

Need. An EIS is being prepared because the project exceeds the threshold level for EISs established by HUD in its Procedures for Protection and Enhancement of Environmental Quality (HUD Handbook 1390.1). The Draft EIS is expected to be completed and distributed on or about February 1, 1980.

Alternatives perceived. At this time HUD has not yet identified alternatives to the proposed action.

Scoping. HUD does not plan to hold a scoping meeting.

Comments. Comments should be forwarded on or before November 23, 1979, to the Environmental Officer, HUD Baltimore Area Office, 2 Hopkins Plaza, Baltimore, Maryland 21201.

[FR Doc. 79–33778 Filed 10–31–79; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 2376]

California; Termination of Proposed Withdrawal and Reservation of Lands

October 23, 1979.

Notice of a Corps of Engineers, U.S. Department of the Army, application CA 2376 for withdrawal and reservation of lands in connection with a multiple purpose dam and reservoir at the Lakeport site on Scotts Creek in Lake County, California, was published as FR Doc. 77–10759 on pages 19406 and 19407 of the issue of April 13, 1977. By letter of the Secretary of the Interior, dated August 20, 1979, the application is denied in its entirety:

Mount Diablo Meridian

T. 13 N., R. 10 W.,
- Sec. 3, W½SW¼NW¼SW¼;
- Sec. 4, E½E½NE¼NW¼, E½E½SW¼ NW¼, SE¼NW¼, NE¼NE¼ NW¼SW¼, NE¼NE¼SW¼, N½NW¼ NE¼SW¼, SE¼NE¼SW¼, W½NE¼, W½NE¼NE¼, S½SE¼NE¼NE¼, NW¼SE¼, and E½E½SW¼SE¼;
- Sec. 9, NE¼NE¼NW¼NE¼.

T. 14 N., R. 10 W.,
- Sec. 7, W½SW¼ Lot 2, W½, W½NE¼, SE¼ Lot 3, and Lot 4;
- Sec. 8, SW¼SW¼SW¼, W½NW¼SW¼ SW¼, and W½SW¼NW¼SW¼;
- Sec. 17, W½NW¼NW¼, W½E½NW¼ NW¼, SW¼NW¼, SW¼SE¼NW¼, NE¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, S½SE¼, SW¼NW¼SE¼, SE¼NE¼SE¼, and E½SW¼NE¼SE¼;
- Sec. 18, E½ and E½NW¼ Lot 1, and E½ Lot 2;
- Sec. 20, E½NW¼NE¼, NW¼NW¼NE¼, and E½E½SE¼;
- Sec. 21, NW¼NW¼;
- Sec. 29, E½NE¼NE¼, E½E½SE¼NE¼, NW¼NE¼SE¼NE¼, and E½E½NE¼ SE¼;
- Sec. 32, S½SE¼NE¼NE¼, E½SE¼NE¼, SW¼SE¼NE¼, S½NW¼SE¼NE¼, S½S½SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, N½NW¼SE¼, NW¼NE¼SE¼, and N½NE¼NE¼ SE¼;
- Sec. 33, W½NW¼SE¼, SE¼NW¼SE¼, S½NE¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, E½SW¼SW¼SE¼, and NE¼SE¼SW¼;
- Sec. 34, SW¼NW¼SW¼ and NW¼SW¼SW¼.

T. 14 N., R. 11 W.,
- Sec. 12, SW¼ Lot 3, W½ and W½E½ Lot 4, SE¼NW¼SE¼, and NE¼SW¼SE¼;
- Sec. 13, E½ NW¼ and E½SW¼ Lot 1, and E½NE¼ Lot 2.

The total acreage is 1,220.18 acres in Lake County, California.

Therefore, pursuant to the regulations contained in 43 CFR 2350, such lands at 10:00 a.m. on December 3, 1979 will be relieved of the segregative effect of the above-mentioned application.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 79–33846 Filed 10–31–79; 8:45 am]

BILLING CODE 4310–84–M

Colorado; Proposed Amendment of Coal Lease C–27432, Land in Delta County, Colo.; Notice of Public Hearing, Availability of Environmental Assessment, and Request for Public Comment

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado, hereby

gives notice that a public hearing will be held on November 27, 1979, at 7:00 P.M., in the Paonia High School Auditorium, Paonia, Colorado.

On August 15, 1979, a federal coal lease, C–27432, was issued to Colorado Westmoreland, Inc. for the coal in "D" seam under lands located approximately seven miles northeast of Paonia, Colorado, and more particularly described as follows:

T. 13 S., R. 92 W., 6th P.M.
Sec. 12: Lots, 9, 15
Sec. 13: Lots 1, 3, 4, 5, 6, 11, 12
T. 13 S., R. 91 W., 6th P.M.
Sec. 7: Lots, 3, 4, E½SW¼
Sec. 18: Lots 1, 2, 3, 4, E½W½ (854.03 acres)

This lease contained the following stipulation: "30-(c) The Lessee may not mine more than a total of 700,000 tons of coal per year from the "D" seam described in this federal coal lease and in federal coal lease C–25079 combined."

On September 4, 1979, the Lessee filed a request to have the above stipulation deleted from federal coal lease C–27432. A Draft Supplemental Environmental Assessment to TE/EA CO–030–9–34 has been prepared in draft form which describes the effect of the elimination of the above stipulation.

One purpose of the hearing is to obtain public comments on the said Draft Supplement EA, another purpose is to obtain public comments on the following items:

(1) the method of mining to be employed to obtain maximum economic recovery of the coal; (2) the potential effects of mining and the proposed lease including impacts on the environment, agriculture and other economic activities and community or regional services, and (3) methods of determining the fair market value of the coal to be removed if the 30-c stipulation is deleted. Written requests to testify orally at the November 27th public hearing should be received at the Montrose District Office, BLM, Highway 550 South, Montrose, Colorado 81401 prior to the close of business 4:30 P.M. on November 26, 1979.

People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearings, but speakers will be limited to a maximum of 3 or 5 minutes each, depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes.

Written comments may also be submitted to the Montrose District Office at the above address, prior to close of business on November 30, 1979. Substantive comments, whether written or oral, will receive equal consideration prior to any lease amendment.

In addition, the public is invited to submit written comments concerning any change in the fair market value of the coal resource that could result from the elimination of the above lease stipulation 30-(c). The comments should be submitted to the Bureau of Land Management and the U.S. Geological Survey and will be utilized in establishing the fair market value of the above coal resource to be removed without the 30-c limitation on production.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, Colorado, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO, 80202 and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80255, to arrive no later than November 28, 1979.

The estimated total underground recoverable reserves are 5,600 tons. The coal quality is as follows: 11,900 Btu per pound, .55 percent sulfur, 7.1 percent ash. The "D" seam is the uppermost coal seam in the above lands and varies between 8 to 26 feet thick and has cover from 200 to 1800 feet.

The Draft Supplemental Environmental Assessment to TE/EA CO–030–9–34 will be available for review in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colorado 81401. Single copies are available for distribution from the office at the above address.

A copy of the Environment Assessment, the case file and the comments submitted by the public on fair market value, except those portions identified as proprietary by the commentator and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, Bureau of Land Management at the address set out above.

Merrill G. Anderson,

Leader, Montrose Team Branch of Adjudication.

[FR Doc. 79-33847 Filed 10-31-79; 8:45 am]
BILLING CODE 4310-84-M

[N-24807]

Nevada; Proposed Withdrawal and Opportunity for Public Hearing

October 23, 1979.

The U.S. Geological Survey, Department of the Interior, filed application N–24807 on May 11, 1979, for the withdrawal of the public land described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws:

Mount Diablo Meridian

T. 19 N., R. 53 E.,
Sec. 26, Lot 7, NE¼SE¼.

The land, comprising approximately 69.75 acres in Eureka County, has been withdrawn since 1961 pursuant to Public Land Order 2555 for use by the National Oceanic and Atmospheric Administration as a seismograph station for the purpose of recording natural and artificial seismic phenomena such as earthquakes and explosions. In 1973, the responsibility for earthquake research and seismological and geomagnetic observations transferred from the National Oceanic and Atmospheric Administration to the U.S. Geological Survey. The proposed withdrawal is for the continued use of the existing site by U.S. Geological Survey. Pursuant to section 204(h) of the Federal Land Policy and Management Act, an opportunity for a public hearing is hereby afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the Bureau of Land Management at the

address shown below on or before December 11, 1979. Upon determination by the State Director that a public hearing will be held, a notice will be published in the **Federal Register**, giving the time and place of such hearing.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management within the 40-day period allowed.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technological Services, 300 Booth Street, Reno, Nevada 89509.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 79-33848 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38726]

New Mexico; Application

October 24, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Sat. 576), Phillips Petroleum Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 30 E.,
Sec. 33, NE¼SE¼ and S½SE¼;
Sec. 34, NE¼NW¼, S½NW¼ and NW¼SW¼.

This pipeline will convey natural gas across 1.053 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Stella V. Gonzales

Chief, Lands Section.

[FR Doc. 79-33849 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38660, 38662, 38663, and 38729]

New Mexico; Applications

October 24, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 1850, as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 29 N., R. 8 W.,
Sec. 8, lots 3 and 6;
Sec. 24, N½SE¼;
Sec. 33, E½NE¼;
Sec. 34, NE¼NE¼.

These pipelines will convey natural gas across .473 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,

Chief Lands Section.

[FR Doc. 33850 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38667, 38669, 38670, 38671 and 38724]

New Mexico; Applications

October 24, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 31 N., R. 6 W.,
Sec. 7, E½NE¼;
Sec. 8, E½NE¼ and S½NW¼;
Sec. 9, E½W½, W½NW¼ and SW¼SW¼;
Sec. 16, NW¼NW¼.
T. 31 N., R. 7 W.,
Sec. 4, SE¼SW¼ and S½SE¼;
Sec. 9, W½NE¼ and SE¼NE¼.
T. 32 N., R. 7 W.,
Sec. 26, SW¼SE¼;
Sec. 34, SW¼SW¼.

These pipelines will convey natural gas across 3.653 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,

Chief, Lands Section.

[FR Doc. 79-33851 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38665]

New Mexico; Application

October 24, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 25 S., R. 33 E.,
Sec. 24, NW¼SW¼.

This pipeline will convey natural gas across .079 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly sent their name and address to the District Manager, Bureau of Land Management, P. O. Box 1397, Roswell, New Mexico 88201.

Stella V. Gonzales,

Chief Lands Section.

[FR Doc. 79-33852 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69515]

Wyoming; Application

October 23, 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 Northwest Pipeline Corporation of Salt Lake City Utah, filed an application for a right-of-way to construct a natural gas exchange meter station site and a 4' X 6' meter house and related facilities affecting the following described public lands:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 111 W.,
Sec. 32, SW¼SW¼.

The proposed site affecting 0.144 acres, will serve to exchange natural gas from an existing gathering station in 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, P.O. Box 1869, Highway 187 N., Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-33853 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

California Desert; Temporary Closure of Two Areas

Notice is hereby given that there will be a temporary restriction on certain public lands of all public use with the exceptions hereinafter mentioned. This order shall become effective on November 21, 1979 and shall be vacated on November 26, 1979 unless evidence of unlawful off-road vehicle activities scheduled for a future date indicates the need for an extension of this closure.

All public use, with the exceptions as noted is prohibited during the above dates on the public lands included in the areas described below as Area A and Area B.

This action is being taken to close an area repeatedly used on Thanksgiving weekends as a staging area for off-road vehicle activities (Area A), and to protect portions of the environmentally sensitive Clark Mountains (Area B) repeatedly damaged by off-road vehicles on Thanksgiving weekends.

Authority for this action is found in 43 CFR Part 8360, Subparts 8364.1, 8364.1–1; and Part 8340, Subpart 8341.2. Persons who violate this closure are subject to arrest, and upon conviction, may be fined not more than $1,000 or imprisoned for not more than 12 months, or both (43 CFR 8364.2).

The legal descriptions of the closed areas are:

San Bernardino Meridian, California

Area A

Starting at a point on the eastern boundary of T. 15 N., R. 7 E., where the northern edge of utility rights-of-way LA 053634 and LA 052174 intersect the said township line, thence following the northern edge of the rights-of-way in a southwesterly direction to a point where the northern edge of the rights-of-way intersect the southern boundary of T. 12 N., R. 4 E. Thence following the southern boundary of T. 12 N., R. 4 E. and T. 12 N., R. 3 E. to the southwest corner of Sec. 34, T. 12 N., R. 3 E., thence bearing southerly to the southwest corner of Sec. 34, T. 11 N., R. 3 E., thence west to the NW corner of Sec. 3, T. 10 N., R. 3 E., thence bearing south to a point where the west boundary of Sec. 15, T. 10 N., R. 3 E. intersects the northern boundry of the right-of-way of Interstate 15. Thence following the northern boundary of the Interstate 15 right-of-way in a northeasterly direction to a point where it intersects the western boundary of T. 12 N., R. 7 E. Thence southerly to the southwest corner of T. 12 N., R. 7 E., thence easterly along the southern boundary of T. 12 N., R. 7 E. to the southeast corner of T. 12 N., R. 7 E., thence north on the range line between R. 7 E. and R. 8 E. to a point on the northern boundary of utility rights-of-way LA 053634 and LA 052174, said point being the point of beginning.

Area B

T. 17 N., R. 12 E.,
Secs. 11, 12, 14, 15, 21, 22, 23, 24, 27, and 28.
T. 17 N., R. 12½ E.,
Secs. 1 and 13.
T. 17 N., R. 13 E.,
Sec. 18.

This closure does not apply to persons or entities holding claims, permits, leases, licenses or rights-of-way in the public lands within the described areas. The order does not restrict private property owners from ingress or egress to or from their properties. Emergency vehicles, and vehicles owned by the United States, the State of California, or San Bernardino County are not affected by this order.

Vehicular traffic on the following roads is excepted from the closure: Basin Road, Rasor Road, Excelsior Mine Road, and Interstate 15.

Maps showing the above closures are on file for public review at the Bureau of Land Management's Riverside District Office, 1695 Spruce Street, Riverside, California and the Barstow Way Station, 831 Barstow Road, Barstow, California.

Gerald E. Hillier,

Riverside District Manager.

[FR Doc. 79-33760 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 26176N]

Colorado; R/W Application for Pipeline

October 22, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4¼" o.d. natural gas pipeline for the Rocky Mountain Natural Gas Gathering System approximately 0.076 mile long, across the following Public Lands:

Sixth Principal Meridian, Moffat County, Colo.

T. 10 N., R. 93 W.,
Sec. 28: NE¼NE¼.

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) To give all interested parties the opportunity to comment on the application; (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

John R. Bernick,

Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-33761 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 5606]

Oregon; Order Providing for Opening of Public Land

1. By Power Site Cancellation No. 287 of November 2, 1972, the United States Geological Survey cancelled a portion of the land withdrawal for Power Site Classification No. 274 of June 13, 1933, as to the following described land:

Willamette Meridian, Oregon

T. 1 S., R. 16 E.,
Sec. 31, SE¼NE¼.

The area described contains 40.00 acres in Sherman County.

2. Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as

amended, it is ordered that at 10:00 a.m. on November 29, 1979, the land described in paragraph 1 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The land described in paragraph 1 has been and remains open to the applications and offers under the mineral leasing laws, and to location under the United States mining laws.

4. The State of Oregon has not exercised the preference right of applications for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: October 24, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-33762 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 5606]

Oregon; Order Providing for Opening of Public Land

1. By Power Site Cancellation No. 287 of November 2, 1972, the United States Geological Survey cancelled the land withdrawal in its entirety for Power Site Classification No. 275 of July 12, 1933, as to the following described land:

Willamette Meridian, Oregon

T. 24 S., R. 9 E.,
Sec. 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 5, S½NE¼.

The area described contains 240 acres in Klamath County.

Willamette Meridian, Oregon

Deschutes National Forest

T. 24 S., R. 9 E.,
Sec. 3, Lots 3 and 4.

The area described contains 79.42 acres in Klamath County.

2. Portions of the land described in paragraph 1 are withdrawn for Forest Service road purposes by PLO 4392 of April 1, 1968, and PLO 5560 of December 11, 1975, and remain segregated from all forms of appropriation under the public land laws including the United States mining laws.

3. Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered that at 10:00 a.m. on November 29, 1979 the land described in paragraph 1 shall be open to operation of the public land laws generally and to such forms of appropriation as may be made of national forest land, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

4. The land described in paragraph 1 has been and remains open to applications and offers under the mineral leasing laws and (except as provided in paragraph 2 hereof) to location under the United States mining laws.

5. The State of Oregon has not exercised the preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: October 24, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-33763 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 5606]

Oregon; Order Providing for Opening of Public Lands

1. By Power Site Cancellation No. 287 of November 1, 1972, the United States Geological Survey cancelled a portion of the land withdrawal for Power Site Classification No. 380 of August 1, 1947, as to the following described lands:

Willamette Meridian, Oregon

T. 17 S., R. 21 E.,
Sec. 2, N½SW¼ and N½SE¼;
Sec. 4, N½S½;
Sec. 6, Lots 6, 7, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 8, S½N½, NE¼SW¼, and NW¼SE¼;
Sec. 14, N½NW¼.
T. 17 S., R. 22 E.,
Sec. 6, Lots 1, 3, 4, and SE¼NE¼;
Sec. 8, N½NE¼ and S½S½;
Sec. 10, W½SW¼;
Sec. 18, Lots 1, 3, SW¼NE¼, and NE¼NW¼;
Sec. 22, SE¼NW¼.

The areas described aggregate 1,595.94 acres in Crook County.

2. Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered that at 10:00 a.m. on November 29, 1979, the lands described in paragraph 1 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The lands described in paragraph 1 have been and remain open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

4. The State of Oregon has not exercised the preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Box 2965, Portland, Oregon 97208.

Dated October 24, 1979.

Harold A. Brends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-33764 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 10459; 4310-84]

Oregon; Order Providing for Opening of Public Lands

1. By order dated January 23, 1978, the Federal Energy Regulatory Commission vacated the land withdrawal in its entirety for Power Project No. 847 of August 29, 1923, as to the following described lands:

Willamette Meridian, Oreg.; Mount Hood National Forest

T. 1 S., R. 8 E.,
Sec. 5, Lots 4, 5, 6, 9, 10, 11, 12, and 13;
Sec. 6, NE¼NE¼;
Sec. 8, NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 9, Lot 3, N½SW¼, NW¼SE¼;
Sec. 10, Lots 1 and 2;
Sec. 15, Lots 1, 2, 3, 4, and 5;
Sec. 16, Lot 2.
T. 2 N., R. 7 E.,
Sec. 13, SW¼;
Sec. 24, NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼.
T. 1 N., R. 8 E.,
Sec. 4, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 5, N½N½, SE¼NE¼, NE¼SE¼;
Sec. 9, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 10, S½S½, NE¼SE¼;
Sec. 11, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 15, NW¼NE¼, NW¼;
Sec. 16, NE¼NE¼, S½N½, W½SW¼;
Sec. 20, E½E½;
Sec. 21, NW¼NW¼; I24Sec. 29, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 31, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 32, N½NW¼, SW¼NW¼, NW¼SW¼.
T. 2 N., R. 8 E.,
Sec. 19, Lots 3, 4, SE¼SW¼;
Sec. 29, SW¼SW¼;
Sec. 30, Lot 1, SW¼NE¼, E½NW¼, NE¼SW¼, SE¼;

Sec. 32, NW¼NW¼, S½NW¼, NE¼SW¼, S½S½.

The areas described aggregate 4,766.73 acres in Hood River County.

2. Lot 3 and the NW¼SE¼ of Sec. 9, Lots 1 and 2 of Sec. 10, Lots 1, 2, 3, 4, and 5, of Sec. 15, T. 1 S., R. 8 E., and SE¼SE¼, of Sec. 10, SW¼SW¼ of Sec. 11, T. 1 N., R. 8 E., are withdrawn for a Forest Service recreation area by PLO 3634 of April 15, 1965, and remain segregated from appropriation under the United States mining laws.

3. The W½NW¼SW¼ of Sec. 13, T. 2 N., R. 7 E., is withdrawn for the Bonneville Dam Project by PLO 3966 of April 4, 1966, and remains segregated from all forms of appropriation under the public land laws, including the United States mining laws.

4. Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered that at 10:00 a.m. on November 29, 1979, the lands described in paragraph 1 (except as provided in paragraphs 2 and 3 hereof) shall be open to such forms of appropriation as may be made of national forest lands, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

5. The lands described in paragraph 1 have been and remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: October 24, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-33765 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, as amended by Pub. L. 94-409, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning at 7:30 p.m., EST, on Thursday, November 29, 1979, at Sagamore Hills Township Hall, located at 11551 Valley View Road, Sagamore Hills, Ohio.

The Commission was established by Pub. L. 93-555, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Robert G. Warren (Chairman)
Mr. Courtney Burton
Mr. Norman A. Godwin
Mr. Donald W. Haskett
Mr. Robert L. Hunker
Mr. James S. Jackson
Mr. Melvin J. Rebholz
Mrs. Roger Rossi
Mrs. George N. Seltzer
Ms. R. Robbie Stillman
Mr. Barry K. Sugden
Mr. Robert W. Teater
Mr. William O. Walker

Matters to be discussed at this meeting include:

1. Park Transportation Study and Visitor Access Transportation Project.
2. Development Planning for Fiscal Years 1980-81.
3. North American Indian Cultural Center Proposal Report.
4. Park Operations.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact William C. Birdsell, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone 216-650-4414.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Cuyahoga Valley National Recreation Area located at 501 West Streetsboro Road (State Route 303), two miles east of Peninsula, Ohio.

Dated: October 25, 1979.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 79-33773 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate 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 White Sands Souvenirs, Inc., authorizing it to continue to provide merchandising facilities and services for the public at White Sands National Monument for a period of five (5) years from October 1, 1979, through September 30, 1984.

As 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 Southwest Regional Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on September 30, 1979, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants White Sands Souvenirs, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of White Sands Souvenirs, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of White Sands Souvenirs, Inc., (as determined by the Secretary) is submitted, White Sands Souvenirs, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with White Sands Souvenirs, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southwest Regional Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico, for information as to the requirements of the proposed contract.

Dated: October 26, 1979.

Boyd Evison,

Acting Director, National Park Service.

[FR Doc. 79-33774 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-70-M

Publication of a Revised Boundary Map, Martin Van Buren National Historic Site, Kinderhook, N.Y.

There is hereby published a boundary map which revises boundary map NHS-MAVA-91-001 dated January, 1974, for the Martin Van Buren National Historic Site in Kinderhook, New York, pursuant to Sec. 102 (a), Pub. L. 93-486, 88 Stat. 1461. Comments on the map should be addressed to Planning and Design Section, North Atlantic Region, National Park Service, 15 State Street, Boston, Massachusetts 02109.

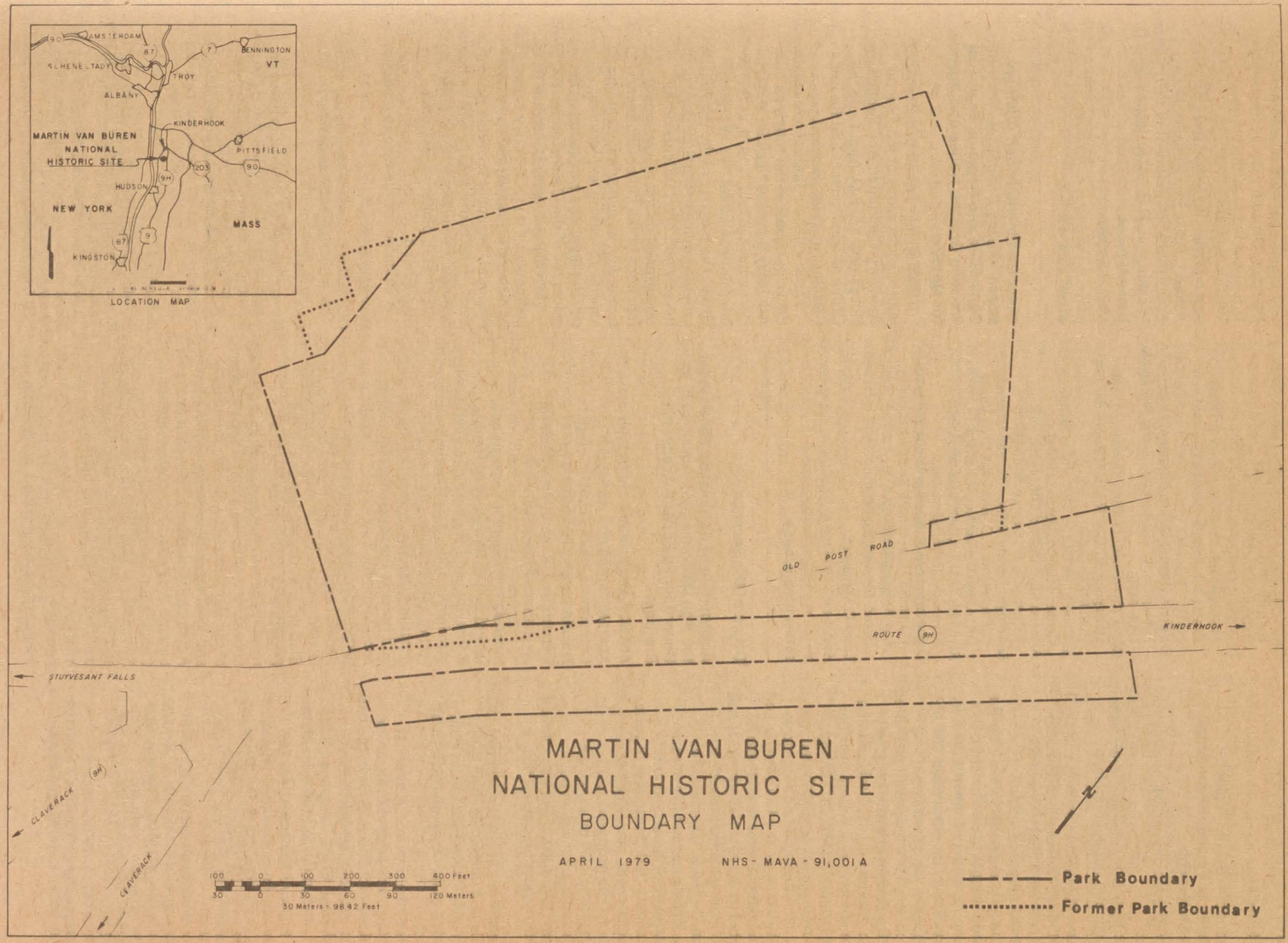
Date: September 24, 1979.

Gilbert W. Calhoun,

Acting Regional Director, North Atlantic Region.

BILLING CODE 4310-10-M

LOCATION MAP



MARTIN VAN BUREN
NATIONAL HISTORIC SITE
BOUNDARY MAP

APRIL 1979 NHS - MAVA - 91,001 A

[FR Doc. 79-33862 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-10-C

Bureau of Land Management

[INT FES 79-56]

Intermountain Power Project; Availability of Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for the proposed Intermountain Power Project (IPP) powerplant and support facilities.

SUPPLEMENTARY INFORMATION: The IPP proposal involves construction and operation of a 3,000 megawatt coal-fired generating station at a site near Salt Wash in Wayne County, Utah and at a possible alternative location, near the town of Lynndyl in Millard County, Utah. Power would be distributed in Utah by the Intermountain Consumer Power Association and Utah Power and Light Company. Power would also be distributed to the Ely, Nevada area, and to the following California cities: Anaheim, Burbank, Glendale, Los Angeles, Pasadena, and Riverside. About 8,000,000 tons of coal and approximately 50,000 acre-feet of water would be required annually for operation of the proposed plant. Approximately 1,350 miles of new transmission line would be built. Permanent operation of the plant would create employment for about 630 persons.

Comments on the draft statement from the public and interested government agencies have been considered in the preparation of the final environmental statement.

Copies of the final environmental impact statement are available at the Richfield District Office, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701, Telephone (801) 896-8221, and at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.
Moab District Office, Bureau of Land Management, 125 West 2nd North, Moab, Utah 84532.
Henry Mountain Resource Area, Bureau of Land Management, Hanksville, Utah 84734.
House Range Resource Area, Warm Springs Resource Area, Bureau of Land Management, 15 East 500 North, Fillmore, Utah 84631.
Nevada State Office, Bureau of Land Management, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89509.
California State Office, Federal Office Bldg., Room B-2841, 2800 Cottage Way, Sacramento, California 94825.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.
Richfield District Office, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.
Cedar City District Office, Bureau of Land Management, 1579 North Main, Cedar City, Utah 84720.
Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85041.
Arizona Strip District Office, 196 East Tabernacle, St. George, Utah 84770.
Las Vegas District Office, Bureau of Land Management, P.O. Box 5400, 4765 Vegas Drive, Las Vegas, Nevada 89102.
Riverside District, 1695 Spruce Street, Riverside, California 92507.
Department of Los Angeles Water & Power, 111 North Hope Street, Room 518 Library, Los Angeles, California.

Dated: October 26, 1979.

Larry E. Meierotto,

Assistant Secretary.

[FR Doc. 79-33779 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Acceptance of Complaints Filed Under the Age Discrimination Act of 1975 in Department's Federal Assistance Program

AGENCY: Department of the Interior.

ACTION: Notice of Acceptance of Complaints Filed Under the Age Discrimination Act of 1975 in Department of the Interior Federal Assistance Programs.

SUMMARY: Pursuant to regulations issued by the Secretary of Health, Education, and Welfare effectuating the provisions of the Age Discrimination Act of 1975 in Federally-assisted programs, the Department of the Interior will process those age discrimination complaints filed since July 1, 1979, in programs and activities receiving Federal assistance through the Department of the Interior. A complaint filed prior to the publication of the Department of the Interior's final regulations will be processed in accordance with the general regulations of the Department of Health, Education, and Welfare or the Age Discrimination Act itself. Mediation of complaints through the Federal Mediation and Conciliation Service will begin November 1, 1979, and the exhaustion of administrative remedies will begin from the date of complaint is filed with Interior.

ADDRESS: Until Interior's final regulations are published, complaints and inquiries should be addressed to: Director, Office for Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Alfred J. Poole III, Office for Equal Opportunity, Department of the Interior, Washington, D.C. 20240, (202) 343-4331.

James A. Joseph,

Under Secretary.

[FR Doc. 79-33856 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-10-M

Outer Continental Shelf Advisory Board—Policy Committee, Scientific Committee and Regional Technical Working Groups; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92-463, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

There will be a first annual meeting of the Department of the Interior's OCS Advisory Board in Norfolk, Virginia, December 5, 6 and 7, 1979, at the OMNI International Hotel, 777 Waterfront Drive. The purpose of the Board is to provide advice to the Secretary of the Interior and other officers of the Department on the discretionary functions of the Outer Continental Shelf Lands Act, as amended, including all aspects of leasing, exploration, development and protection of the resources of the Outer Continental Shelf.

The OCS Advisory Board has three components: (1) OCS Policy Committee; (2) Scientific Committee; and (3) Six Regional Technical Working Groups. Each of the above groups will be holding individual meetings and the entire Board will meet in plenary session on December 6.

A calendar for the meeting follows:

December 5

OCS Policy Committee Meeting (for agenda see #1 below) 8:30 a.m.-5:00 p.m.

December 6

Plenary Session OCS Advisory Board (for agenda see #2 below) 8:30 a.m.-12:00 p.m.
Scientific Committee (for agenda see #3 below) 1:00 p.m.-5:30 p.m.
Regional Technical Working Groups (all) for agendas see #4-#7 below) 2:00 p.m.-5:30 p.m.

December 7

Scientific Committee 8:30 a.m.-12:30 p.m.
Regional Technical Working Groups (all) 8:30 a.m.-12:30 p.m.

The principal subjects to be covered by the Board and the various Committees are as follows:

(1) OCS Policy Committee

(A) House Oversight Hearings
CZM
OCS
(B) Federal Consistency Issues
(C) OCS Lands Act Implementation
(D) OCS Lease Sale Update

(For information contact: Alan Powers, 202/343-9314.)

(2) OCS Advisory Board (Plenary Session)
(A) OCS and the Nation's Energy Goals
(B) Role of the OCS Advisory Board
(C) Mexican Oil Spill

(For information contact: Alan Powers, 202/343-9314.)

(3) Scientific Committee
(A) Use of Environmental Studies Information in the OCS Leasing Process
(B) Roles of the Scientific Committee
(C) Relationship between "Effects" Studies and Socio-Economic Evaluations
(D) Georges Bank Biological Task Force

(For information contact: Piet deWitt, 202/343-7744.)

(4) North and Mid-Atlantic Technical Working Groups
(A) Studies Relating to OCS Oil and Gas Activities
(B) Re-programming of CEIP Funds for OCS State Participation Grants
(C) FY 81 Regional Studies Plan

(For information contact: Dick Wildermann, 212/264-2960.)

(5) South Atlantic and Gulf Technical Working Groups
(A) Proposed FY 81 Regional Studies Plans
(B) Review of the Proposed CY 1980 IPP Activities
(C) Role of the Regional Technical Working Groups

(For information contact: Sydney Verinder, 504/589-6541.)

(6) Pacific Technical Working Group
(A) FY 1981 Studies Plan
(B) Regional Working Group Schedule for FY 1980

(For information contact: Ellen Aronson, 213/688-7234.)

(7) Alaska Technical Working Group
(A) Scoping Meeting for Lease Sale #60
(B) Sale Notice Overview for Beaufort Sea Sale Notice for Lease Sale
(C) Recap of Call for Nominations for Lease Sales #57 and #70

(For information contact: Gordy Evler, 907/276-2955.)

The meeting is open to the public. Those persons who are interested may make oral or written statements to a Committee. Such requests should be made to the contact listed for each particular committee. Requests should be made no later than November 23, 1979.

Minutes for the OCS Policy Committee and the OCS Advisory Board Plenary Session will be available for public inspection and copying at the Office of OCS Program Coordination, Room 5150, Department of the Interior, Washington, D.C.

Minutes for the Scientific Committee and the Regional Technical Working Groups will be available for public inspection and copying in Room 5640, Bureau of Land Management, Department of the Interior, Washington, D.C. or the appropriate Bureau of Land Management OCS Field Offices. Availability of the minutes will be eight weeks after the meeting.

Dated: October 29, 1979.

Alan D. Powers,

Director, Office of OCS, Program Coordination.

[FR Doc. 79-33766 Filed 10-31-79; 8:45 am]

BILLING CODE 4310-10-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Privacy Act of 1974, Systems of Records; Annual Publication

AGENCY: Agency for International Development, International Development Cooperation Agency.

ACTION: Systems of Records: Annual Publication.

The Privacy Act of 1974 (5 U.S.C. 552a (e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Agency for International Development last published the full text of its systems of records at 42 FR 47371, September 20, 1977. No further changes have occurred, therefore, the systems of records remain in effect as published.

The full text of the Agency for International Development systems of records also appears in Privacy Act Issuances, 1978 Compilation, Volume III, page 692. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is $10.25.

James L. Harper,

Privacy Act Officer, Office of Public Affairs.

[FR Doc. 79-33902 Filed 10-31-79; 8:45 am]

BILLING CODE 4710-02-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Fluid Dynamics; Meeting

The ACRS Subcommittee on Fluid Dynamics will hold a meeting on November 16, 1979, at the Barrett Hotel, 501 Post Street, San Francisco, CA to continue its review of topics related to the BWR Mark I Containment Long-Term Program and the NCR Acceptance Criteria for the containment structure loads. Notice of this meeting was published October 18, 1979 (44 FR 60278).

In accordance with procedures outlined in the **Federal Register**, Oct. 1, 1979 (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Friday, November 16, 1979

8:30 a.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Mark I Owners Group, the General Electric Company, and their consultants, pertinent to this review.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necesssary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: October 29, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-33821 Filed 10-31-79; 8:45 am]

BILLING CODE 7590-01-M

[Operating License R-31]

Catholic University; Request for Action

Notice is hereby given that by petition dated October 3, 1979, P. Kelly Fitzpatrick requested that the license issued to Catholic University for operation of a reactor be suspended, an inspection and investigation of alleged violations of the operating license be conducted and an order be issued to Catholic University to show cause why the license should not remain suspended pending a thorough review of the licensee's operations. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Md. this 24th day of October, 1979.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 79-33822 Filed 10-31-79; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.24, Revision 1, "Health Physics Surveys During Enriched Uranium-235 Processing and Fuel Fabrication," specifies the types and frequencies of surveys that are acceptable to the NRC staff for the protection of workers in plants licensed by the NRC for processing enriched uranium and for the fabrication of uranium fuel. The guide was revised to reflect public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Docket Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office (GPO) price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on subscription service and current GPO prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 24th day of October 1979.

For the Nuclear Regulatory Commission

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 79-33826 Filed 10-31-79; 8:45 am]

BILLING CODE 7590-1-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Sacramento Municipal Utility District. The relief relates to the inservice inspection (testing) program for the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted on an interim basis, pending completion of our detailed, review from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry and materials of construction of components, because compliance would result in hardships or unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief 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 letter granting relief. Prior public notice of this section was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Fur further details with respect to this section, see (1) the request for relief dated July 18, 1979, and (2) the Commission's letter to the licensee dated October 17, 1979.

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 Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California 95814. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of October, 1979.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-33824 Filed 10-31-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co., (Surry Power Station, Units 1 and 2), Issuance of Director's Decision

April 18, 1979, the Potomac Alliance, et al., requested that an order be issued to the Virginia Electric and Power Company to suspend further action on the steam generator repair program at the Surry Power Station, Units 1 and 2, pending preparation of an Environmental Impact Statement and completion of other requested relief. The Alliance's petition has been treated as a request for action under 10 CFR 2.206 of

the Commission's regulations. Upon review of the petition, the Director of Nuclear Reactor Regulation has determined not to grant the Alliance's requested relief. Accordingly, the Alliance's petition is denied.

Copies of the Director's Decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and in the local public document room at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of this decision will also be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes a review of this decision within that time.

Dated at Bethesda, Md., this 24th day of October 1979.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-33825 Filed 10-31-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-44]

Accident Reports, Safety Recommendation Letters and Responses; Availability

Reports

Three formal reports, detailing National Transportation Safety Board findings in recent aviation accident investigations, have within the past week been made available to the public:

New York Airways, Inc., Sikorsky S61-L, N618PA, Newark, New Jersey, April 18, 1979 (NTSB-AAR-79-14).—Investigation showed that the helicopter, Flight 972, crashed on Newark International Airport while attempting an emergency landing. The flight had just taken off from the airport and was at an altitude of 1,200 ft. about 1 mile to the east when one of five blades broke and separated from the tail rotor. As a result, severe vibrations in the tail rotor assembly caused the tail rotor gearbox and rotor assembly to separate from the aircraft when it had descended to about 150 ft. above the ground. Without a tail rotor to maintain its stability, the helicopter entered a rapid nosedown, right turn to the ground.

Of the 18 persons on board, 3 passengers were killed; 10 passengers and 3 crewmembers were injured seriously. Metallurgical examination revealed that the tail rotor blade failed after a fatigue crack propagated across 90 percent of the blade's leading edge spar and about 2 in. of the blade skin, which weakened the blade structure.

The Safety Board determined that the probable cause of this accident was the separation of the tail rotor assembly and gearbox from the aircraft at an altitude which made further controlled flight impossible. The rotor assembly and gearbox separated because of severe vibrations in the rotor assembly which were induced by the loss of a tail rotor blade due to fatigue failure.

Contributing to the severity of the passengers' injuries were the seat failures which occurred when the deceleration forces exceeded the relatively low design strength of the Federal Aviation Administration-approved seats, and the lack of guidance on a passenger brace position for emergency landings.

On the day after the accident occurred, the Safety Board issued these "Class I—Urgent Action" recommendations to FAA: Withdraw the airworthiness certificates of Sikorsky S61 helicopters until a means of detecting potential tail rotor blade failures can be devised and implemented (A-79-25), and notify foreign operations of Sikorsky S61 aircraft of this action (A-79-26). (See 44 FR 24657, April 26, 1979.)

The FAA, in its May 3 response to these recommendations, reported issuing an airworthiness directive (AD) on April 20 requiring S-61 operators with PN 6115-30001 and 6117-30001 series tail rotor blades installed to (1) perform a one-time dye penetrant inspection of the inboard 32-in. section of each blade and of the tail rotor gearbox housing attachment lugs before further flight, (2) conduct a visual inspection of each blade skin every 6 flight-hours for evidence of cracks, (3) ultrasonically inspect each blade spar and skin for cracks within 6 flight-hours, and (4) repeat the ultrasonic inspections every 6 flight-hours on tail blades which have accumulated 1,200 or more flight-hours on tail blades which have accumulated 1,200 or more flight-hours. (See also 44 FR 27511, May 10, 1979.)

Results of the initial ultrasonic inspections revealed no additional spar cracks. The metallurgical examination of the failed tail blade and skin did not disclose any abnormalities in the material used or the manufacturing techniques. The manufacturer is conducting additional fatigue testing of "notched" tail blade spars to determine propagation rates. The initial results of these tests indicate that the 6-hour ultrasonic inspection interval required by AD is adequate to detect potential tail rotor blade defects.

Following investigation, the Safety Board on October 4 recommended that FAA: Research 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 based on this study requesting principal operations inspectors to insure that crewmember training includes information on the appropriate passenger brace position for specific aircraft configurations during potential crash landings (A-79-77), and 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 include a reference to the proper brace position (A-79-78). (See also 44 FR 60182, October 18, 1979.)

Champion Home Builders Company, Gates Learjet 25B, N999HG, Sanford, North Carolina, September 8, 1977 (NTSB-AAR-79-15).—The Learjet crashed shortly after takeoff at Sanford. All five persons aboard were killed, and the aircraft was destroyed. Investigation revealed that the aircraft took off about 2018 for Flint, Mich., and crashed about 2020. In accordance with departure instructions from Fayetteville departure control, the flight was about 3 mi west of the airport, climbing through 3,000 ft, on a heading of 270°, when it disappeared from radar. There were no distress calls, but several witnesses west of the airport saw the aircraft on fire below the 600-ft overcast ceiling. The flight completed a right turn on a northeasterly heading and suddenly dove to the ground. People in the immediate vicinity reported that the aircraft was on fire before it crashed.

The Safety Board determined that the probable cause of this accident was one or more low-order explosions in the aircraft's aft fuselage which resulted in a fire and loss of control capability. The Safety Board could not determine conclusively the fuel and ignition sources of the initial explosion; however, gases from the aircraft's batteries or fuel leakage from fuel system components, or both, could have been present in the area of the initial explosion.

As a result of this accident and several others involving corporate jet aircraft, the Safety Board reiterates the

following "Class II-Priority Action" recommendations issued in 1978 to FAA:

Develop, in cooperation with industry, flight recorder standards (FDR/CVR) for complex aircraft which are predicated upon intended aircraft usage. (A–78–27)

Draft specifications and fund research and development for a low coast FDR, CVR, and composite recorder which can be used on complex general aviation aircraft. Establish guidelines for these recorders, such as maximum cost, compatible with the cost of the airplane on which they will be installed and with the use for which the airplane is intended. (A–78–28)

In the interim, amend 14 CFR to require that no operation (except for maintenance ferry flights) may be conducted with turbine-powered aircraft certificated to carry six passengers or more, which require two pilots of their certificate, without an operable CVR capable of retaining at least 10 minutes of intracockpit conversation when power is interrupted. Such requirements can be met with available equipment to facilitate rapid implementation of this requirement. (A–78–29)

Universal Airways, Inc., Beech 70 Excalibur Conversion, N777AE, Gulfport, Mississippi, March 1, 1979 (NTSB–AAR–79–16).—The aircraft, Flight 76, crashed at 1504 on takeoff from runway 17 at the Gulfport-Biloxi Regional Airport. Flight 76, a regularly scheduled commuter flight to New Orleans, La., had a pilot and seven passengers on board. After liftoff, the aircraft climbed slowly to about 100 ft. The pilot transmitted to the tower that he was returning to land on runway 13. When a right turn was begun, the nose pitched up, the right bank increased, and the aircraft entered a steep dive to the ground.

Investigation revealed that the nose baggage door opened at liftoff and was struck by the left propeller. A starter interrupt safety feature, designed to prevent the left engine from starting if the nose baggage door was unsecured, had been deactivated. All persons on board were killed, and the aircraft was destroyed.

The Safety Board determined that the probable cause of this accident was the failure of the pilot to take proper actions to cope with an emergency after the opening of an unsecured nose baggage door during the critical phase of takeoff. Contributing to the cause of the accident were: (1) The failure of the company maintenance personnel to detect the starter interrupt system bypass wire; (2) a deficient weight and balance program; (3) inadequate corrective measures by the Federal Aviation Administration and the Beech Aircraft Corporation to a known safety problem relating to the nose baggage door; (4) inadequate preflight procedures by the pilot; and (5) inadequate training requirements for Part 135 pilots in maximum gross weight operations in light, twin reciprocating engine aircraft.

The accident report indicates that as a result of investigation, the Safety Board is reiterating its 1978 recommendations, Nos. A–78–37 and 38, issued on May 17, 1978, to FAA:

Revise the surveillance requirements of commuter airlines by FAA inspectors to provide more stringent monitoring. (A–78–37)

Identify FAA offices responsible for the surveilance of large numbers of air taxi/commuter operators and insure that an adequate number of inspectors are assigned to monitor properly each operator. (A–78–38)

Also as a result of this accident investigation, the Safety Board on October 17 called on FAA to: Require that pilots involved in 14 CFR Part 135 operations be thoroughly trained on the performance capabilities and handling qualities of aircraft where loaded to their maximum certificated gross weight or to the limits of their center of gravity envelope, or both (A–79–80); and expedite rulemaking which would make the flight time and duty time limitations, and rest requirements for commuter air carriers the same as those specified for domestic air crewmembers under 14 CFR Part 121 (A–79–81). (See 44 FR 61477, October 25, 1979.)

Safety Recommendation Letters

Marine: M–79–102 to the Chief of Naval Operations, Department of the Navy.—On April 15, 1976, the mobile offshore drilling unit, OCEAN EXPRESS, capsized and sank in the Gulf of Mexico with the subsequent loss of 13 lives. The Safety Board's analysis of the accident established that a contributing factor was the inaccuracy of the weather forecasts issued by the National Weather Service (NWS).

Noting that accurate weather forecasts and the timely issuance of localized marine weather warnings are almost totally dependent upon observations of existing weather conditions, the Safety Board states that at the time of the Ocean Express accident there were very few ship weather reports from the Gulf of Mexico from which a forecaster could derive an accurate picture of existing weather conditions in the area. Subsequent investigation revealed that the U.S.S. Lexington was at sea in the northwestern Gulf of Mexico and had been taking weather observations at the time of the accident, but, due to a Navy policy of transmitting ship weather reports in such a way that the ship's name or locations is not disclosed, the Lexington's observations were not immediately available to NWS forecast personel or to the civilian marine community.

The Safety Board is concerned with the safety of lives and property of the increasing number of U.S. citizens working in the energy and fishing industries in coastal and offshore waters, as well as those using the areas for recreation. The Board believes that in view of the potential savings of life, it is in the national interest for the public to have timely access to weather reports from Navy ships experiencing heavy weather while operating within the 200-mile economic zone. Accordingly, on October 18, the Safety Board recommended that the Chief of Naval Operations:

Authorize the unclassified transmission of weather observations to the National Weather Service from U.S. Navy vessels operating within the U.S. Economic Zone adjacent to the contiguous continental United States when the observed wind speed equals or exceeds 33 knots or when the combined sea height equals or exceeds 12 feet. (Class II—Priority Action) (M–79–102)

Pipeline: P–79–31 to the American Gas Association.—On October 6, 1979, an explosion of liquefied natural gas (LNG) vapors destroyed a transformer building at the Columbia LNG Corporation Facility in Cove Point, Md. One person was killed in the explosion, one person was critically injured, and other buildings at the facility were damaged.

The Safety Board's continuing investigation has indicated that a high-pressure LNG pump in the high-pressure pump building was discovered leaking about 3 a.m. during a routine equipment check by an employee, who then notified an employee in the monitor house about 400 feet away by radio of the pump leakage. Because of radio interference, the monitor house was able to understand only that a pump was leaking and that the employee would phone the monitor house from the transformer building. When the employee reached the transformer building, about 3:30 a.m., he called the monitor house employee by telephone, advised him of the situation and said that he was going to pull the circuit breaker on the leaking pump. At 3:35 a.m., an explosion occurred in the transformer building; one employee was killed and another was critically injured.

Investigation indicates that LNG leaked through an electrical termination seal on the high-pressure pump, then vaporized, and flowed under pressure through the motor inlet conduit seal located 12 inches below the bottom of the connection box. LNG and gas vapors then flowed through the electric conduit about 225 feet from the high-pressure pump building to the transformer

building. There gas vapors leaked through the last electric conduit seal just below the circuit breaker. As the employee opened the circuit breaker a spark ignited the gas vapor.

The Safety Board was informed that because of long lead times and the extent of work necessary to replace the transformers and switch gear, the Cove Point LNG Facility may not be back in full operation for 6 months to 1 year. This LNG facility may be made partially operational in 2 to 4 weeks by making temporary repairs permitting operation of a portion of the gasification equipment. Concerned that other LNG facilities with similar design could experience the same problem, the Safety Board on October 12 recommended that the American Gas Association:

Notify its member companies operating similar LNG facilities of the known particulars of the Cove Point accident and request that they conduct an inspection of electric conduit seals at their facilities immediately to determine if leaks through the seals could result in similar explosion hazards at their LNG facilities, and that they take appropriate actions to correct any potential hazards found. (Class I—Urgent Action) (P–79–31) (See response, below.)

Railroad: R–79–65 through 67 to the Secretary, Department of Transportation.—The Safety Board has become increasingly concerned that solutions to certain safety problems or issues of national significance have not been implemented or have not been implemented as rapidly as they should have been, even though the needed improvements were known, feasible, and timely. As indicated in the Board's "Safety Report on the Progress of Safety Modification of Tank Cars Carrying Hazardous Materials," copies of which will soon be made available to the public, one of the Board's safety objectives during fiscal year 1979 was to monitor the safety performance and modification program of the railroad hazardous materials tank car fleet.

In its recommendation letter forwarded October 18 to the Secretary of Transportation, the Safety Board notes that between 1968 and 1978 DOT 112A/114A tank cars were involved in numerous serious accidents. In many of the accidents, couplers disengaged and overrode each other, puncturing the "heads," or ends, of tank cars. The contents of punctured tank cars carrying liquefied petroleum gas or other hazardous materials exploded; fire erupted, resulting in death, injury and extensive property damage. In some cases, the intense heat caused other tank cars to erupt, in "Boiling Liquid-Expanding Vapor Explosions" (BLEVE's) in which huge sections of steel tank weighing several tons rocketed to distances up to one-half mile. Punctures of tank cars containing other hazardous chemicals resulted in release of toxic gases which were carried over surrounding areas by wind currents. In one case, a cloud of toxic anhydrous ammonia was tracked by radar to a distance of 9 miles from an accident site before it dissipated.

The major safety corrections required, shelf couplers and headshields, as well as the less urgent need for thermal insulation of certain DOT 112/114 tank cars to improve resistance to thermal rupture, were known to the Federal regulatory agencies, the shippers, the lessors, the tank car owners, and the railroad industry as early as 1971-1972, the Safety Board notes. In 1974 the Department of Transportation issued regulations requiring that all DOT 112/114 tank cars be equipped with headshields by December 1977. However, the requirements were challenged in court by some shippers, tank car owners, and lessors. Although that challenge was not successful, the headshield retrofit program was effectively blocked.

On April 10, 1975, the Safety Board recommended that the Federal Railroad Administration determine the capabilities of shelf couplers, headshields, and a combination of both for DOT 112/114 tank cars, and require retrofit of the best practical combination. DOT initiated rulemaking action which culminated in the adoption of new regulations on September 15, 1977. The regulations established deadlines of July 1, 1979, for installation of shelf couplers, and December 31, 1981, for installation of tank head protection and thermal insulation.

In the six months following issuance of the regulation, three train derailments—one at Pensacola, Fla., November 9, 1977; one at Waverly, Tenn., February 22, 1978; and one at Youngstown, Fla., February 26, 1978—demonstrated that accident consequences could be far more severe than past accident experience indicated. The three accidents killed 26 people, injured 205, and caused an estimated $3.5 million in property damage. The critical and continuing nature of the accident consequences, as demonstrated by these three accidents, prompted the Safety Board to convene a national public hearing into derailments and hazardous materials on April 4–6, 1978. The Board thereafter issued recommendations urging that DOT accelerate the shelf coupler and headshield installation program to require completion by December 25, 1978. Another recommendation, of lower priority, called for retrofit of thermal insulation not later than December 31, 1981. In reponse to these safety recommendations, DOT issued amended regulations to accelerated the retrofit program. However, the accelerated schedule for headshield installation permitted completion to be delayed for some tank cars until the end of 1980. Because of this delay, the Safety Board classified its recommendation for accelerated retrofit of headshields as "open—unacceptable action."

The Board further notes that a significant element of the retrofit regulation is a provision that, for tank cars subject to both headshield and thermal insulation requirements, tank car owners may elect to meet the requirements by one of two methods for which different completion deadlines are specified. For tank cars retrofitted by the first method (the T retrofit), the deadline for installation of headshields is December 31, 1979. For tank cars retrofitted by the second method (the J retrofit), 65 percent of each owner's tank cars are to be completed by December 31, 1979, and the remaining 35 percent by December 31, 1980.

The Board believes that installation of shelf couplers on DOT 105 tank cars should receive top priority, and that installation of the shelf couplers should not be delayed while additional safety improvements are developed. The Board notes that as of August 27, 1979, the Materials Transportation Bureau of the Research and Special Programs Administration, DOT, had not received the draft notice of proposed rulemaking for safety improvements on DOT Specification 105 tank cars. The Safety Board believes that further delay by FRA in developing a proposed rule will prolong the unreasonable risk to the public of loss of life, serious injury, and damage to property and environment from preventable releases of hazardous materials in train accidents. Accordingly, on October 18 the Safety Board recommended that the Secretary of Transportation:

Require that DOT Specification 112 and 114 tank cars which have been shifted from the T retrofit to the J retrofit be equipped with tank head protection by December 31, 1979. (R–79–65)

Provide that tank cars which have been shifted from the T retrofit to the J retrofit are not to be counted in the requirement for 65 percent retrofit completion of J tank cars by December 31, 1979. (R–79–66)

Issues promptly a regulation to require that all DOT Specification 105 tank cars which transport hazardous materials be equipped with top and bottom shelf couplers by December 25, 1980. (R–79–67)

Each of the above three recommendations is designated "Class I—Urgent Action."

Comments on Proposed Rulemaking

On October 5 the Safety Board informed the Materials Transportation Bureau that the Board supports MTB proposed rulemaking published July 28, 1979, at 44 FR 43864 (Docket No. HM-171, Notice No. 79-11). The Board is pleased to note that the proposal is responsive, in part, to the Safety Board's recommendation I-78-1, issued January 17, 1978, in that it provides for the use and cross-reference of Inter-governmental Maritime Consultative Organization shipping descriptions. The Board is also pleased to note that MTB plans to incorporate the International Civil Aviation Organization descriptions as appropriate, as soon as these descriptions currently being reviewed are finalized.

Responses to Safety Recommendations

Aviation

A-77-16.—The Federal Aviation Administration on October 22 responded to the Safety Board's inquiry of last July 27 as to status of implementation of this recommendation, issued April 20, 1977. The recommendation is one of two recommendations that stemmed from investigation of the Trans International Airlines DC-9 accident at Stapleton International Airport, Denver Colo., on November 16, 1976. The aircraft had overrun the runway during a rejected takeoff. The recommendation asked FAA amend 14 CFR 139.45 to require, after a reasonable date, that extended runway safety area criteria be applied retroactively to all certificated airports; at those airports which cannot meet the full criteria, the extended runway safety area should be as close to the full 1,000-foot length as possible.

The Safety Board's July 27 letter notes that FAA's response of July 11, 1977, indicated that an amendment to Part 139 would be proposed to require extended safety areas in order to meet the criteria of Advisory Circular 150/5335-4 where practicable. The Board has been advised that action has been delayed because of other FAA priorities.

In the October 22 response, FAA indicates that its position of nonconcurrence with the recommendation to require retroactive application of safety and extended runway safety area criteria to all certificated airports, as stated in FAA letter of July 11, 1977, remains unchanged. FAA reports that the proposed amendment to 14 CFR Part 139 to require extended safety areas at new airports, new runways, and major runway extensions at existing airports has not, as yet, been published as a notice of proposed rulemaking but is expected to be completed and ready for publication in the **Federal Register** in late 1979. FAA also reports that a change to Advisory Circular 150/5335-4 has been prepared and was distributed on March 5. This circular, although advisory, now places more emphasis on extended safety areas, FAA advised.

Highway

H-74-9 and H-78-63.—Federal Highway Administration on October 10 provided information developed following an informal FHWA/NTSB staff meeting on September 7 and, specific to recommendation H-78-63, in response to the Safety Board's letter of last May 15 commenting on FHWA's April 19 response (44 FR 27511, May 10, 1979).

FHWA provided the Safety Board with a copy of its "Crash Cushions—Selection Criteria and Design" as a followup to H-74-9, and noted that there have been no updates or changes to this document because the field of crash cushion design has not changed significantly since the original issuance in September 1975. The Board notes that Section III of this publication contains this information related to recommendation H-74-9: "A. Performance Criteria": Vehicle Weight Range—2,000 to 4,500 pounds; Vehicle Speed and Impact Angle—0 degrees to 25 degrees at 60 miles per hour measured from the direction of the roadway; Average Permissible Vehicle Deceleration—12 g's maximum while preventing actual impacting or penetrating of the roadside hazard.

Recommendation H-78-63, issued September 26, 1978, resulted from investigation of a tractor-semitrailer/multiple vehicle collision and override near Atlanta, Ga., June 20, 1977, and called on FHWA to increase serveillance of motor carrier operations under its jurisdiction and assure that they are in compliance with existing regulations for driver qualifications and hours of service.

The Safety Board's May 15 letter stated that FHWA's discussion of the handling of Federal Motor Carrier Safety Regulation violations by its Bureau of Motor Carrier Safety roadside investigators was impressive, and that the out-of-service sanction is probably more effective toward behavior pattern change for truck drivers than a fine. The Board supported FHWA's proposed rule change concerning the availability of drivers' daily logs and forwarded a copy of its letter of last May 7 in support of the proposal outlined in BMCS Docket No. MC-86. The Board requested information on the trend of inspections during 1979 as they become available.

In response, FHWA noted that roadside inspection activities have increased as follows:

FY 1977—20,872 vehicles.
FY 1978—25,705 vehicles.

FHWA said that every effort is being made to maintain the 1978 level during 1979, although the weather and the independent truckers' strike have both hampered the program and required the cancellation of planned activities. FHWA notes that the roadside inspection program involves a mix of small, major, and special emphasis activities; the report for calendar year 1978 should be released in the next few weeks. Reports of 10 major and special emphasis roadchecks were provided for the Board's review.

H-79-46 and 47.—The Ohio Department of Transportation on October 19 acknowledged receipt of the Safety Board's recommendations issued September 26 following investigation of the multiple vehicle collision and fire on State Route 2, near Cleveland, Ohio, May 6, 1979. (See 44 60181, October 18, 1979.) The recommendations asked the Department to install a median barrier in the segment of State Route 2 within Wickliffe, Willowick, and Eastlakes (H-79-46), and to 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). The Department informs of making inquiry as to whether there may be any type of Federal funds available to ODOT for implementing these recommendations.

Pipeline

P-79-22 through 25.—The Natural Gas Pipeline Company of America on October 19 provided a copy of its Field Construction Manual as requested in the Safety Board's letter of September 19, written in reply to the Company's response of August 23 (44 FR 53321, September 13, 1979). The recommendations were developed as a result of investigation of the compression coupling pullout during a line lowering project under Iowa State Highway 181 near Dallas, Iowa, on April 19, 1979. The Safety Board's September 19 letter advised Natural Gas that its complete and positive response to each of the four recommendations caused the Board to act to classify them as "Closed—Acceptable Action."

P-79-31.—In response to recommendation P-79-31, reported above, the American Gas Association on October 16 advised the Safety Board that it has formally notified its member companies operating or planning LNG facilities by forwarding copies of the Board's recommendation letter of October 12. Also, the Association has notified those non-A.G.A. member utilities, insofar as possible, having LNG facilities.

The Association further reports that although these actions were taken in response to P-79-31, other actions were initiated by A.G.A. on Monday and Tuesday, October 8 and 9. On those days, all A.G.A. member companies with LNG facilities were alerted by telephone on the known particulars of the accident at that time and were asked to inspect their facilities for this condition and take appropriate action. As added information became available, the Association passed it on to these companies throughout the week.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommedation 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)

Margaret L. Fisher,

Federal Register Liaison Officer.

October 29, 1979.

[FR Doc. 79-33861 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

October 29, 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 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting on recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that requires 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

Extensions

Rural Electrification Administration
"Biweekly Report of Progress of Construction and Engineering Services"
REA-178
Other (See SF-83)
Engineers of REA Electric Borrowers; 2,220 responses; 1,110 hours
Charles A. Filett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—377-3627

Extensions

Bureau of the Census
*Flourescent Lamp Ballasts Manufacturer's Quarterly Effort
MQ-36C
Quarterly
Manufacturers of Flourescent Lamp Ballasts; 40 responses; 13 hours
Off. of Federal Statistical Policy & Standard, 673-7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-7488

New Forms

Health Care Financing Administration (Departmental)
Municipal Health Service Project Evaluation
HCFA-159-A thru D
Single time
Individuals Living in Communities Participating in MHSP; 61,932 responses; 13,161 hours
Richard Eisinger, 395-3214

Office of Education
*Application for Technical and/or Professional Services
Contracts
OE-5249
On occasion
Description not Furnished by Agency; 2,000 responses; 600 hours
Laverne V. Collins, 395-3214

Revisions

Health Services Administration
Bureau of Community Health Services Common Reporting
Requirements
HSA-350
Quarterly
Ambulatory Health Care Grantees; 3,400 responses; 141,984 hours
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

Revisions

Neighborhood Voluntary Association Consumer Protection
Settlement Statement—Certification Page for Settlement Statement
HUD–1 & HUD–9596
On occasion
Mortgage Lenders; 4,018,750 responses; 4,018,750 hours
Arnold Strasser, 395–5080

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

Extensions

U.S. Fish and Wildlife Service
Certification of Hunting and Fishing License Holders
3–154A, 3–154B
Annually
State Fish & Wildlife Agencies; 50 responses; 50 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

New Forms

Law Enforcement Assistance Administration
Police Management Training Program Survey
Series 3150
Single time
Police Management Training Programs; 250 responses; 82 hours
Off. of Federal Statistical Policy & Standard, 673–7974

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

New Forms

Employment and Training Administration
Unemployment Cash Management Questionnaire
ETA–RC26
Single time
SESA's; 52 responses; 104 hours
Arnold Strasser, 395–5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Federal Aviation Administration
Community Noise Opinion Survey
Single time
Households Near Philadelphia Appt.; 1,700 responses; 566 hours
Edward H. Clarke, 395–5867

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Bernard Snelnick—254–9835

Revisions

*Financial and Statistical Report
NCUA—5300
Semi-annually
Federal Credit Unions; 34,400 responses; 17,200 hours
Marsha D. Traynham, 395–6140

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—634–4070

Extensions

U.S.-French Exchange Office, Card, Application, Acceptance and Reference Report
NSF 573, NSF 574, NSF 578, NSF 631
NSF 659
On occasion
Exchange Scientists; 500 responses; 1,000 hours
Laverne V. Collins, 395–3214

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Clearance Officer—Jacquelin Brent—632–3858

New Forms

*Mail List Application
OPIC–64
Weekly
Bus. Firms & Indiv. Interested in Foreign Investment; 8,000 responses; 1,100 hours
Richard Sheppard, 395–3211

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4693

Revisions

*Applicant's Statement Regarding Alleged Adoption; and Statement Regarding Alleged Adoption
G–118 (6–50) & G–118A
On occasion
Applicants for RRA benefits; 400 responses; 100 hours
Barbara F. Young, 395–6132

Record of Employee's Prior Service
AA–2P(R) (11–74)
On Occasion
Railroad Employers Under RRA; 500 responses; 667 hours
Barbara F. Young, 395–6132

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–755–2915

New Forms

Forest Industries Survey—1979
TVA 5591
Other (See SF–83)
Timber Processing Plants; 1,800 responses; 1,080 hours
Charles A. Ellett, 395–5080

Residential Solar Energy Attitude Survey
Single time
Households in 170 County TVA Market Area; 1,000 responses; 333 hours
Charles A. Ellett, 395–5080

Residential Energy Conservation Attitude Survey
Single time
170 County TVA Market Area; 1,000–responses; 333 hours
Charles A. Ellett, 395–5080

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–33890 Filed 10–31–79; 8:45 am]

BILLING CODE 3110–01–M

OHIO RIVER BASIN COMMISSION

Availability of Report for Review on the Big Sandy/Guyandotte River Basins; Regional Water and Land Resources Plan and Draft Environmental Impact Statement

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89–80), the Ohio River Basin Commission has completed a report summarizing the current Plan for the Big Sandy/Guyandotte River Basins portion of the Ohio River Basin. The Report currently is being reviewed by the governors of each state, the heads of each department or agency, and interstate agency for which a member of the Commission has been appointed.

Views, comments and recommendations on the Plan are requested by January 26, 1980. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

Fred J. Krumholtz,

Chairman.

[FR Doc. 79–33854 Filed 10–31–79; 8:45 am]

BILLING CODE 6410–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16298; File No. SR-Amex-79-16]

American Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 18, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex") administers a fund, the Gratuity Fund, designed to provide for families of deceased regular members of the Amex. The proposed amendments to the Amex Constitution would provide for an increase in Gratuity Fund benefits from the current level of $15,000 to $75,000, for corresponding increases in member contributions from $25 to $115, and for an increase in the minimum size of the Fund, from $30,000 to $150,000. A related amendment is proposed to the present requirement that there be unanimous membership vote to amend the Constitution in a manner which would impair the obligation of each regular member to contribute to the Gratuity Fund. Under the proposed amendment, the provision would only apply to the present contribution level of $25.

Certain of the proposed amendments would modify the membership leasing program for purposes of the Gratuity Fund. At present, a lessee of a regular membership becomes the regular member for virtually all purposes during the term of the lease, including participation in the Gratuity Fund. The amendments provide that a regular member lessor will continue to be a member for purposes of the Gratuity Fund, and will continue to be obligated to contribute to the Fund during the lease term. These changes are similar to the provisions which govern membership leasing at the New York Stock Exchange, Inc. ("NYSE").

Amex's Statement of Basis and Purpose

The proposed amendments to the Amex Constitution and Membership Lase Plan would raise the level of Gratuity Fund benefits and provide that, in the case of leased memberships the lessor rather that the lessee would be the Gratuity Fund participant. The proposed increase in Gratuity Fund benefits parallels recent changes in the NYSE Gratuity Fund, which became effective on May 14, 1979.

The proposed amendments to the Amex Constitution and Membership Lease Plan are consistent with Section 6(b) of the Act in general and further the objectives of Section 6(b)(4) of the Act in particular by providing for the equitable allocation of reasonable charges among Amex members. The proposed amendments to the Membership Lease Plan further the objectives of Section 6(b)(5) by removing an impediment to and perfecting the mechanism of a free and open market in that they would remove a disincentive to leasing resulting from the possibility that the beneficiaries of a lessor would not receive a Gratuity Fund benefit if the lessor should die during the term of a lease.

Comments Received From Members, Participants or Others on Proposed Rule Change

The Amex reported receipt of a total of 423 responses to a survey conducted by the Trustees of the Gratuity Fund. The following favored increasing the Gratuity Fund death benefit and each member's contribution to the specified levels, respectively: three percent favored an increase to $30,000 and $50; twelve percent favored $50,000 and $80; six percent favored $65,000 and $100; seven percent favored $75,000 and $115; and sixty-two percent favored an increase to $100,000 and $155. Eight percent voted against any increase, one percent voted to eliminate the Gratuity Fund and one percent voted "other".

Those who advocated an increase in the Gratuity Fund benefit commented that such an increase was long overdue in light of the effects of inflation; that an increase would have the effect of stabilizing seat prices and/or increasing the value of seats; that the Amex's benefit should be on a parity with the New York Stock Exchange Gratuity Fund benefit; that there should be a joint plan with the NYSE; and that the contribution level should be based on a member's age. Commentators suggested that, in the case of leased seats, lessors should retain the Gratuity Fund benefit.

Those members and member organization who advocated maintaining the Gratuity Fund benefit at its current level commented that a further increase in the contribution level would pose an undue burden and that it was unclear why the Amex should be "self-insuring" its own members. Some younger members felt that an increase in the size of contrubutions was not justified.

Those who favored eliminating the Gratuity Fund commented that it is outmoded and duplicative of the benefit packages often provided to employees of member organizations. Some commentators suggested that a group life insurance policy be substituted for the Gratuity Fund.

Burden on Competition

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by November 22, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

October 26, 1979.

[FR Doc. 79-33881 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21258; 70-6367]

Alabama Power Co., et al.; Proposal To Issue First Mortgage Bonds for Sinking Fund Purposes

October 18, 1979.

In the matter of Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35291; Gulf Power Company, P.O. Box 1151, Pensacola, Florida 32520; Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302; Mississippi Power Company, P.O. Box 4079, Gulfport, Mississippi 39501 (70-6367), notice is hereby given that Alabama Power Company ("Alabama"), Gulf Power Company ("Gulf"), Georgia Power Company ("Georgia"), and Mississippi Power Company ("Mississippi"), all of which are public-utility subsidiaries of The Southern Company, a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935

("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Alabama, Georgia, Gulf, and Mississippi propose to issue their respective first mortgage bonds ("sinking fund bonds") and to surrender such sinking fund bonds to the trustees under their respective indentures for the purpose of satisfying the sinking fund (improvement fund, in the case of Alabama) requirements thereunder to be satisfied on or prior to June 1, 1980. The amounts and series of sinking fund bonds proposed to be issued are as follows:

Name of company	Amount	Series
Alabama	$18,433,000	3½% Series due 1985.
Georgia	24,513,000	2⅞% Series due 1980.
Gulf	3,078,000	3¼% Series due 1984.
Mississippi	2,647,000	3½% Series due 1981.

The sinking fund bonds are to be issued on the basis of unfunded net property additions, thus making available for general corporate purposes cash which would otherwise be needed to satisfy the sinking fund requirements or to purchase bonds to be used for such purpose. It is stated that the issuance of the sinking fund bonds is exempt from the competitive bidding requirements of Rule 50 by reason of clause (a)(5) thereof inasmuch as such bonds will not constitute obligations of the companies for the payment of money.

Each of the indentures has similar coverage requirements regarding the issuance of bonds for sinking (improvement) fund purposes. Currently, Alabama does not have the necessary coverage to issue any additional bonds under its indenture because of inadequate earnings. If, at the time necessary to satisfy the sinking fund requirement, Alabama is unable to issue additional bonds for that purpose, it will be necessary for Alabama to satisfy such requirement by depositing cash or reacquired bonds with its trustee.

The fees and expenses incurred or to be incurred in connection with the proposed transactions total $8,000, including fees for legal counsel of $1,600 and charges of trustees of $4,000.

It is stated that the issuance of the bonds by Alabama, Georgia, and Gulf will have been expressly authorized by the Alabama Public Service Commission, the Georgia Public Service Commission, and the Florida Public Service Commission, respectively, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 20, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33871 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10908; 811-1864]

Allstate Enterprises Stock Fund, Inc.; Filing of Application for Order Declaring That Applicant Has Ceased To Be Investment Company

October 23, 1979.

In the matter of Allstate Enterprises Stock Fund, Inc., 20 Allstate Plaza, Northbrook, Illinois 60062 (811-1864), notice is hereby given that Allstate Enterprises Stock Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on July 11, 1979, and an amendment thereto on September 10, 1979, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on May 19, 1969, it registered under the Act and filed a registration statement pursuant to the Securities Act of 1933 ("Securities Act") with respect to 7,500,000 shares of its common stock. According to the application, such registration statement under the Securities Act was declared effective on December 31, 1969, and the public offering of Applicant's shares commenced on February 16, 1970.

Applicant states that on November 27, 1978, its Board of Directors adopted a resolution recommending a plan of reorganization ("Plan") pursuant to which W. L. Morgan Growth Fund, Inc. ("Morgan"), a company registered under the Act as a diversified, open-end, management, investment company, would acquire substantially all of the assets of Applicant in exchange for shares of Morgan. Applicant further states that such Plan was approved at a special meeting of Applicant's shareholders held on April 11, 1979, by a vote of more than 78% of the outstanding shares of Applicant's common stock. According to the application, the expenses incurred by Applicant in connection with conducting the special meeting of shareholders were borne by Wellington Management Company, Morgan's investment adviser.

Applicant states that on April 30, 1979, it transferred all its assets, other than $50,106.43 in cash, to Morgan in exchange for 15,206,600.252 shares of Morgan common stock which were distributed pro rata to Applicant's shareholders. Applicant further states that the number of shares of Morgan's common stock received by Applicant was determined by deriving an exchange ratio which was computed by dividing Applicant's net asset value per share as of the close of business on April 27, 1979, by Morgan's net asset value per share on that date and multiplying such exchange ratio by the number of Applicant's outstanding shares. Applicant represents that it currently has no securityholders and is not engaged, and does not propose to engage, in any business activities other than those necessary to wind up its affairs; that as of September 5, 1979, its assets consisted of $14,676.61 in cash which has been retained for the purpose of paying the expenses associated with winding up its affairs; that following the payment of such expenses and upon

authorization of its board of directors, all remaining cash will be transferred to Morgan; and that upon winding up its affairs, Applicant's corporate existence under the laws of Maryland will be dissolved.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–33872 Filed 10–31–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21268; 70–6224]

Kentucky Power Co.; Proposed Extension of Short-Term Borrowing Authorization

October 25, 1979.

In the matter of Kentucky Power Company, 1701 Central Avenue, Ashland, Kentucky 41101 (70–6224), notice is hereby given that Kentucky Power Company ("Kentucky"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 26, 1978 (HCAR No. 20843), Kentucky was authorized to issue and sell short-term notes through January 1, 1980, in an aggregate amount not to exceed $35,000,000 outstanding at any one time, such indebtedness to mature not later than March 31, 1980.

By post-effective amendment, Kentucky requests that its borrowing authorization, pursuant to the credit arrangements described below, of $35,000,000 be extended from January 1, 1980 to December 31, 1980, all such indebtedness issued thereunder to mature not later than March 31, 1981.

Kentucky states that the short-term financing is necessary due to a change in its plans concerning a $100,000,000 term loan involved with its proposed purchase of a 15% interest in the Rockport Plant which is owned by Indiana & Michigan Electric Company, another electric utility subsidiary of AEP. That proposed transaction is the subject of a separate application before this Commission (HCAR No. 20751), but was disapproved by the Kentucky Public Service Commission on October 19, 1978. This matter is now before the Kentucky Court of Appeals. Due to the unsettled nature of this matter, Kentucky requests the short-term borrowing authorization as an alternative.

Kentucky has lines of credit with fifteen banks which total $265,900,000. For purposes of borrowing, these banks are of three classes. Each note to be issued to a Class I bank will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable at any time without premium or penalty. Kentucky's credit arrangements with these banks require it to maintain compensating balances equal to a percentage of the line of credit made available by the bank plus a percentage of any amount actually borrowed, generally not in excess of 10% of the line of credit and 10% of the amount borrowed. Borrowings from a Class I bank generally would bear interest at an annual rate not greater than the bank's prime commercial rate in effect from time to time.

Each note to be issued to a Class II bank will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable at any time without premium or penalty. Kentucky's credit arrangements with these banks require it to maintain compensating balances of 5% of the line of credit and to pay a fee equal to 4% of the bank's prime commercial rate then in effect times the size of the line of credit. The combination of a 5% compensating balance and the fee generally is equivalent to a compensating balance not in excess of 10% of the line of credit made available. In addition, Kentucky must pay interest at the rate of 108.5% of the bank's prime commercial rate then in effect, or, in the case of borrowings in Eurodollars, a designated percent of the London Interbank Offering Rate (LIBOR) on the borrowings. It is stated that if the balances maintained and fees paid by Kentucky with and to the Class I and II banks were maintained and paid solely to fulfill requirements for borrowings by Kentucky, the effective annual interest cost to Kentucky, assuming full use of the line of credit, would not exceed 125% of the prime commercial rate in effect from time to time, or not more than 18.1% on the basis of a prime commercial rate of 14½%.

With respect to the Class III banks, Kentucky has a money market facility at each of two named banks in an aggregate amount of $20,000,000. These money market facilities do not represent a formal commitment or engagement by these banks to Kentucky but represent merely the ability of Kentucky to request unsecured borrowings, in the form of promissory notes, on a case-by-case basis. These money market facilities are available for unsecured borrowings in domestic dollars and/or Eurodollars for periods of up of 180 days after the date of issuance, and any such borrowings will be prepayable by Kentucky at any time without premium or penalty. No compensating balances are required. The interest rate, which is presently to be negotiated on a case-by-case basis (using a 360 day year), will be a designated percent of the LIBOR, if the borrowings are made in Eurodollars, or a designated percent of the bank's prime rate, if the borrowings are made in domestic dollars. It is stated that interest rates on these notes will be lower than the effective interest rates for borrowings made from Class I and II

banks, including the effect of any compensating balances and fees paid.

The proceeds from the issue and sale of the notes will be used by Kentucky to pay its general obligations, including expenses incurred in its various construction projects. Construction expenditures for 1980 are estimated at $135,000,000 assuming Kentucky acquires an interest in the Rockport Plant.

No additional fees and expenses are expected to be incurred with this proposed transaction. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 21, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issues in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33673 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21262; 70-6170]

Lowell Gas Co. and Cape Cod Gas Co.; Post-Effective Amendment Relating to Short-Term Financing

October 22, 1979.

In the matter of Lowell Gas Company, 95 East Merrimack Street, Lowell, Massachusetts 01853 and Cape Cod Gas Company, P.O. Box 1360, Hyannis, Massachusetts 02601 (70-6170).

Notice is hereby given that Lowell Gas Company ("Lowell") and Cape Cod Gas Company ("Cape Cod"), public utility subsidiaries of Colonial Gas Energy System ("Colonial"), a registered holding company, have filed with this Commission a post-effective amendment to the joint declaration in this proceeding pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction. All interested persons are referred to the amended declaration for a complete statement of the proposed transaction.

On October 7, 1977, Colonial filed an application for exemption under Section 3(a)(1) of the Act (File No. 31-763). Its application for exemption is pending. Pursuant to a Stipulation in that proceeding dated January 26, 1978, entered into by Colonial and the Division of Corporate Regulation pending the development of a plan of financial simplification or recapitalization by Colonial appropriate to the requirements for exemption under Section 3(a)(1), Colonial has registered as a public utility holding company under Section 5(a) for the limited purpose of complying with the provisions of Sections 6, 7 and 12(b) of the Act.

Lowell and Cape Cod each have revolving lines of credit pursuant to separate credit agreements (collectively, the "Credit Agreements") dated January 1, 1976, as amended, with Chase Manhattan Bank (N.A.), Union National Bank, Shawmut Bank of Boston, N.A., State Street Bank and Trust Company, and BayBank Middlesex, N.A. By order in this proceeding dated June 30, 1978 (HCAR No. 20185), Lowell and Cape Cod were authorized to extend the term of the credit Agreements to June 30, 1980, and to borrow up to the indicated amounts from the following banks:

	Lowell	Cape Cod
Chase Manhattan Bank, N.A.	$5,144,800	$2,464,000
Union National Bank	991,200	1,351,000
Shawmut Bank of Boston, N.A.	2,277,400	1,351,00
State Street Bank & Trust Co	2,183,000	868,000
BayBank Middlesex, N.A.	1,203,600	966,000
Total	$11,800,000	$7,000,000

The cost of the borrowing would be: Ths sum of (a) a variable charge of ¼ of a percent per annum plus ⅛ of the Chase Manhattan Bank's prime rate from time to time on the total commitment; plus (b) ½ of a percent per annum of the unborrowed funds, and (c) ¾ of a percent above 112½ of the Chase Mahattan Bank's prime rate from time to time. The notes evidencing such loans are dated as of the date of issue or June 30, 1980, whichever is earlier. The loans may be prepaid, in whole or in part, in multiples of $100,000, at the option of the companies without premium or penalty.

Lowell and Cape Cod have entered into amendments to the credit Agreements dated as of June 15, 1979 ("Amended Credit Agreements") which modify the terms of the Credit Agreements in certain repects. Lowell proposes to further amend the Lowell Credit agreement ("Proposed Lowell Amendment") to provide for a temporary increase in the maximum aggregate principal amount Lowell may borrow under that agreement. Lowell is now seeking authorization to borrow up to such increased amount.

Under the Proposed Lowell Amendment, the maximum agregate principal amount of loans available from each bank for the period through March 31, 1980 would be as follows:

Bank	Maximum Loan amount through Mar. 31, 1980
The Chase Manhattan Bank (National Association)	$5,886,000
Union National Bank	1,134,000
Shawmut Bank of Boston, N.A.	2,605,500
State Street Bank & Trust Co	2,497,500
BayBank Middlesex, N.A.	1,377,000
Total	$13,500,000

After March 31, 1980, Lowell's lines of credit would automatically be reduced to the present maximum loan amounts authorized by the June 30, 1978 order (HCAR No. 20185). The working capital requirements of Lowell and Cape Cod include a seasonal factor due to the financing of gas inventory in the months when demand is low and to the repayment of that indebtedness during the course of the winter heating season as the gas is sold. The temporary increase in Lowell's Credit Agreement is occasioned by an increase of approximately $.50 per mcf for natural gas supplied by its pipeline which results in approximately $2,000,000 of additional gas costs to be experienced during the period from October through December, 1979, only a portion of which will be recovered through Lowell's cost of gas adjustment clause during 1979.

The other increased costs will be recovered as gas is delivered to customers, such increased costs are billed, and receivables thereby generated are collected during the first quarter of 1980. Recovery of these costs will permit a return to the maximum loan amounts previously authorized.

Lowell and Cape Cod's cost of borrowings under the Amended Credit Agreements and the Proposed Lowell Amendment would be: (a) ½ of a percent per annum of the unborrowed funds plus (b) ¾ percent above the chase Manhattan Bank's prime rate from time to time. The variable charge of ¼ of a percent per annum plus ⅛ of the Chase Manhattan's Bank prime rate from time to time on the total commitment has been eliminated. In lieu of these eliminated fees, Lowell & Cape Cod, have informally agreed with the banks to either (1) maintain compensating balances of 10% of the banks' total commitment and additional compensating balances of 10% of the amount of any loans outstanding or (2) pay a fee equal to the prime rate plus ¾ of a percent times the amount by which the average bank balances are less than 10% of the banks' total commitment plus 10% of the amount of any loans outstanding. The cost of borrowings under the Amended Credit Agreements and the Proposed Lowell Amendment would not be greater than the cost of borrowings under the Credit Agreements. If the full amount were borrowed from the banks and the required compensating balances were not maintained, the effective interest cost would be 18.3%, based on a prime commercial rate of 14.5%.

The amended Credit Agreements provide for relaxation on the restriction on constrution expenditures by increasing Lowell's allowed expenditures from $3,000,000 to $3,300,000 and Cape Cod's from $1,450,000 to $1,800,000. The dollar amount Lowell and Cape Cod are allowed to retain before applying the balance of any proceeds from the sale of property otherwise than in the normal course of business and not subject to the lien of their first mortgage bond indentures to reduce the loan commitments of each lending bank and to make any necessary prepayment of outstanding loans has been raised in each case from $25,000 to $50,000. Finally, the requirements that Lowell and Cape Cod provide the lending banks with a monthly aging of accounts receivable and that the banks consent to any new contracts for the purchase or storage of fuel gas have been eliminated in the Amended Credit Agreements.

The amended Cape Cod Credit Agreement further provides for a minor relaxation of restrictions upon the payment of cash dividends on the common stock of Cape Cod. It allows Cape Cod to pay such dividends to the extent that such cash dividends declared or paid since January 1, 1979, do not in the aggregate exceed the net income of the company for the period subsequent to said date, less the sum of the retained earnings deficit of Cape Cod as of December 1, 1978 plus $1,000.

It is stated that no state commission and no federal commission, other than this Commission has jurisdiction over the proposed transaction. The fees and expenses incurred or to be incurred in connection with the proposed transaction will be filed by amendment.

Notice is further given that any interested person may, not later than November 12, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33874 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10909; 812-4539]

Municipal Fund for Temporary Investment, Inc.; Filing of Application

October 23, 1979.

In the matter of Municipal Fund for Temporary Investment, Inc., Suite 204, Webster Building, Concord Plaza, 3411 Silverside Road, Wilmington, Delaware 19810 (812-4539).

Notice is hereby given that Municipal Fund for Temporary Investment, Inc. ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 21, 1979, and amendments thereto on September 27, 1979, and October 2, 1979, for an order pursuant to Section 6(c) of the Act, exempting it from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to calculate its net asset value per share to the nearest one cent on a share value of $1.00 ("penny-rounding"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The application states that Applicant was organized by Loeb Rhoades, Hornblower & Co. to provide institutions seeking to earn tax exempt income on their investment of short-term cash reserves with an investment medium which would meet their requirements for a stable net asset value per share and a relatively predictable daily dividend. According to the application, Applicant will seek to achieve its investment objective of providing as high a level of current interest income exempt from Federal income taxes as is consistent with relative stability of principal by investing in short-term obligations issued by or on behalf of States, territories and possessions of the United States and the District of Columbia, or their political subdivisions, agencies, instrumentalities or authorities, the interest on which, in the opinion of counsel to the issuer, is exempt from Federal income tax.

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, *inter alia*, that in

calculating the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase, portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. In Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786") the Commission issued an interpretation of Rule 2a–4 expressing, among other things, its view that it is inconsistent with the provisions of Rule 2a–4 for "money market" funds and certain other investment companies to "round off" calculations of their net asset values per share to the nearest one cent on share values of $1.00 because such calculations might have the effect of masking the impact of changing values of portfolio securities and, therefore, might not reflect properly the values of the underlying portfolio instruments.

Applicant states that it proposes to value its portfolio securities in accordance with the views of the Commission as set forth in Release No. 9786; however, subject to the granting of the exemptive order requested, Applicant intends to use its best efforts to maintain a constant net asset value per share by calculating net asset value per share to the nearest one cent on a share value of $1.00. Applicant further states that all of its net income for dividend purposes will be declared daily, except that it may temporarily reduce or suspend daily dividends in order to minimize any fluctuations in net asset value per share. Applicant states that unrealized gains and losses on porfolio securities and gains and losses realized on the disposition of portfolio securities prior to maturity are not included in net income for dividend purposes, but rather will be reflected in net asset value.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any class or classes of persons, securities or transactions, from any provision or provisions under the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant submits that the exemption would allow it to adopt policies which are intended to satisfy the requirements of investors for a stable net asset value per share and a relatively predictable daily dividend. Applicant further submits that the requested exemption is appropriate and in the public interest. However, in recognition of the fact that, unlike a traditional investment company, Applicant seeks to provide a vehicle having a stable price per share, Applicant states that the Commission may impose the following conditions in an order granting the relief requested from Rules 2a–4 and 22c–1:

(1) Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to its investment adviser, will undertake, as a particular responsibility within the overall duty of care owed to its shareholders, to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that Applicant's price per share as computed for purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from $1.00;

(2) Applicant will not purchase any security which, at the time of its acquisition, has a remaining maturity of more than 12 months;

(3) The dollar-weighted average maturity of Applicant's portfolio will not exceed 120 days; and

(4) Applicant will limit its portfolio investments to those United States dollar denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, are of comparable quality as determined by the Board of Directors.

Notice is further given that any interested person may, not later than November 14, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon.

Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–33875 Filed 10–31–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 16295; SR–MSRB–79–9]

Municipal Securities Rulemaking Board; Order Approving Amended Proposed Rule Change

October 24, 1979.

In the matter of Municipal Securities Rulemaking Board, Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036 (SR–MSRB–79–9).

On August 22, 1979, the Municipal Securities Rulemaking Board (the "MSRB") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change. On October 22, 1979, the MSRB filed with the Commission a technical amendment to the proposed rule change to incorporate a reference to Rule 15Bc7–1, which was adopted by the Commission on October 16, 1979 (Securities Exchange Act Release No. 16282). The amended proposed rule change would establish procedures, as required by Rule 15Bc7–1, to ensure confidential treatment of any report, or information contained in a report, of an examination of a municipal securities broker or municipal securities dealer furnished to the MSRB by the Commission pursuant to Section 15B(c)(7)(B) of the Act and Rule 15Bc7–1 thereunder.

Notice of the proposed rule change together with its terms of substance was given by publication of a Commission Release (Securities Exchange Act Release No. 16142 (Aug. 27, 1979)) and by publication in the **Federal Register** (44 FR 52772 (1979)). No comments with respect to the proposed rule change have been received by the Commission.

The text of the amended proposed rule change is as follows:

Rule A–17. Confidentiality of Examination Reports. Any report of an examination or of information extracted from a report of an examination ("examination report") of a municipal securities broker or municipal securities dealer furnished to the Board by the Commission pursuant to Section 15B(c)(7)(B) of the Act and Rule 15Bc7–1 thereunder shall be maintained and utilized in accordance with the following terms and conditions, in order to ensure the confidentiality of any information contained in such reports:

(1) Any such examination report shall be reviewed only by authorized members of the Board's staff; no member of the Board shall have access, directly or indirectly, to an examination report. Anything herein to the contrary notwithstanding, the staff of the Board may furnish to the Board or any appropriate committee thereof summaries or other communications relating to the examination reports, provided that such summaries or other communications shall not contain information which might make it possible to identify the municipal securities brokers or municipal securities dealers or associated persons which are the subject of the examination reports to which any such summary or other communication relates.

(2) The Executive Director and General Counsel shall designate jointly the members of the staff of the Board who shall have access to the examination reports.

(3) Each member of the staff of the Board who is authorized pursuant to section (2) of this rule to have access to the examination reports shall execute a written undertaking that he or she will not copy or use for personal purposes any part of such reports, nor reveal the contents thereof to any unauthorized person.

(4) The examination reports shall be maintained on the premises of the Board in locked cabinets with access thereto limited to authorized members of the staff of the Board.

The Commission finds that the amended proposed rule change is consistent with the requirements of the Act, the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned amended proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–33876 Filed 10–31–79; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 21260; 70–6353]

New England Electric System, New England Power Service Co.; Proposed Capital Contribution to and Short-Term Borrowings by Service Company Subsidiary

October 19, 1979.

In the matter of New England Electric System, New England Power Service Company, 25 Research Drive, Westborough, Massachusetts 01581 (70–6353).

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its service company subsidiary New England Power Service Company ("NEPSCO") have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10, 12 and 13 of the Act and Rules 42, 45, 50, 90 and 91 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

During 1978 NEPSCO billed its customers $50,910,622 for services, an average of approximately $4,250,000 per month, and NEPSCO's monthly working capital needs ranged from a minimum of $1,375,000 to a maximum of $4,500,000. Since it has no authorization to borrow funds to meet its working capital requirements, NEPSCO met such requirements through a combination of open account advances from NEES of $1,100,000 and prepayments of bills by NEPSCO's customers. The open account advances from NEES consisted of $550,000 which had been made between 1936 and 1941 and which bear interest at 4% per annum, together with other advances totaling $550,000 which were made in amounts of $50,000 each, the last such advance having been made in 1965, and which do not bear interest. To provide for NEPSCO's ongoing working capital requirements it is proposed that NEES make a capital contribution to NEPSCO and that NEPSCO be granted its own short-term borrowing authority.

NEES proposes to make a capital contribution to NEPSCO of $1,100,000, the proceeds from which would be used to repay the outstanding open account advances from NEES to NEPSCO. NEPSCO will credit the capital contribution to "Miscellaneous paid-in capital" and NEES will charge it to "Investment: Common Stock of Subsidiaries, as Equity."

NEPSCO also proposes to issue and sell from time to time through March 31, 1980, its short-term notes up to a maximum amount of $4,000,000 outstanding. Such short-term notes would be issued to banks and/or to NEES, would mature in less than one year from date of issuance and would provide for prepayment in whole or in part without penalty. The notes issued to banks would bear interests at a rate not exceeding the prime rate in effect at the time of issuance (not including any fees in lieu of compensating balances), and those issued to NEES would bear interest at a rate not in excess of the prime rate in effect at the time of issuance. Assuming a prime rate of14.5 %, and compensating balance requirements of 20%, or fees equivalent thereto, the effective interest cost of borrowings would be 18.13%, and the effective interest cost of borrowings from NEES would be 14.5%.

It is proposed that NEPSCO may prepay its notes to NEES, in whole or in part, with borrowings from banks and that NEPSCO may prepay its notes to banks, in whole or in part, with borrowings from NEES. In the event of borrowings from banks at a higher intertest rate than the rate on notes to NEES being prepaid with such bank borrowings, NEES will credit NEPSCO with the interest differential from the date of issuance of the new notes to the normal maturity date of the notes to NEES being prepaid. In the event of borrowings from NEES to prepay notes to banks, the interest rate on the notes to NEES will be the lower of (1) the interest rate on the bank notes being prepaid (but only until the maturity date of the notes so prepaid, and thereafter at the prime rate) or (2) the prime rate.

NEPSCO also seeks authorization to include in its service charges to customers (1) the actual interest on funds borrowed by it, and (2) a rate of return on equity capital (including miscellaneous paid-in capital and retained earnings) equal to the rate of return on common equity most recently authorized by the Federal Energy Regulatory Commission ("FERC") in rate proceedings involving NEPSCO's affiliate, New England Power Company ("NEP"). The most recent rate of return on common equity authorized NEP in FERC proceedings was 12.75%. NEPSCO further requests that any new rate authorized NEP by FERC become effective for NEPSCO (1) upon filing with this Commission of the FERC order authorizing such new rate for NEP, or (2) upon the effective date of such FERC order, whichever is later.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,500. It is

stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than November 15, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidafit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in [Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in] rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33877 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21259; 70-6370]

New England Power Co. and New England Electric System; Proposed Capital Contribution by Holding Company to Subsidiary

October 19, 1979.

In the matter of New England Power Company, New England Electric System, 25 Research Drive, Westborough, Massachusetts 01581 (70-6370).

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its electric utility subsidiary company, New England Power Compnay ("NEPCO"), have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10 and 12 of the Act and Rules 42(a) and 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to make a capital contribution to NEPCO of $20,000,000. NEPCO will use such contribution to repay a like amount of its short-term promissory notes issued to pay for capital expenditures or to reimburse its Treasury therefor. NEPCO anticipates that its short-term indebtedness will aggregate approximately $51,000,000 at the time of the proposed capital contribution.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,500, including $500 of incidental services to be performed at cost by New England Power Service Company, an affiliate of NEES. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 15, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33878 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16293; SROCC-79-1]

Options Clearing Corp.; Order Approving Rule Change

October 24, 1979.

In the matter of Options Clearing Corporation, 5950 Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60606 (SR-OCC-79-1).

On January 4, 1979, the Options Clearing Corporation ("OCC") submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change authorizing OCC, as an alternative, to charge certain losses and expenses against current earnings. Currently, OCC charges those losses and expenses against its clearing fund.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the **Federal Register** (44 FR 3802, January 18, 1979), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 15493, January 13, 1979. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33879 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10907/October 19, 1979]

United Funds, Inc. et al.; Application

In the matter of United Funds, Inc., United Vanguard Fund, Inc., United Fiduciary Shares, Inc., United Continental Income Fund, Inc., United Continental Growth Fund, Inc., United Municipal Bond Fund, Inc., United High Income Fund, Inc., and Waddell & Reed, Inc., P.O. Box 1343, One Crown Center, Kansas City, Missouri 64141 (812-4528).

Notice is hereby given that United Funds, Inc., United Vanguard Fund, Inc., United Fiduciary Shares, Inc., United Continental Income Fund, Inc., United Continental Growth Fund, Inc., United Municipal Bond Fund, Inc. and United High Income Fund, Inc. (collectively "Funds") open-end investment companies registered under the Investment Company Act of 1940 ("Act"), and Waddell & Reed, Inc. ("Waddell"), each Fund's investment adviser and principal underwriter (collectively referred to with the Funds as "Applicants"), filed an application on September 4, 1979, and an amendment thereto on October 15, 1979, for an order of the Commission pursuant to Section 11(a) of the act to permit the Funds to offer their shares in exchange for shares of United Cash Management, Inc. ("Cash Management") as described herein, and pursuant to Section 6(c) of the Act, exempting such exchanges from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Waddell, as principal underwriter for the Funds, maintains a continuous public offering of shares of each of the Funds at their respective net asset value plus a sales charge. Applicants state that on purchases of less than $15,000 the maximum sales charge is 8.5% for each of the Funds except United Municipal Bond Fund, Inc., for which the maximum sales charge is 4% on purchases of less than $100,000. The sales charge is reduced on large purchases of each of the Funds.

Cash Management is an open-end investment company registered under the Act and offers its shares to the public at net asset value without a sales charge. Applicants state that Waddell is the investment adviser and principal underwriter for Cash Management.

Applicants state that each Fund proposes to offer its shares to share holders of Cash Management in exchange for shares of Cash Management to the extent that such shares are Exchanged Shares. According to the application, Exchanged Shares are those shares of Cash Management (i) acquired by exchange of shares of any of the Funds or (ii) acquired as a result of reinvestment of dividends or distributions on such shares. Shares of United Municipal Bond Fund, Inc. must have been held for one year from the date of their original purchase before they may be exchanged for shares of Cash Management. Applicants also state that the shares being exchanged must be worth at least $100 or the shareholder must own shares of the Fund whose shares are being acquired by exchange. Applicants propose to exchange Exchange Shares for shares of any Fund on the basis of their relative not asset values as next computed after receipt of an exchange request.

Applicants state that on Exchanged Shares acquired as a result of a share exchange, a sale charge will have been paid at the time of the purchase of the shares of the Fund which were exchanged for the shares of Cash Management. Applicants state further that no sales charge is assessed on Exchanged Shares acquired as a result of a reinvestment of dividends or distributions. Applicants propose to make the exchange offer to Cash Management shareholder irrespective of whether the Exchanged Shares were originally acquired by the shareholder requesting the exchange or were received by gift, bequest, transfer or any other type of acquisition.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. For the purposes of Section 11 of the Act, an offer by a principal underwriter means, in part, an offer communicated to holders of securities of a class or series.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. Rule 22d–1 permits certain variations in sales load, none of which it is alleged are applicable to the proposed exchange offer.

The proposed exchanges may be deemed to violate Section 22(d) of the Act since they would be on the basis of net asset value rather than on the public offering price. Applicants state that although the proposed exchange offer would be on the basis of relative net asset value, it may not be permitted by Section 11(a) of the Act in view of the limitation as to which shares of Cash Management, namely the Exchanged Shares, that will be eligible for the proposed exchange offer.

The application states that the purpose of the proposed exchange offer is to permit investors who have changed investment objectives, and who had exchanged Fund shares on which a sales charge originally was paid for shares of Cash Management, to change their investments from Cash Management to any of the Funds without paying a sales charge. Applicants state that such exchange does not involve an additional sales effort or expenditure by the principal underwriter. Applicants submit that the limitation to Exchanged Shares is necessary and appropriate since without such limitation an investor wishing to acquire shares of one or more of the Funds could do so without ever having paid a sales charge by the purchasing shares of Cash Management at net asset value and exchanging for shares of any of the Funds without charge.

Section 6(c) provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provisions of the Act or of any rule thereunder if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 13, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or

advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-33880 Filed 10-31-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-79-27]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

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

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: November 19, 1979.

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

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

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on October 26, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19710	Puerto Rico International Airlines Inc	14 CFR § 135.175	To permit the petitioner to operate its 26 large transport category De-Havilland Heron aircraft without approved airborne weather radar installed in the aircraft. The petitioner currently operates those same aircraft as "small aircraft" of 12,500 pounds or less maximum take-off weight but intends to increase the maximum takeoff weight to more than 12,500 pounds.
19712	Frontier Airlines, Inc	14 CFR § 121.441 and Appendix F of Part 121.	To permit the petitioner to accomplish all of the required proficiency check maneuvers in a non-visual simulator.
19713	Briles Wing and Helicopter, Inc	14 CFR § 135.99	To allow the operation of helicopters configured with more than ten passenger seats without a second in command.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
15819	United Airlines	14 CFR § 121.285(c) (1) through (5).	The petitioner requested an extension of Exemption No. 2343A which permits the carriage of organ transplant modules in any passenger seat. *Granted 10/22/79.*
19177	Polair, Inc	14 CFR Parts 21 and 91	To permit petitioner to operate leased DC-8-33F aircraft N715UA using an FAA-approved minimum equipment list and to use the FAA-approved Airlift International, Inc. inspection program. *Granted 10/22/79.*
19302	Tiger Charter Corp	14 CFR § 135.89(b)(3)	To permit operation of its Sabreliner Aircraft without at least one pilot at the controls wearing an oxygen mask at altitudes above 35,000 feet. *Partial grant 10/18/79.*
19477	Metropolitan Enterprises, Inc	14 CFR § 135.185(a)	To permit the petitioner to operate its Beech Baron Aircraft N201UC without a weight and balance established by actual weighing of the aircraft within the preceding 36 months. *Denied 10/22/79.*
19495	Yosemite Airlines (Russell T. Weil)	14 CFR § 135.243(a)	To permit Russell T. Weil to serve as pilot-in-command for Yosemite Airlines without holding an Airline Transport Pilot Certificate (ATPC). *Denied 10/25/79.*
19445	Jay Leslie Wolfson	14 CFR § 135.39(1)(i)(ii)(iii)	To permit petitioner to serve as Director of Operations, Key West Airlines without holding an Airline Transport Pilot Certificate (ATPC). *Denied 10/25/79.*
19490	S&W Aircraft Leasing	14 CFR § 135.89(b)(3)	To permit petitioner to operate its (Learjet-24) aircraft to flight level 410 under Section 121.333(c) instead of Section 135.89(b)(3). This petition involves flightcrew's use of supplemental oxygen. *Partial grant 10/25/79.*
19598	Baron Enterprises	14 CFR § 135.149(c)	To permit the petitioner to operate Cessna Citation Model 500 aircraft N920W in air taxi operation without the third attitude gyroscopic bank-and-pitch indicator installed in the aircraft. *Granted 10/25/79.*
19632	Midway Airlines, Inc	14 CFR § 121.291(a)	To allow the petitioner to begin DC-9-10 aircraft operation without conducting a full-scale emergency evacuation demonstration. *Granted 10/25/79.*

Dispositions of Petitions for Exemptions —Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19655	Zephyrhills Para Center, Inc	14 CFR § 91.47	To permit the petitioner to carry more than the maximum number of parachutists per number of aircraft exits during the periods of October 27 through November 4, 1979, and November 17 through November 26, 1979, at Zephyrhills Municipal Airport, Zephyrhills, Florida. *Granted 10/23/79.*
19417	Golden West Airlines, Inc	14 CFR § 135.173(a)	To allow the petitioner to operate its airplanes without thunderstorm detection equipment. *Granted 10/24/79.*

[FR Doc. 79-33818 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket No. RST-79-4]

Kansas City Terminal Railway

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the Kansas City Terminal Railway (KCT) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with certain provisions of the Track Safety Standards (40 CFR Part 213). The petition requests that the KCT be granted authority to operate over certain segments of track formerly operated by the Chicago, Rock Island and Pacific Railroad (RI).

The KCT request for a waiver of compliance is based on an Interstate Commerce Commission (ICC) order that was issued on September 26, 1979. That order directed the KCT to provide service for rail traffic originating or terminating on the lines of the RI. The ICC directed service order was published in the **Federal Register** on October 1, 1979 (44 FR 56343) and provided for initiation of rail service within seven days of its issuance.

After assessing the situation the KCT determined that it would be necessary to render service over approximately 600 miles of track portions of which do not comply with the minimum provisions of the FRA Track Safety Standards (49 CFR Part 213). Consequently, the KCT filed this request for a waiver of compliance in order to initiate limited service on these lines.

The trackage, which has been identified by the KCT as containing sections of track that fail to comply with FRA standards, is broken into fourteen segments. These segments are located in the states of Illinois, Iowa, Kansas, Missouri, Oklahoma and Nebraska and are identified by the towns nearest to the site of the affected track:

1. Lock Springs, Missouri to Polo, Missouri;
2. El Reno, Oklahoma to Waurika, Oklahoma;
3. Peoria, Illinois to Henry, Illinois;
4. Allerton, Iowa to Short Line Junction, Iowa;
5. Vinton, Iowa to Iowa Falls, Iowa;
6. St. Louis, Missouri to Belle, Missouri;
7. Chichasha, Oklahoma to Anadarko, Oklahoma;
8. North Enid, Oklahoma to Ponca City, Oklahoma;
9. Goodland, Kansas to Lavant, Kansas;
10. Norton, Smith Center, Kansas;
11. Fairbury, Nebraska to Plymouth, Nebraska;
12. Lincoln, Nebraska to Murdock, Nebraska;
13. Richfield, Nebraska to Albright, Nebraska and
14. Waterloo, Iowa to Manly, Iowa.

The Railroad Safety Board of the FRA, which has been delegated authority by the Administrator of the FRA to determine whether such waiver requests should be granted, responded promptly to the KCT petition. In that response the Railroad Safety Board granted a conditional temporary waiver of compliance. That temporary waiver was granted with the understanding that the Board's decision would be reviewed in the light of any public comments received in response to this public notice.

The decision to grant a temporary waiver, pending receipt of public comment, was based on the determination that immediate action was required in the public interest. The determination reflects the serious impact that cessation of a rail service was causing to the shippers in affected states and it recognizes the assessment contained in Executive Order 12159, issued by the President on September 20, 1979 (44 FR 54687) that cessation of rail service threatened to substantially interrupt interstate commerce.

In reaching the decision to grant the temporary waiver, the Railroad Safety Board had available to it the data obtained through the FRA compliance monitoring efforts and the information gathered during a special field investigation. On the basis of that information, the Railroad Safety Board determined that granting the requested waiver would be consistent with railroad safety provided that certain conditions were adhered to by the KCT during any operation over the non-complying track.

The Railroad Safety Board is now seeking the data, views or comments of all interested parties on this waiver request. As noted the Board intends to review its initial decision in light of these comments. Consequently, all interested parties are invited to participate in this proceeding by submitting written data, views or comments. The Board does not anticipate scheduling an opportunity for oral comment in this proceeding since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by an interested person prior to November 16, 1979.

All written communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket No. RST-79-4) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Persons desiring that receipt of their communications be acknowledged should attach a stamped pre-addressed postcard to the first page of their communication.

Communications received before November 30, 1979, will be considered before final action is taken in this proceeding. All comments received will be available for examination by interested persons at any time during regular working hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Note.—The notice is issued under the authority of Section 202, of the Federal Railroad Safety Act of 1970, as amended, (45 U.S.C. 431); and § 1.49(n) of the Regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C. on October 26, 1979.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-33663 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP79-4; Notice 2]

Freightliner Corp.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by Freightliner Corp. of Portland, Oregon, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, *Air Brake Systems*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of a petition was published on April 23, 1979 (44 FR 23963) and an opportunity afforded for comment.

Paragraph S5.4.3 of Standard No. 121 establishes brake recovery requirements to be met following the series of decelerations set forth under S5.4.2., specifically, that a vehicle shall be capable of making 20 consecutive stops from 30 mph at an average deceleration rate of 12 feet per second. The service line air pressure needed to attain the deceleration rate must not exceed 85 pounds per square inch for a brake not subject to the control of an antilock system. Freightliner discovered that some of its brake drums failed to meet the 85 pounds per square inch specification.

Brake tests made at GAWR of 19,000 pounds met the requirements but those made at 20,000 pounds did not, the four drums tested at the higher GAWR requiring 86, 88, 89, and 92 pounds per square inch to achieve the deceleration.

Petitioner argued that the noncompliance is inconsequential because the drums were used on only 28 trucks. Even though values are higher than the standard's 85 pounds per square inch, they are "well within the capability of the vehicle's air brake system." The drums will reach the end of their usefulness before the middle of 1980, and will be replaced. The noncompliance could not alone adversely affect stopping distance without the occurrence of a separate malfunction such as excessive air leakage in the tractor or trailer; or ruptured brake chamber diaphragm. The vehicles involved operate in combination with two trailers, the combination thereof comprising five braked axles, only one of which is noncompliant. Finally, as a practical matter, it is not likely that a vehicle would be loaded to its certified GAWR of 20,000 pounds.

No comments were received on the petition.

The NHTSA has decided to deny Freightliner's petition. Compliance with the requirement is not one that lies on the cutting edge of technology. When the maximum allowable service line air pressure was raised from 75 pounds per square inch to 85 there were no major objections to it.

In its recent denials of petitions concerning noncompliance with Standard No. 121, (see for example, PACCAR, 44 FR 39329) the agency has emphasized that while deviations from the minimum performance requirements of the standard may seem unimportant, the regulatory scheme of the National Traffic and Motor Vehicle Safety Act requires the establishment of "minimum standards for motor vehicle performance." A manufacturer whose system performance is at or near the minimum level risks, in the event of failure, a determination of noncompliance, the obligation to notify and remedy, the threat of civil penalties and injunctive relief, and the probability that he will be unable to establish that he exercised due care in designing and manufacturing his product to conform. The use of a precise value like 85 pounds per square inch—or any other value for that matter—is necessary to meet the objectivity requirement of the Act and to make the standard enforceable. Such values are necessary and desirable in a regulatory context for both the regulated party and the regulator. Finally, to decide that a deviation that increases the value to any figure greater than 85 pounds is "inconsequential" could encourage manufacturers to be less careful in design and production, and possibly lead to further deviations and erosion of the standard. The agency has concluded that, generally, values once established must be retained until modified by public rulemaking procedures. The agency believes that Congress did not intend that an inconsequentiality grant be made simply because a manufacturer came close to meeting a minimum performance level but for one reason or another did not reach it.

Freightliner Corp. has failed to meet its burden of persuasion, and its petition that its failure to comply with Standard No. 121 be deemed inconsequential as it relates to motor vehicle safety is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 23, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-33593 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-59-M

Safety, Bumper, and Consumer Information Programs; Public Meetings

The National Highway Traffic Safety Administration's public meeting scheduled for December 5, 1979 at the Environmental Protection Agency's Motor Vehicle Environmental Laboratory Facility in Ann Arbor, Michigan, to answer questions from the public and industry on the Agency's safety, bumper and consumer information programs, has been cancelled.

NHTSA has scheduled four public meetings for this purpose in 1980; two to be held in Washington, D.C. The first meeting is scheduled for January 23, 1980 at the DOT Headquarters Building, 400 Seventh Street, S.W., Room 2230, Washington, D.C. The second will be held on April 16 at the Environmental Protection Agency's Motor Vehicle Environmental Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

Additional information on these meetings will be published at a later date in the **Federal Register.**

Issued in Washington, D.C.: October 26, 1979.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 79-33748 Filed 10-31-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Performance Review Board; Appointment of Members

ACTION: This notice announces the appointment of the members of the Office of the Secretary Performance Review Board (PRB) in accordance with 5 U.S.C. 4314(c)(4).

SCOPE: This notice applies to all components within the Office of the Secretary except the Legal Division.

PURPOSE: The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards, and other personnel actions, and to make recommendations to the Deputy Secretary who is the Appointing Authority.

COMPOSITION OF PRB: Each session of the Performance Review Board will be attended by the Assistant Secretary (Administration), who will serve as

Chairman, and at least two of the Senior Executive Service members listed below. The Board will be composed of more than 50 percent career appointees in cases involving the appraisal of an SES career appointee. The names and titles of the PRB members are as follows:

W. J. McDonald, Chairman, Assistant Secretary (Administration); Martha A. Thompson, Deputy Assistant Secretary (Administration); Faye P. Hewlett, Special Assistant to the Under Secretary; Gerald Murphy, Deputy Fiscal Assistant Secretary; Arnold Nachmanoff, Deputy Assistant Secretary (Developing Nations Finance); Barnett A. Kress, Deputy Assistant Secretary (Legislative Affair); Harvey Galper, Associate Director, Office of Tax Analysis; Francis X. Cavanaugh, Director, Office of Government Financing; Maynard S. Comiez, Director, Office of Special Studies; Robert R. Fredlund, Director, Office of Administrative Programs.

FOR FURTHER INFORMATION CONTACT:
Charlene J. Robinson, Executive Secretary, PRB, Room 1330, Main Treasury Building, 15th & Pennsylvania Avenue NW., Washington, D.C. 20220, Telephone No. (202) 566–2258.

This notice does not meet the Department's criteria for significant regulations.

W. J. McDonald,

Assistant Secretary (Administration).

[FR Doc. 79–33865 Filed 10–31–79; 8:45 am]

BILLING CODE 4810–25–M

INTERSTATE COMMERCE COMMISSION

[Exception No. 5 to Corrected Second Revised Service Order No. 1301]

Burlington Northern Inc.

To: Burlington Northern Inc.

Pursuant to the authority vested in me by Section (a)(4) of Corrected Second Revised Service Order No. 1301, Burlington Northern Inc. is authorized to use forty-foot narrow-door plain boxcars owned by Canadian National Railways or by CP Rail from stations in the State of Montana destined to Seattle, Washington, subject to the following conditions.

1. Cars must be used in compliance with United States Customs regulations.
2. Cars must be used in compliance with Car Service Rules 1 and 2 adopted by the Commission in Docket Ex Parte No. 241.
3. Car Relocation Directives and Car Assistance Directives issued by the Car Service Division, Association of American Railroads, applicable to such cars remain fully in effect.

Effective October 18, 1979.

Expires November 30, 1979.

Issued at Washington, D.C., October 18, 1979.

Joel E. Burns,

Director, Bureau of Operations.

[FR Doc. 79–33788 Filed 10–31–79; 8:45 am]

BILLING CODE 7035–01–M

[Sixth Revised Exemption No. 141]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To All Railroads:

It appearing, That the railroads named herein own numerous plain gondola cars less than 61-ft.; that under present conditions, there are surpluses of these cars on their lines; that return of these cars to the car 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, plain gondola cars, 61-ft. in length, described in the Official Railway Equipment Register, ICC–RER No. 6410–B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB", which are less than 61-ft. in length, and which bear the reporting marks listed below, may be used without regard to the requirements of Car Service Rules 1 and 2.

* * *

Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP–CWP&S
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Louisiana Midland Railway Company
Reporting Marks: LOAM
Maryland and Delaware Railroad Company
Reporting Marks: MDDE

Effective October 15, 1979, and continuing in effect until further order of this Commission.

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

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79–33799 Filed 10–31–79; 8:45 am]

BILLING CODE 7035–01–M

* * * Chicago Rock Island and Pacific Railroad Company deleted.

[Amdt. No. 1. to Second Revised Exemption No. 171]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To All Railroads:

Upon further consideration of Second Revised Exemption No. 171 issued September 27, 1979.

It is ordered, That, under authority vested in me by Car Service Rule 19, Second Revised Exemption No. 171 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire November 15, 1979.

This amendment shall become effective October 12, 1979.

Issued at Washington, D.C. October 12, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79–33785 Filed 10–31–79; 8:45 am]

BILLING CODE 7035–01–M

[34th Revised Exemption No. 129]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To all railroads:

It appearing, That the railroads named herein own numerous forty-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; 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 plain boxcars owned by the railroads listed herein, 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, 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," with inside length 44-ft. 6-in. or less, regardless of door with and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP

Illinois Terminal Railroad Company
Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
* * *
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
North Stratford Railroad Corporation
Reporting Marks: NSRC
St. Louis Southwestern Railway Company
Report Marks: SSW
Southern Pacific Transportation Company
Reporting Marks: SP

Effective October 15, 1979, and continuing in effect until further order of this Commission.

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

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-33786 Filed 10-31-79; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F 13096]

Herriott Trucking Co.—Purchases (Portion)—Great Lakes Express Co.

Decided: October 26, 1979.

On September 10, 1979, Herriott Trucking Co., Inc., and Herriott Trucking Corp. filed a joint petition to reopen the proceeding for substitution of the latter as applicant in this proceeding. Great Lakes Express Co. has joined in the request.

As good cause has been demonstrated for this subsstitution we will grant the requests.

It is ordered: (1) The proceeding is reopened for consideration of the application.

(2) Herriott Trucking Corp. is substituted as applicant in the above-entitled proceeding for Herriott Trucking Co., Inc.

(3) Notice of this decision will be published in the **Federal Register** to notify interested parties of our action and further consideration of the application.

By the Commission, Alan M. Fitzwater, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-33791 Filed 10-31-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant, has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness, questions, and jurisdictional problems) we find, preliminary, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminary and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a)

* * * Missouri-Kansas-Texas Railroad Company deleted.

[formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 197

Decided: October 5, 1979.

By the Commission Review Board Number 3, Members Parker, Fortier, and Hill.

MC 1783 (Sub-31F), filed April 4, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M Street, NW., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities, which because of size or weight require the use of special equipment and except commodities moving in vehicles equipped with mechanical refrigeration) (A) over irregular routes (1) from points in Hillsboro County, NH, to Ayer and Boston, MA; (2) between Boston, MA, and points within 10 miles of Boston, and Ballard Vale, East Weymouth, Haverhill, Lawrence, Lowell, Ayer, Fall River, New Bedford, Taunton, and Millbury, MA, and Providence and Woonsocket, RI, on the one hand, and, on the other Pittsfield, NH, and Hartford and Wilder, VT, points in NH on south, and west of a line beginning at the MA–NH State line, and extending along NH Hwy 28 to Manchester, NH, then along US Hwy 3 via Franklin, NH, to junction NH Hwy 11, then over NH Hwy 11 to junction U.S. Hwy 4, then along U.S. Hwy 4 to the NH–VT State line, and those points in VT on and east of a line beginning at the VT–NH State line at or near Bellows, Falls, including Bellows Falls, and extending along U.S. Hwy 5 to junction VT Hwy 103, then along VT Hwy 100 to Plymouth Union, VT, then along VT Hwy 100A to junction U.S. Hwy 4, then along U.S. Hwy 4 to the VT–NH State line; (3) between Fitchburg, Millbury and Farley, MA, on the one hand, and, on the other, Concord, Manchester, Wilton, and Hooksett, NH; (4) from Wallington, NJ, to Poughkeepsie, NY; (5) from Newark, NJ, to Farmingdale and Sag Harbor (Long Island), NY; (6) between Augusta and Auburn, ME, Pawtucket, Westerly, Woonsocket, Providence, and North Smithfield, RI, Wauregan, CT, Nashua, NH, and those points in MA on and east of U.S. Hwy 5, on the one hand, and, on the other, points in MA, RI, NH, those points in CT on and east of CT Hwy 8, and those in ME on and south of a line beginning at the Atlantic Ocean near Cutler, ME, and extending along ME Hwy 191 to Machias, then along U.S. Hwy 1 to junction ME Hwy 192, then along ME Hwy 192 to junction ME Hwy 9, then along ME Hwy 9 to Bangor, then along U.S. Hwy 2 to Skowhegan, then along U.S. Alternate 201 to junction ME Hwy 16, then along ME Hwy 16 to Wilsons Mills, then along ME Hwy 16 to the ME–NH State line; (7) between Albany, NY and those points in VT, MA, and CT, within 75 miles of Albany, NY, on the one hand, and, on the other, Albany, NY and those points in NY within 75 miles of Albany, NY; (8) between Springfield, MA, and points within 15 miles of Springfield, on the one hand, and, on the other, Albany, NY, points in VT, MA and CT, within 75 miles of Albany, NY, and points in NY within 75 miles of Albany, NY; and (9) between Albany, NY, and New York, NY; and (B) over regular routes, between Lawrence, MA and New York, NY, from Lawrence over MA Hwy 110 to Worcester, MA, then along U.S. Hwy 20 to junction MA Hwy 15, to the MA–CT State line, then along CT Hwy 15 to Hartford, CT, then along U.S. Hwy 5 to New Haven, CT, and then along U.S. Hwy 1 to NY, and return over the same route, serving all intermediate points between Lawrence and Sturbridge, MA and all intermediate points in CT, and the off-route points of Dracut, Vestford, Ayer, Bolton, Lancaster, Sterling, Methuen, Oxford and Southbridge, MA. (Hearing site: Boston, MA, or Nashua, NH)

Note.—Issuance of a certificate is subject to the coincidental cancellation, at applicant's written request, of the outstanding certificates in No. MC-1783 Served June 28, 1968, MC-1783 Sub 9 Served April 26, 1965, MC–1783 Sub 10, Served April 27, 1965, MC–1783 Sub 11, Served March 1, 1968, and MC–1783 Sub 16G, Served September 9, 1975.

MC 14252 (Sub-63F), filed May 29, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same address as applicant). Transporting *general commodities* (except those or unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Galva, Kewanee, Macomb and Monmouth, IL as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Columbus, OH, or Washington, DC.)

MC 19193 (Sub-18F), filed June 1, 1979. Applicant: LAFFERTY TRUCKING CO., a corporation, 3703 Beale Avenue, Altoona, PA 16601. Representative: S. Berne Smith, Esq., P.O. Box 1166, (100 Pine Street), Harrisburg, PA 17108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by grocery and food business houses, and (2) *materials, equipment, and supplies* used by grocery and food business houses, between points in Cattaraugus, Chautauqua, Chemung, and Steuben Counties, NY, on the one hand, and, on the other, points in Ashtabula, Columbiana, Cuyahoga, Erie, Geauga, Huron, Jefferson, Lake, Lorain, Mahoning, Ottawa, Portage, Sandusky, Stark, Summit, and Trumbull Counties, OH, Garrett, Allegany, and Washington Counties, and Baltimore City, MD, points in Greene, Washington, Fayette, Westmoreland, Armstrong, Clarion, Forest, Elk, McKean, Cameron, Clinton, Lycoming, Union, Snyder, Juniata, Perry, Dauphin, Cumberland, Franklin, Fulton, Bedford, Somerset, Cambria, Indiana, Jefferson, Clearfield, Centre, Blair, Huntingdon, and Mifflin Counties, PA, and Brooke, Doddridge, Hancock, Harrison, Lewis, Marshall, Ohio, Pleasants, Ritchie, Tyler, Upshur, Wetzel, Wood, Monogalia, Marion, Taylor, Preston, Barbour, Randolph, Tucker, Grant, Mineral, Hampshire, Morgan, and Hardy Counties, WV, under continuing contract(s) with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 47583 (Sub-99F), filed May 29, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *building materials*, (except commodities

in bulk), and insulation board, (A) from the facilities of Johns-Manville Sales Corp., at or near Marshfield, WI and Waukegan, IL, and (B) from the facilities of Johns-Manville Perlite Corp., at or near Rockdale, IL, to points in AR, CO, IA, KS, MO, NE, OK, and TX. (Hearing site: Kansas City, MO.)

MC 87103 (Sub-35F), filed May 23, 1979. Applicant: MILLER TRANSFER & RIGGING CO., P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). Transporting (1) *turbines, heat exchangers and feed water heaters,* and (2) *materials, equipment, and supplies* used in the manufacture, production and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Westinghouse Electric Corporation at or near Charlotte, NC, and Lester and Philadelphia, PA, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Philadelphia, or Washington, DC.)

MC 96992 (Sub-17F), filed May 29, 1979. Applicant: HIGHWAY PIPELINE TRUCKING CO., a corporation, P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. Transporting *petroleum and petroleum products,* in bulk, between points in TX and LA. (Hearing site: Houston, TX, or New Orleans, LA.)

MC 103993 (Sub-969F), filed June 1, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). Transporting *trailers, and trailer chassis,* (except those designed to be drawn by passenger automobiles), in intitial movements, in truckaway service, from Macon, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 107012 (Sub-379F), filed June 1, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Transporting (a) *packaging, sealing, and food processing equipment,* uncrated and (b) *parts and accessories* when moving in mixed loads with uncrated packaging, sealing, and food processing equipment, from points in NY, to points in the United States (except AK, HI, and NY). (Hearing site: New York, NY, or Washington, D.C.)

MC 114362 (Sub-17F), filed June 1, 1979. Applicant: ROBERT J. ECKLUND, d.b.a. ECKLUND TRUCKING, P.O. Box 151, Kiester, MN 56051. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. Transporting *feed and feed ingredients, grain, soybean and feed products and by-products,* (except commodities in bulk, in tank vehicles), from the facilities of Archer Daniels Midland Company, at Red Wing, MN, to points in CO, IL, IA, WI, KS, MO, NE, ND, and SD. (Hearing site: St. Paul or Mankota, MN.)

MC 115213 (Sub-8F), filed June 1, 1979. Applicant: ELLIOTT & FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. Transporting *iron and steel fence tubing,* and *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel fence tubing, (except commodities in bulk, in tank vehicles), between the facilities of Century Tube Corporation, at Pine Bluff, AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 118142 (Sub-221F), filed May 29, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. Transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses* as described in Sections A & C of Appendix I to the Report in *Descriptions in Motor Carrier's Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Arkansas City and Wichita, KS, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Kansas City, MO, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 125023 (Sub-74F), filed May 30, 1979. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *malt beverages,* in containers, from South Volney, NY, and Milwaukee, WI, to Weirton, WV; (2) *carboard containers,* from points in Onondaga and Oswego Counties, NY, to Washington, PA; and (3) *glass containers,* from Washington, PA, to points in Onondaga and Oswego Counties, NY (except South Volney, NY). (Hearing site: Washington, DC.)

MC 125533 (Sub-40F), filed June 1, 1979. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 43312. Representative: John P. McMahon, 100 East Board Street, Columbus, OH 43215. Transporting *petroleum and petroleum products,* (except commodities in bulk), from Cleveland, OH, to Paulsboro, NJ. (Hearing site: Columbus, OH.)

MC 128383 (Sub-87F), filed May 30, 1979. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Representative: Leonard C. Zucker (same address as applicant). Transporting *calculators, spelling machines,* and *parts* used in the manufacture of calculators and spelling machines, between New Orleans, LA, and Lubbock, TX, restricted to the transportation of traffic having a prior or subsequent movement by air or water. (Hearing site: New Orleans, LA, or Lubbock, TX.)

MC 129032 (Sub-89F), filed June 1, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). Transporting *alcoholic beverages* (except malt beverages), from Louisville, Frankfort, Bardstown, Clemont, and Owensboro, KY, Lawrenceburg, IN, Detroit, MI, Cincinnati, OH, Pekin Peoria, Chicago, and Plainfield, IL, St. Louis, MO, Lynchburg, TN, and Tulsa and Oklahoma City, OK, to Los Angeles, Sacramento, San Diego, and San Francisco, CA. (Hearing site: St. Louis, MO, or Oklahoma City, OK.)

MC 138882 (Sub-257F), filed May 29, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting (1) *roofing,* and (2) *roofing materials, equipment and supplies* (except commodities in bulk), between the facilities of Elk Corporation of Al, at or near Tuscaloosa, AL, on the one hand, and, on the other, points in AR, LA and MS. (Hearing site: Birmingham, or Montgomery, AL.)

MC 138882 (Sub-258F), filed May 29, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting (1) *paper and paper products,* and (2) *materials, equipment and supplies* used in the manufacture, distribution and sales of the commodities in (1) above, (except commodities in bulk), between the facilities of the Packaging Corporation of America at or near Harrisburg, VA, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and TX, restricted to the transportation of traffic originating at or destined to the named facilities.

(Hearing site: Chicago, IL, or Washington, DC.)

MC 139843 (Sub-5F), filed May 29, 1979. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203. Transporting *turned wood products* from Bastrop, LA to points in WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Monroe, LA, or Memphis, TN.)

MC 140563 (Sub-37F), filed June 1, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *paper and paper products,* from the facilities of Olinkraft, Inc., at or near West Monroe and Monroe, LA, to points in IL, IN, IA, KS, KY, MD, MI, MO, NE, NJ, NY, NC, OH, OK, PA, SC, VA, and WV; and (2) *materials, equipment, and supplies* used in the manufacture and conversion of paper and paper products, (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 142352 (Sub-7F), filed June 1, 1979. Applicant: HAUSMAN TRUCKING, INC., 607 D Avenue, Vinton, IA 52349. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *malt beverages,* from St. Louis, MO, to Waterloo, IA. (Hearing site: Des Moines, IA.)

MC 143032 (Sub-20F), filed May 28, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. Transporting *printing paper* (except printed) from the facilities of Potlatch Corporation, at or near Brainerd and Coquent, MN, to Minneapolis, MN, restricted to the transportation of traffic having a subsequent movement by rail. (Hearing site: Minneapolis, or Duluth, MN.)

MC 146892 (Sub-4F), filed May 25, 1979. Applicant: R&L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. Transporting (1) *plastic products, machinery parts, power tools, and packaging materials,* (except commodities in bulk), from Wilmington, OH, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Columbus or Cincinnati, OH.)

MC 143713 (Sub-8F), filed June 1, 1979. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, a corporation, R.F.D. 8, 37 Forest Ridge, Springfield, IL 62707. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *farm buildings, farm machinery, and farm supplies,* (a) from points in AL, GA, IN, IA, MI, MS, NE, NC, OH, and WI, to Gridley, IL, and (b) from Gridley, IL, to points in IN, IA, KY, MS, OH, and WI; (2) *materials and supplies* used in the manufacture of irrigation systems, from points in the United States (except AK, HI, FL, GA, IN, MI, TX, and WI), to the facilities of Ag-Rain, Inc., at Havana, IL; (3) *irrigation systems,* and *parts and attachments* for irrigation system, (a) from the facilities of Ag-Rain, Inc., at Havanna, IL, to points in AZ, AR, CT, DE, ID, LA, ME, MD, MA, MS, NV, NH, NM, NY, PA, SC, TN, UT, VT, WA, WV, and WY, (b) between points in AL, GA, and SC, and (c) between points in MN and MI; (4) *materials and supplies* used in the manufacture of stoneware products, from in IN, KY, and TN, to the facilities of Haeger Potteries, at Macomb and Dundee, IL; (5) *cheese containers, bean pots, and stoneware,* from Monmouth, IL, to points in TN; (6) *agricultural equipment,* and *parts and accessories* for agricultural equipment, from points in MI, to Monmouth, IL; (7) *metal buildings,* knocked down, from Broadview, IL, and Des Moines, IA, to points in CO, ID, IA, KS, MN, MO, MT, NE, ND, OK, SD, UT, and WY; and (8) *agricultural equipment and supplies,* from points in IL to points in IN and KY. (Hearing site: Springfield, IL, or Chicago, IL.)

MC 144503 (Sub-16F), filed May 28, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *frozen foodstuffs,* from the facilities of Banquet Foods, Inc., at or near Kansas City, Carrollton, Marshall, and Macon, MO to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 145743 (Sub-7F), filed June 1, 1979. Applicant: T.F.S., INC., Box 126, Rural Route 2, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 South 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *animal feed and animal feed ingredients* (except commodities in bulk), (1) from the facilities of Kal Kan Foods, Inc., at or near Los Angeles, CA, to points in FL, GA, MD, MA, NJ, and TN, and (2) from the facilities of Kal Kan Foods, Inc., at or near Terre Haute and Indianapolis, IN, and Columbus, OH, to points in FL, GA, LA, MD, MA, NJ, OH, TN, and TX, restricted in (2) above against the transportation of traffic moving from Columbus, OH, to points in OH. (Hearing site: Los Angeles, CA, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 146293 (Sub-21F), filed May 28, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting (1) *portable electric heaters, humidifiers, consoles, heat exchangers, and portable fire places* from Verona and Tupelo, MS, to points in the United States (except AK and HI), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 147402 (Sub-2F), filed June 4, 1979. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Avenue, Charlotte, NC 28206. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores, (except commodities in bulk), from Charlotte, NC, to points in NC, SC, VA, WV, and those in TN on and east of a line beginning at the AL–TN State line and extending along the Tennessee River to its junction with Kentucky Lake, and then along Kentucky Lake to the TN–KY State line, under continuing contract(s) with Spiegel, Inc., of Oak Brook, IL. (Hearing site: Atlanta, GA.)

MC 147433F, filed May 29, 1979. Applicant: LONG LEASING CORP., Route 3, Box 587, East Jordan, MI 49727. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting (1) *castings and iron and steel products,* from the facilities of East Jordan Iron Works, Inc., East Jordan, MI, to points in IL, IN, MO, OH and WI, and (2) *materials and supplies* used in the manufacture, distribution and installation of the commodities in (1) above, in the reverse direction. (Hearing site: Lansing, MI.)

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Decided: October 15, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2392 (Sub-128F), filed June 5, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Leonard A. Jaskiewicz, 1730 M Street, NW, Suite 501, Washington, DC 20036. Transporting *liquid fertilizer,* in bulk, in tank vehicles, from Perry, NE, to points in KS and CO. (Hearing site: Omaha, NE.)

MC 24583 (Sub-21F), filed June 5, 1979. Applicant: FRED STEWART CO., a corporation, P.O. Box 665, 129 South Clay Street, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. Transporting *asphalt and asphalt products,* in packages, from points in Union County, AR, to points in LA, TX, OK, MS, TN, MO, and KY. (Hearing site: El Dorado or Little Rock, AR.)

MC 41432 (Sub-163F), filed June 6, 1979. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, 2355 Stemmons Freeway, Dallas, TX 75207. Representative: Eldon E. Bresee (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Burkart Randall, Division of Textron, at or near Cairo, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: St. Louis, MO, or Dallas, TX.)

MC 61592 (Sub-453F), filed June 1, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *such commodities* as are dealt in by manufacturers and dealers of (i) agricultural equipment and machinery, (ii) industrial equipment and machinery, and (iii) lawn and leisure products, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), (a) between the facilities of Deere & Company, in Rock Island County, IL, and Scott County, IA, on the one hand, and, on the other, points in AR, IL, IA, LA, MN, WI, and the Upper Peninsula of MI, (b) between the facilities of Deere & Company, in Black Hawk County, IA, on the one hand, and, on the other, points in AR and LA, (c) between the facilities of Deere & Company, in Polk and Wapello Counties, IA, on the one hand, and, on the other, points in WI and the Upper Peninsula of MI, (d) between the facilities of Deere & Company, in Dubuque County, IA, on the one hand, and, on the other, points in AR, IA, LA, MS, and WI, (e) between the facilities of Deere & Company, in Dodge County, WI, on the one hand, and, on the other, points in IA and IL, and (f) between points in AR, IL, IA, LA, MN, MS, WI, and the Upper Peninsula of MI, restricted in (a), (b), (c), (d), and (e) above to the transportation of traffic originating at or destined to the named facilities of Deere & Company, and restricted in (f) above to the transportation of traffic originating at or destined to the facilities of Deere & Company dealers, and further restricted in (f) above against the tranportation of traffic originating at or destined to the facilities of Deere & Company, in Black Hawk, Dubuque, Polk, Scott, and Wapello Counties, IA, Rock Island County, IL, and Dodge County, WI. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 64932 (Sub-600F), filed June 7, 1979. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *fatty acids, plasticizer, glycerine, fatty alcohol, and fatty acid esters,* in bulk, in tank vehicles, from the facilities of Sherex Chemical Company, Inc., at Janesville, WI, to those points in the United States on and east of U.S. Hwy. 85. (Hearing site: Chicago, IL.)

MC 82492 (Sub-240F), filed June 5, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). Transporting (1) *printed matter,* from Des Moines, IA, to points in IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, WI, those in NY in and west of Oswego, Onondaga, Cortland, and Broome Counties, and those in PA on and west of U.S. Hwy. 219; and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Meredith Printing, at Des Moines, IA. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 98952 (Sub-68F), filed June 7, 1979. Applicant: GENERAL TRANSFER CO., a corporation, 2880 North Woodford Street, Decatur, IL 62526. Representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, IL 62701. Transporting *such commodities* as are dealt in by wholesale and retail grocery and drug stores (except commodities in bulk), between the facilities of The Procter & Gamble Distributing Company, at or near Cincinnati, OH, on the one hand, and, on the other, points in IN, IL, and MO. (Hearing site: Springfield, IL, or Chicago, IL.)

MC 103993 (Sub-970F), filed June 6, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting (1) *iron and steel articles,* from the facilities of Stanley Steel Service Corp., at or near Buffalo, NY, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of iron and steel articles, (except commodities in bulk), in the reverse direction. (Hearing site: Buffalo, NY.)

MC 107403 (Sub-1228F), filed June 7, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *sand,* in bulk, from points in LaSalle County, IL, and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Washington, DC.)

MC 110683 (Sub-149F), filed June 6, 1979. Applicant: SMITH'S TRANSFER CORP., Box 1000, Staunton, VA 24401. Appointed Representative: Francis W. McInerny, Suite 502, 1000 16th Street, NW, Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Logan County, IL, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Washington, DC, or Richmond, VA.)

MC 111302 (Sub-155F), filed May 29, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). Transporting *dry hollow glass spheres,* in bulk, in hopper-type vehicles, from Rockwood, TN, to those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 114552 (Sub-215F), filed June 5, 1979. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, SC 29201. Transporting *building materials*, from the facilities of Supradur Manufacturing Corporation, at or near Windgap, PA, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NC, OH, OK, SC, TN, TX, VA, and DC. (Hearing site: Columbia, SC, or Charlotte, NC.)

MC 114552 (Sub-216F), filed June 5, 1979. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Transporting *aluminum products*, and *materials, equipment, and supplies* used in the manufacture and distribution of aluminum products, between points in Greene County, GA on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbia, SC, or Charlotte, NC.)

MC 115162 (Sub-503F), filed May 16, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting *canned and preserved foodstuffs* from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Greenville, SC, to New Orleans, LA, and points in AL, GA, MS, NC, TN, and those in FL on and west of FL Hwy 79, restricted to the transportation of traffic orginating at the named origin and destined to the indicated destinations. (Hearing site: Greenville, SC, or Charlotte, NC.)

MC 116362 (Sub-4F), filed June 4, 1979. Applicant: A. BELLAVANCE & SONS, INC., Boynton Street, Barre, VT 05641. Representative: John P. Monte, Box 568, Barre, VT 05641. Transporting (1) *calcium chloride*, in bags, from Solvay, NY, to points in VT and NH; and (2) *reclassified silicon carbide*, from points in Orange and Washington Counties, VT, to points in DE, MD, NY, NJ, PA, VA, and WV. (Hearing site: Barre, VT, or Boston, MA.)

MC 118202 (Sub-123F), filed June 4, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *flour* (except in bulk), from Winona, MN, to Kansas City and St. Louis, MO. (Hearing site: Minneapolis, MN.)

MC 124692 (Sub-283F), filed June 6, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1)(a) *pipe, strip steel, aluminum, electrical wire and cable*, (b) *fittings and accessories* for the commodities in (a) above, and (c) *materials, equipment, and supplies*, used in the installation and repair of the commodities in (a) above, from the facilities of Triangle PWC, at or near Pittsburg, San Francisco, and Montebello, CA, to points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY; and (2) *materials and supplies* used in the manufacture, distribution, installation, and repair of the commodities in (1) above, in the reverse direction. (Hearing site: San Francisco, CA.)

MC 125433 (Sub-267F), filed May 29, 1979. Applicant: F–B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) agricultural equipment, (b) lawn, garden and leisure products, and (c) industrial equipment (except commodities in bulk), between points in the United States (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities of Allis-Chalmers Corporation. (Hearing site: Chicago, IL, or Salt Lake City, UT.)

MC 126473 (Sub-38F), filed June 4, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *animal fats and products and animal oils*, and *products*, in bulk, from the facilities of Geo. A. Hormel & Co., at Davenport, IA, to points in IL, MN, MO, NE, SD, and WI. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 126473 (Sub-39F), filed June 5, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *foodstuffs*, and (2) *meats, meat products and meat byproducts*, and *articles distributed by meat-packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except those described in (1) above), from the facilities of Geo. A. Hormel & Co., at Algona and Knoxville, IA, and the facilities of Carriage House, at Ames, IA, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 128273 (Sub-351F), filed June 6, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *plastic and rubber houseware products*, from the facilities of Rubbermaid, Inc., Home Products Division, at Wooster, OH, to points in AR, AZ, CA, CO, KS, LA, NM, NV, OK, TX, and UT, restricted to the transportation of traffic originating at the named origin.

MC 128543 (Sub-17F), filed June 4, 1979. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Ford Motor Steel Mill, at or near River Rouge, MI, to Laurinburg, NC, and the facilities of Lexington Steel Corp., at or near Bedford Park, IL, and (2) from Bedford Park, IL, to Laurinburg, NC, under continuing contract(s) in (1) and (2) above with Lexington Steel Corp., of Bedford Park, IL. (Hearing site: Chicago, IL.)

MC 128652 (Sub-17F), filed May 28, 1979. Applicant: LARSON TRANSFER & STORAGE CO., INC., 10700 Lyndale Avenue South, P.O. Box 877, Minneapolis, MN 55440. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chain saws, snow-throwers and garden, lawn, turf and golf course care equipment*, and (2) *materials and supplies* used in the manufacture and sale of the commodities in (1) above, between Minneapolis and Windom, MN, and Tomah, WI, on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, NE and WI, under continuing contract(s) with The Toro Company of Minneapolis, MN. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 129712 (Sub-23F), filed June 4, 1979. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, Northeast, Atlanta, GA 30326. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company, at or near Romeo, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, under

continuing contract(s) with Ford Motor Company, of Dearborn, MI. (Hearing site: Atlanta, GA.)

MC 134922 (Sub-297F), filed June 4, 1979. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers and distributors of tile (except commodities in bulk, and those which because of size or weight require the use of special equipment), (1) between Jackson, TN, on the one hand, and, on the other, points in ND, SD, NE, KS, OK, TX, MT, WY, MN, IA, MO, AR, LA, MS, IL, WI, TN, and AL, (2) between Lewisport and Cloverport, KY, on the one hand, and, on the other, those points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI), and (3) from points in WA, AZ, CA, ID, NV, OR, UT, CO, and TX, to Olean, NY, and Lansdale and Quakertown, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 134922 (Sub-298F), filed June 4, 1979. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting *chemicals* (except in bulk), from points in the United States in and east of MN, IA, MO, AR, and LA, to those points in the United States in and west of ID, UT, and AZ (except AK and HI). (Hearing site: Seattle, WA, or Washington, DC.)

MC 134922 (Sub-305F), filed June 4, 1979. Applicant: B. J. McADAMS, INC., Route 5, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting (1) *paper and paper products* (except corrugated), and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Green Bay Packaging, Inc., and further restricted against the transportation of *pulpboard* (except corrugated) from Oppelo, AR, to Kalamazoo, MI, Fremont, OH, and Cedarburg, Green Bay, and Wausau, WI. (Hearing site: Chicago, IL, or Little Rock, AR.)

MC 136343 (Sub-165F), filed June 6, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Transporting (1) *paper and paper products*, from the facilities of Bear Island Paper Company, at or near Ashland, VA, to points in CT, DE, GA, IL, KY, IN, MA, MD, MI, NJ, NY, NC, OH, PA, RI, SC, TN, WV, ME, VT, NH, and DC; and (2) *such commodities* as are used in the manufacture of paper and paper products (except commodities in bulk and commodities the transportation of which because of size or weight requires the use of special equipment), in the reverse direction. (Hearing site: Washington, DC, or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 138313 (Sub-54F), filed June 6, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, SW., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *railroad ties*, between the ports of entry on the international boundary line between the United States and Canada in MT, ID, and WA, on the one hand, and, on the other, points in ID, MT, OR, UT, WA, and WY. (Hearing site: Billings, MT.)

MC 138322 (Sub-9F), filed June 4, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, CA 91734. Representative: Robert Fuller, Suite 310, Whittier Square, 13215 East Penn Street, Whittier, CA 90601. Transporting *fabricated steel pallet rack material, steel shelving, fork lift trucks and fork lift truck parts*, from Springfield, TN, Dallas, TX, Chicago, IL, and New York, NY, to Los Angeles, CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 138882 (Sub-248F), filed June 4, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting (1) *charcoal, charcoal briquettes, hickory chips, vermiculite, charcoal lighter fluid, compressed sawdust-wax impregnated fireplace logs, and barbeque items*, and (2) *materials and equipment* used in the distribution of the commodities in (1) above, (except commodities in bulk), between Dothan, AL, on the one hand, and, on the other, points in MD, VA, and DC. (Hearing site: Louisville, KY, or Birmingham, AL.)

MC 138882 (Sub-249F), filed June 4, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting *charcoal briquettes, compressed sawdust-wax impregnated fireplace logs, and hickory chips*, from Fairless Hills, PA, Trenton, NJ, and Ridgeley, WV, to points in the United States (except AK and HI). (Hearing site: Louisville, KY, or Birmingham, AL.)

MC 138882 (Sub-253F), filed May 29, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting *treated poles, cross arms, cross ties, switch ties, lumber and piling*, from the facilities of American Creosote Works, Inc., at or near (1) Jackson, TN, and (2) Louisville, MS, to points in IA, IL, IN, KS, KY, ME, MI, MO, NE, OH, and WI. (Hearing site: Knoxville, TN or Birmingham, AL.)

MC 138882 (Sub-256F), filed June 4, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting (1) *paper and paper products, plastic and plastic products, chemicals, and building materials*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the United States (except AK and HI), restricted in (1) and (2) above against the transportation of commodities in bulk. (Hearing site: Newark, NJ, or Birmingham, AL.)

MC 138882 (Sub-259F), filed June 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707 Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Greenville, SC, to New Orleans, LA, and points in AL, FL, GA, MS, NC, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Birmingham, AL.)

MC 140563 (Sub-36F), filed June 6, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *pulpboard boxes* (except corrugated), from the facilities of Westvaco Corporation, at or near Cleveland and Chattanooga, TN, to points in AR, GA, IL, KS, KY, LA, MA, MD, MI, MO, NY, NC, OH, PA, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 141363 (Sub-10F), filed June 4, 1979. Applicant: J. M. MARC

TRANSPORTATION, INC., 7 Ladik Street, Piermont, NY 10968. Representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, NY 11375. To operate as a *contract carrier*, by vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages, malt beverage containers, and related advertising material*, between Hammonton, NJ, on the one hand, and, on the other, points, in NY and NJ, under continuing contract(s) with Eastern Brewing Corp., of Hammonton, NJ. (Hearing site: New York, NY.)

MC 144713 (Sub-5F), filed June 4, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by book distributors (except commodities in bulk), between points in the United States except AK and HI) under contract(s) with Random House, Inc., of New York, NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144893 (Sub-1F), filed April 25, 1979. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East, P.O. Box 502, St. George, UT 84770. Representative: J. Ralph Atkin, P.O. Box 339, 60 North 300 East, St. George, UT 84770. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *newsprint* from Pomona, CA, to Denver, Longmont, Colorado Springs, Ft. Collins, and Pueblo, CO, and Albuquerque and Santa Fe, NM, under continuing contract(s) with Garden State Paper Company, of Pomona, CA. (Hearing site: Salt Lake City, UT, or Los Angeles, CA.)

MC 144982 (Sub-5F), filed April 16, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 2385 S. High St., Columbus, OH 43207. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting (1), *adhesives and caulks*, and (2) *materials* used in the manufacture of the commodities in (1) above, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the facilities of Franklin Chemical Industries, Inc., at or near Columbus, OH, to Dallas, TX, Memphis, TN, Kansas City and St. Louis, MO, and points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted in (1) and (2) above to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Columbus or Cincinnati, OH.)

Note.—Dual operations may be involved.

MC 145363 (Sub-3F), filed June 6, 1979. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *posts, poles, and pilings*, from the facilities of Crown Zellerbach Corporation, at Urania, LA, to points in AZ, AR, FL, IL, IN, IA, KS, LA, MS, MO, NE, NM, OK, TX, and WI, under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA. (Hearing site: New Orleans.)

MC 145402 (Sub-6F), filed June 6, 1979. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI 54912. Representative: Nancy J. Johnson, 103 East Washington Street, Crandon, WI 54520. Transporting *paper and paper products*, from Brokaw, WI, to points in MN, MI, IL (except points in Cook County), IN, IA, OH, and MO. (Hearing site: Madison WI, or St. Paul, MN.)

MC 145713 (Sub-3F), filed April 24, 1979. Applicant: TAURUS TRUCKING CORP., 199 Calcutta St., Port Newark, NJ 07114. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *packing house products and chemicals* in containers, and (2) *empty containers*, between the facilities of Polish Ocean Lines, Inc., at Port Newark, NJ, Philadelphia, PA, Baltimore, MD, Norfolk, VA, and Boston, MA. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 146302 (Sub-5F), filed June 6, 1979. Applicant: ROBERT KOLBECK, d.b.a. KOLBECK TRUCKING, Route 2, 3977 County Hwy J North, Schofield, WI 54476. Representative: Nancy J. Johnson, 103 East Washington Street, Crandon, WI 54520. Transporting *paper and paper products*, from Brokaw, WI, to points in MN, MI, IL (except points in Cook County), IN, IA, OH, and MO. (Hearing site: Escanaba, MI, or Madison, WI.)

MC 146343 (Sub-2F), filed June 6, 1979. Applicant: SOUTHERN EXPRESS CORPORATION, 308 South Ocean Blvd, Pompano, FL 33062. Representative: Bernard A. Jackvony, 4901 North Federal Hwy, Suite 480, Ft. Lauderdale, FL 33308. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glassware, decorations, ornaments, and holiday lights*, from Woonsocket, RI, to points in KS, MI, MO, NY, and OH; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, under continuing contract(s) with The Coby Glass Products Company, of Woonsocket, RI. (Hearing site: Miami, FL.)

MC 146532 (Sub-1F), filed April 30, 1979. Applicant: INTERWEST TRUCKING, INC., 7268 South Broadway, Cortez, CO 81321. Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *sulphuric acid*, in bulk, in tank vehicles, from points in AZ to points in McKinley, Sarvdoval, and Valencia Counties, NM. (Hearing site: Denver, CO, or Tulsa, OK.)

MC 146582 (Sub-1F), filed May 1, 1979. Applicant: JOHN SHERECK d.b.a. JOHN SHERECK & SONS, 351 East 5th Street, Grafton, ND 58237. Representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58126. Transporting (1) *such commodites* as are dealt in by wholesale beverage distributors, from Duluth, MN, to points in Walsh and Ramsey Counties, ND, and (2) *empty beverage containers*, in the reverse direction. (Hearing site: St. Paul, MN.)

MC 146602 (Sub-2F), filed June 4, 1979. Applicant: ODEAN DUANE BAKKEN, d.b.a. BAKKEN TRUCK LINE, 304 11th Street South, Northwood, IA 50459. Representative: Odean Duane Bakken (same address as applicant). Transporting meats, packinghouse products, and commodities used by packing houses (except dairy products, hides and commodities in bulk), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the facilities used by Lauridsen Foods, Inc., at or near Britt, IA, and the facilities used by Armour and Co., at Mason City, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VA, VT, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: St. Paul, MN, or Des Moines, IA.)

MC 146682 (Sub-2F), filed June 4, 1979. Applicant: JAMES SAX, INC., 401 North Broad Street, Elkhorn, WI 53121. Representative: A. R. Hanson, 139 West Wilson Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *detergents, paper products, and janitorial supplies, and janitorial equipment*, and (2) *materials*

used in the manufacture of detergents and janitorial supplies, between the facilities of Elkhorn Chemical Company, Inc., at Elkhorn, WI, on the one hand, and, on the other, those points in IL on and north of U.S. Hwy 136, under a continuing contract(s) with Elkhorn Chemical Company, Inc., of Elkhorn, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 146872 (Sub-2F), filed June 4, 1979. Applicant: CHARLES SEATON d.b.a. SEATON TRUCKING COMPANY, 1560 North Sandburg Village, Chicago, IL 60610. Representative: Joel H. Steiner, Esq., 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *scrap paper, scrap plastic and scrap wood,* between points in IA, IL, IN, MI, WI, KY and TN, and (2) *pipe fittings, empty containers, and scrap metal* (except in dump vehicles), between the facilities of Capitol Manufacturing Co., at Chicago, IL, on the one hand, and, on the other, points in IA, restricted in part (2) above, to the transportation of traffic originating at or destined to the named facilities.

MC 147062 (Sub-2F), filed may 21, 1979. Applicant: EXPRESS TRANSPORTATION COMPANY, A Corporation, P.O. Box 789, Chattanooga, TN 37401. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, GA, Birmingham, AL, and Chattanooga, TN, on the one hand, and, on the other, Los Angeles, San Diego, and San Francisco, CA, restricted to the transportation of traffic originating at or destined to the facilities of (a) Streamline Shippers Association, Inc., at Los Angeles, CA, (b) LAWI/CSA Consolidators, Inc., at Glendale, CA, or (c) Action Shippers Association, Inc., at Chattanooga, TN. (Hearing site: Chattanooga, TN, or Atlanta, GA.)

MC 147573F, filed June 4, 1979. Applicant: OAK ISLAND EXPRESS, INC., 30–32 Codington Avenue, N. Plainfield, NJ 07060. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail stores (except commodities in bulk), from the facilities of United States Packing & Shipping Co., Inc., at Jersey City, NJ, to points in the United States (except AK and HI), under continuing contract(s) with United States Packing & Shipping Co., Inc., of Jersey City, NJ. (Hearing site: Newark, NJ or New York, NY.)

MC 147582F, filed June 6, 1979. Applicant: OSCAR BARWICK, JR., t/a PIGGY-BACK & CARTAGE SERVICE, 1009 Hammel Drive, Raleigh, NC 27603. Representative: Vaughan S. Winborne, 1108 Capital Club Bldg, Raleigh, NC 27601. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Raleigh, NC, on the one hand, and, on the other, those points in NC on and east of a line beginning at the VA-NC State line and extending along U.S. Hwy 220 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the NC-SC State line, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Raleigh or Greensboro, NC)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-33792 Filed 10-31-79; 8:45 am]

BILLING CODE 7035-01-M

[ICC Order No. 54 Under Service Order No. 1344]

Rerouting of Traffic

To: *All Railroads*

In the opinion of Joel E. Burns, Agent, the TransKentucky Transportation Railroad, Inc., is unable to transport traffic over its line between Paris, Kentucky, and Maysville, Kentucky, because of a slide.

It is ordered,

(a) *Rerouting traffic.* The TransKentucky Transportation Railroad, Inc., being unable to transport traffic over its line between Paris, Kentucky, and Maysville, Kentucky, because of a slide is authorized to divert or reroute traffic destined for Carnation Company and Cherne Contracting Corporation at Maysville currrently on hand at Paris over any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification of shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., October 11, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the **Federal Register.**

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

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[FR Doc. 79-33787 Filed 10-31-79; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29022]

Southwest Forest Industries, Inc., and SWF Gulf Coast, Inc.—Control—The Atlanta & St. Andrews Bay Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Correction of notice of exemption.

SUMMARY: Our exemption in this proceeding, 44 FR 50453, misstated the facts in the last paragraph in column 3 on page 50453. This notice corrects that error.

DATE: Effective on the date of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275–7545.

SUPPLEMENTARY INFORMATION: The last paragraph in 44 FR 50453 (1979), column 3, and continuing to page 50454 contains a misstatement of fact. The paragraph should read: "The supporting parties also point out that (1) we will retain jurisdiction over Bay Railway, (2) no questions of public interest are raised requiring protracted proceedings, (3) Bay Railway will assume no financial obligations, (4) employees will not be affected, (5) no environmental impact will ensue, and (6) no other carriers will be affected or involved. Additionally, they argue that this proposed exemption is within the purpose and intent of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. Law 94–210."

Dated: September 19, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis (Commissioner Clapp was absent and did not participate).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-33789 Filed 10-31-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 347]

Western Coal Investigation—Guidelines for Railroad Rate Structure; Public Meeting To Consider Draft Environmental Impact Statement

Notice is hereby given that an informal Public Meeting will be held on November *14*, 1979 at *12:30 p.m.* at the *City Commission Chambers*, Room 301, *City and County Building, 461 South State Street*, in Salt Lake City, UT to consider the Draft Environmental Impact Statement (DEIS) prepared on Ex Parte No. 347. The meeting is being held as a discussional forum for those unable to attend previous informational meetings in Washington, DC, and to undertake public discussion and clarification of salient issues examined in the DEIS. Overall transportation issues related to the proceeding will also be addressed. It is anticipated that the meeting will also lend assistance to those preparing public comments to the Draft.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-33790 Filed 10-31-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 213
Thursday, November 1, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:00 p.m., November 5, 1979.

PLACE: Board Room, 6th floor, FDIC Building, 550 17th Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Memorandum re: renovations for the entire first floor of the headquarters building.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Controller regarding the Corporation's securities portfolio inventory as of September 30, 1979.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director of the Office of Corporate Audits on Public Voucher Subsystem processing of vendor payments.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389–4425.

[S–2130–79 Filed 10–30–79; 2:30 pm]

BILLING CODE 6714–01–M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., November 5, 1979.

PLACE: Board Room, 6th floor, FDIC Building, 550 17th Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Central Arizona Bank, a proposed new bank, to be located at the northeast corner of Alma School and Elliott Roads, Chandler, Arizona, for Federal Deposit insurance.

Bay Area Bank, a proposed new bank, to be located at 920 Veterans Boulevard, Redwood City, California, for Federal deposit insurance.

Mineola State Bank, a proposed new bank, to be located at 536 East Broad Street, Mineola, Texas, for Federal deposit insurance.

Milton Tri-County Bank, a proposed new bank, to be located at 1061 East Main Street, Milton, West Virginia, for Federal deposit insurance.

Application for consent to establish a branch:

Lake County Bank, Leesburg, Florida, for consent to establish a branch in space 112 in the Lake Square Shopping Center at the intersection of U.S. Highway 441 and Radio Road, Unincorporated Lake County (P.O. Leesburg), Florida.

Request for rescission of a condition imposed in granting consent to establish a branch:

Lowell Bank and Trust Company, Lowell, Massachusetts.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,065–SR—American Bank & Trust Company, New York, New York.

Case No. 44,090–L—The Bank of Bloomfield, Bloomfield, New Jersey.

Case No. 44,104–L—Franklin National Bank, New York, New York.

Case No. 44,108–L—First State Bank of Hudson County, Jersey City, New Jersey.

Memorandum re: The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389–4425.

[S–2131–79 Filed 10–30–79; 12:30 pm]

BILLING CODE 6714–01–M

3

FEDERAL ELECTION COMMISSION.

FEDERAL REGISTER NO. 2301.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, November 1, 1979, at 10:00 a.m.

CHANGE IN MEETING: The following has been added to the open portion of the meeting:

Request submitted by Counsel for the Committee for Jimmy Carter and for the 1976 Democratic Presidential Campaign Committee, Inc., for $184,749 in Public Funds, Memorandum dated 10–15–79.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone 202–523–4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S–2133–79 Filed 10–30–79; 3:31 pm]

BILLING CODE 6715–01–M

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, November 6, 1979, at 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This hearing will be open to the public.

MATTERS TO BE CONSIDERED: Hearing for the Udall '76 Committee contesting a repayment determination.

* * * * *

DATE AND TIME: Tuesday, November 6, 1979, following hearing for the Udall Committee contesting a repayment determination.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance and personnel.

* * * * *

DATE AND TIME: Thursday, November 8, 1979, at 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This hearing will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certification.
1980 elections and related matters.
Budget execution report.
Appropriations and budget.
Pending legislation.
Classification.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone 202–523–4055.

Majorie W. Emmons,

Secretary of the Commission.

[S–2134–79 Filed 10–30–79; 3:31 pm]

BILLING CODE 6715–01–M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published October 30, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., October 31, 1979.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAP–8. ER79–166, Kansas City Power & Light Company.
CAP–9. ER79–478 and ER79–479, Public Service Company of New Mexico.
RP–5(A). RP80–5, Pacific Gas Transmission Company.
RP–5(B). RP71–16 (PGA80–1), Midwestern Gas Transmission Company; RP72–140 (PGA80–2), Great Lakes Gas Transmission Company; RP72–154 (PGA80–1), Northwest Pipeline Corporation; RP73–14 (PGA80–1), Michigan Wisconsin Pipe Line Company; RP73–66 (PGA80–1), Inter-City Minnesota Pipelines Ltd., Inc.

Kenneth F. Plumb,

Secretary.

[S–2127–79 Filed 10–30–79; 9:38 am]

BILLING CODE 6450–01–M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10:00 a.m., November 8, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling (202–377–6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Clearwater Federal Savings & Loan Association, Clearwater, Florida.
Application for Branch Office—First Federal Savings & Loan Association of Lima, Lima, Ohio.
Application for Merger and Maintenance of Branch Office—Peoples Savings & Loan Association, Dover, Delaware into Home Federal Savings & Loan Association of Wilmington, Wilmington, Delaware.
Application to Change Home Office Location—Peru Federal Savings & Loan Association, Peru, Indiana.
Permission to Organize a New Federal Association—Stephen L. Ivie, et al., Sylvester, Georgia.
Permission to Organize—Mario de las Cuevas, *et al.*, Carol City, Dade County, Florida.
Application for Bank Membership—Heritage Savings Bank, Rockland, Maine.
Application for Bank Membership—Penobscot Savings Bank, Bangor, Maine.
Applications for Bank Membership and Insurance of Accounts—Union City Savings & Loan Association, Union City, California.
Concurrently Submitted Applications, Commitment to Insure Accounts—First City Savings & Loan Association, Baton Rouge, Louisiana—and Permission to Organize Applications—Harry D. Swetman, et al., Baton Rouge, Louisiana-and Joseph H. Kavanaugh, et al., Baton Rouge, Louisiana.
Advisory Council—Travel Authorization, November 19–21, 1979.
Resolution to Amend Office of Neighborhood Reinvestment Financial Accounting and Oversight Requirements.

No. 286, October 30, 1979.

[S–2132–79 Filed 10–30–79; 2:40 pm]

BILLING CODE 6720–01–M

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: October 26, 1979, 44 FR 61726.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., October 31, 1979.

CHANGES IN THE MEETING: Withdrawal of the following items from the open session:

8. Docket No. 79–65: Certificate of Company Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States—Review of comments submitted in response to notice of proposed rulemaking.

9. Docket No. 79–66: Compromise, Assessment, Settlement and Collection of Civil Penalties under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933—Review of comments submitted in response to notice of proposed rulemaking.

[S–2129–79 Filed 10–30–79; 12:46 pm]

BILLING CODE 6730–01–M

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2:00 p.m., Monday, November 5, 1979.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

(1) Oral Argument in Market Development Corporation, Docket 9067.

Portions Closed to the Public

(2) Executive Session to discuss Oral Argument in Market Development Corporation, Docket 9067.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523–3830; Recorded Message: (202) 523–3806.

[S–2135–79 Filed 10–30–79; 3:31 pm]

BILLING CODE 6750–01–M

9

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 61727, October 26, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, October 31, 1979.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously announced open meeting of Wednesday, October 31, 1979, 10:00 a.m., to Wednesday, November 7, 1979, 10:00 a.m.

[S–2126–79 Filed 10–29–79; 4:24 pm]

BILLING CODE 6750–01–M

10

[USITC SE-79-43]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2:30 p.m., Thursday, November 8, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Coke from West Germany (Inv. AA1921-Inq.-29)—briefing and vote.

2. Petitions and complaints, if necessary: a. Rotatable photo and card display units (Docket No. 599).

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-2128-79 Filed 10-30-79; 10:50 am]

BILLING CODE 7020-02-M

federal register

Thursday
November 1, 1979

Part II

Federal Election Commission

Presidential Election Campaign Fund and Federal Financing of Presidential Nominating Conventions; Transmittal of Regulations to Congress

FEDERAL ELECTION COMMISSION

11 CFR Parts 107, 114, 9008

Presidential Election Campaign Fund and Federal Financing of Presidential Nominating Conventions

AGENCY: Federal Election Commission.

ACTION: Final rule; transmittal of Regulations to Congress.

SUMMARY: FEC Regulations relating to Federal Financing of Presidential Nominating Conventions have been revised and transmitted to Congress pursuant to 26 U.S.C. 9009(c). The revisions have been renumbered according to the U.S. Code section upon which each regulation is based. The Commission's experience in administering the provisions relating to federal financing of conventions at Chapter 95 of Title 26, U.S. Code, as well as comments solicited from the public at hearings held on June 20, 1978 (43 FR 23587, May 31, 1978), indicated the need for greater clarity in the regulations, especially with regard to the activities of and reporting by host committees. Further information on the intended effect of the revised regulations is contained in the supplementary information below.

26 U.S.C. 9009(c) requires tht any rule or regulation prescribed by the Commission to implement Chapter 95 of Title 26, U.S. Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves of the regulations within 30 legislative days of their transmittal, the Commission may finally prescribe the regulations in question. The following regulations were transmitted to Congress on October 26, 1979.

DATE: Further action, including the announcement of an effective date and deletion of existing regulations in Subchapter B of 11 CFR Chapter I, will be taken by the Commission after these regulations have been before the Congress 30 legislative days in accordance with 26 U.S.C. 9009(c).

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel, 1325 K Street, Northwest, Washington, D.C. 20510, (202) 523-4143.

SUPPLEMENTARY INFORMATION:

Explanation and Justification of Regulations Concerning Federal Financing of Presidential Nominating Conventions, Part 9008

§ 9008.1 Scope.

This section sets forth the scope of 11 CFR Part 9008 which interprets 2 U.S.C. § 437 and 26 U.S.C. § 9008.

§ 9008.2 Definitions

Subsection (a) follows the definition at 26 U.S.C. 9002(3).

Subsection (b) follows the definition at 26 U.S.C. 9002(5).

Subsection (c) follows the definition at 26 U.S.C. 9002(6).

Subsection (d) follows the definition at 26 U.S.C. 9002(7).

Subsection (e) follows the definition at 2 U.S.C. 431(k).

Subsection (f) follows the definition at 26 U.S.C. 9008(8).

Subsection (g) provides a definition of the term "nominating convention," which means any meeting, including a convention or caucus, held by a political party at the national level to choose that party's presidential nominee.

Subsection (h) defines the term "Secretary" to mean the Secretary of the Treasury of the United States.

§ 9008.3 Entitlement to Payments from the Fund

Subsection (a) follows 26 U.S.C. 9008(b)(1) which entitles major parties to receive with respect to any presidential nominating convention payments which shall not in the aggregate exceed $2,000,000 (as adjusted by the Consumer Price Index under 26 U.S.C. 9008(b)(5) and 11 CFR 9008.4(a)).

Subsection (b) follows 26 U.S.C. 9008(b)(2) which entitles minor parties to receive an amount equal to a portion of a major party's entitlement on the basis of the number of votes received by the minor party in the preceding presidential election.

§ 9008.4 Adjustment of Entitlement

Subsection (a) follows 26 U.S.C. 9008(b)(5).

Subsection (b) provides for an adjustment to a national committee's entitlement on the basis of income earned through the investment of public funds. In calculating the amount of the adjustment, a deduction will be made for tax paid on such income.

Subsection (c) provides for an adjustment to a national committee's entitlement on the basis of private contributions received by the national committee to defray convention expenses.

§ 9008.5 Limitation on Payments

This section follows 26 U.S.C. 9008(b)(4).

§ 9008.6 Use of Funds

Subsection (a) sets forth the permissible uses for public funds received by the national committee.

Subsection (a)(1) follows 26 U.S.C. 9008(c)(1).

Subsection (a)(2) follows 26 U.S.C. 9008(c)(2), which permits the use of public funds to repay loans, the proceeds of which were used to defray convention expenses. Subsection (a)(2) adds the requirement that where public funds are used to pay the interest on such loans, the interest must be at a commercially reasonable rate.

Subsection (a)(3) follows 26 U.S.C. 9008(c)(2), which permits the use of public funds to restore funds which were used to defray convention expenses. Restoration of advances from the national committee are specifically permitted where those advances are used to defray convention expenses.

Subsection (a)(4) sets forth a list of expenses which are convention related and which may be defrayed with public funds. The list of expenses does not, however, include all convention expenses. The national committee is thus not limited to using its public funds only for the expenses listed but may also use public funds to defray any other expenses with respect to the convention.

Subsection (a)(5) permits a national committee to invest public funds; *Provided,* That the income generated from the investment is used to defray convention expenses.

Subsection (b) sets forth certain prohibitions in the use of public funds by a national committee.

Subsection (b)(1) follows 26 U.S.C. 9008(c), which prohibits the use of public funds to defray the expenses of any candidate or delegate participating in the convention. An exception is made for individuals who are participating in the convention as official party personnel, but who are simultaneously participating as delegates or alternate delegates. Since such individuals are participating in the convention as official personnel, there should be no prohibition against using public funds to defray their expenses. It does not appear that in prohibiting the use of public funds to defray the expenses of delegates, Congress intended to also bar the use of public funds to defray expenses of official convention personnel who happen to be serving as delegates or alternate delegates.

Subsection (b)(1) also specifically provides that candidates, delegates and

alternative delegates may attend official party convention activities such as receptions and dinners, which are paid for from public funds without violating 26 U.S.C. 9008(c). Attendance at such activities by a candidate or delegate does not amount to the prohibited use of public funds to defray expenses of that candidate or delegate.

Subsection (b)(2) prohibits the use of public funds to defray expenditures that violate federal or State law or any regulation prescribed thereunder.

Subsection (b)(3) prohibits the use of public funds to pay civil or criminal penalties imposed pursuant to the Act. This prohibition is necessary to prevent the use of federal funds to pay penalties imposed under federal law. In order to permit the payment of such penalties, subsection (b)(3) provides that amounts received or expended to pay such penalties will not be considered contributions or expenditures for certain purposes. Such amounts will not be subject to the contribution and expenditure limitations under U.S.C. 441a, and 26 U.S.C. 9008(d), nor will they be considered private contributions which diminish the amount of public funds the committee may receive under 11 CFR 9008.8(a)(2). However, amounts received or expended to pay criminal or civil penalties are subject to the prohibitions of 2 U.S.C. 441b, 441c, 441e, 441f, and 441g; and well as 11 CFR 110.4 and Parts 114 and 115.

§ *9008.7 Limitation of expenditures.*

Subsections (a)(1) and (a)(2) follow 2 U.S.C. 9008(d) which provides that major and minor parties may not incure expenditures with respect to a presidential nominating convention in excess of the amount of a major party's entitlement under 26 U.S.C. 9008(b).

Subsection (a)(3) interprets 26 U.S.C. 9008(d) which authorizes the Commission to permit a national committee to exceed the expenditure limitations with regard to its convention if, due to extraordinary and unforeseen circumstances, the excessive expenditures are necessary to assure the effective operation of the convention. Subsection (a)(3) clarifies the phrase "extraordinary and unforeseen circumstances" by giving two specific examples of such circumstances—a natural disaster or a catastrophic occurrence at the convention site. The legislative history of the statute which established public financing for national nominating conventions indicates that the phrase "extraordinary and unforeseen circumstances" was intended to include "events of a catastrophic nature [which] overwhelmingly imperil the operation of a presidential nominating convention" (S. Rep. No. 93–1237, 93rd Cong., 2nd Sess., 107 (1974)). The excessive expenditures must be defrayed with private contributions which are subject to all prohibitions, limitations and requirements of the Act.

Subsection (b) permits government agencies to make certain expenditures for facilities or services with respect to a convention without the value of the facilities or services counting toward the party's expenditure limitation. For example, under this section, a city may contract with the national committee to provide certain facilities and services as part of an overall package to attract the convention to that city. If such expenses were counted against the party's limit, that limit would be unrealistically low. Further, it appears that Congress in deciding upon a dollar figure for expenditure limitations, took into consideration only those expenses which were actually paid by the national committee and ignored the value of facilities and services provided by the convention city and the host committee in that city. Also, under Subsection (b), the agency which provides facilities or services to the convention may not obtain goods or services from other persons at less than fair market value, except for reductions or discounts made in the ordinary course of business. This restriction is imposed in order to prevent the government agency from acting as a conduit for prohibited contributions. (See generally A0 1975–1)

Subsection (c)(1) makes it clear that retail businesses may give normal discounts to a national committee with respect to the convention. In order to prevent illegal contributions, it is required that such discounts be in the ordinary course of business. In enforcing this standard, the Commission would examine whether such discounts were in accordance with standard practice based on the quantity of similar goods or services sold or provided in similar transactions. Banks are, however, prohibited from providing such discounts. Under 2 U.S.C. 441b all banks are prohibited from making contributions or expenditures in connection with a federal election, and national banks are prohibited from making contributions or expenditures in connection with any election whether federal, state or local. In view of this broad prohibition, particularly with regard to national banks, the Commission has decided that banks should not be permitted to give discounts to the national committee with respect to its convention.

Subsection (c)(2) permits local businesses to give away samples and promotional items to convention attendees without such gifts being treated as illegal contributions or expenditures. A local business is defined as any business within the Standard Metropolitan Statistical Area (SMSA) of the convention city. The SMSA is used by agencies in administering a wide variety of federal loan and grant programs. It provides a uniform statistical standard for designating the economic and social unit which centers around a city. Local banks are also permitted to give away samples and promotional items. Inasmuch as the samples and items must be of nominal value and provided solely for bona fide advertising or promotional purposes, rather than for political purposes, the Commission did not consider this activity to be prohibited by 2 U.S.C. 441b.

Subsection (d) deals with host committees, which are defined as nonprofit organizations whose basic purpose is the promotion of its city's commerce and image. The host committee in the convention city permitted to receive and make two types of contributions and expenditures—those aimed at promoting the city and its commerce and those for the purpose of defraying convention expenses. Both types of contributions and expenditures by host committees do not count as contributions to the party or as expenditures subject to the party's limitation. (See Explanation and Justification of 11 CFR 9008.7(b).)

A wide variety of persons including individuals, local businesses, local government agencies, and union locals, are permitted to donate funds to the host committee for use in promoting the city and its commerce. No limitations are placed on the size of such donations. Far greater restrictions are, however, placed on funds received and expended to defray convention expenses. Only local retail businesses may donate funds for use by the host committee to defray convention expenses and these donations are limited to an amount proportionate to the commercial return reasonably expected during the life of the convention by the particular business. For purposes of this subsection, the life of the convention is deemed to begin seven days before the opening of the convention and to end three days after the close of the convention. This time period coincides with the dates on which the majority of convention attendees normally arrive and depart.

The restrictions concerning who may donate funds to defray convention expenses and the amounts which may be donated are necessary to insure that such donations are commercially, rather than politically motivated. Further, the national committee of a political party is entitled to receive public money to pay for its convention and is in turn limited in the amount which it may spend on that convention. Defrayal of convention expenses by a host committee is intended to be a very narrow exception to the statutory limitation on convention expenses.

Finally, under subsection (d), *all* local retail businesses, whether incorporated or unincorporated, may make donations to the host committee. While incorporated businesses are prohibited by 2 U.S.C. 441b from making contributions or expenditures in connection with a federal election, donations by such corporations to a host committee in accordance with the restrictions set forth in subsection (d) are sufficiently akin to a commercial transaction to fall outside the scope of that prohibition.

Subsection (e) provides that amounts paid by candidates from campaign funds or by delegates or others from personal funds to attend the convention do not count against the national committee's expenditure limitation. Since 26 U.S.C. 9008(c) prohibits the use of public funds to pay the expenses of any candidate or delegate to participate in the convention such amounts should not count against the national committee's expenditure limitation. Similarly, if the expenses are paid by a State or local party committee, such amounts do not count against the national committees limitations.

Subsection (f) follows 26 U.S.C. 9008(d)(4).

§ 9008.8 Payment and Certification

Subsection (a) makes clear that the public financing of conventions is optional, and accordingly, the national committee of a political party may elect to receive all, part, or none of the amounts which it is entitled to receive. The committee is free to accept contributions for the convention so long as the amount of contributions when added to the amount of public funds requested, does not exceed the expenditure limitation of $2 million.

Subsection (b) sets forth the eligibility requirements which a national committee must satisfy in order to receive public funds. The Commission's authority to establish such requirements derives from 26 U.S.C. 9008(g). Section 9008(g) provides that a party which requests funds shall file a statement containing such information as the Commission may require and that the Commission shall process that request according to procedures which it establishes. Under subsection (b), the national committee is required to establish a convention committee which will receive all public funds to which the national committee is entitled and which will be responsible for conducting the arrangements for the convention. The establishment of a convention committee is a necessary requirement in order to enable the Commission to know who has initial responsibility for handling public funds and incurring expenditures. (Note however, that the national committee remains ultimately responsible for paying civil and criminal penalties under the Act and for making repayment 11 CFR 9008.8(b)(4)(viii) and 9008.10.) The convention committee is required to agree to certain conditions prior to receiving public funds and this agreement is also binding on the national committee. The conditions to which the convention committee must agree include compliance with expenditure limitations, filing convention reports, payment of civil and criminal penalties, documenting convention expenses, submitting to audits, etc.

With regard to documenting convention expenses, under subsection (b)(8)(V), the convention committee has the burden of proving that public funds were used to defray convention expenses. This burden consists of two elements—the committee must show (1) that an expenditure was actually made or incurred; and (2) that an expenditure was with respect to or in connection with the convention. The committee will be able to show an expenditure was actually made by retaining proper documentation for that expenditure. Generally, the minimum acceptable documentation for all expenditures, except petty cash fund expenditures, is a cancelled check to the person who provided the goods or services to the convention. In addition to proper documentation, the committee may be required to provide an explanation of the connection between the expenditure and the convention. This requirement is designed to insure that public funds are spent on convention related expenditures. Under 26 U.S.C. 9008(b)(1), a national committee is entitled to public funds "with respect to [a] presidential nominating convention." Those funds must hence be spent only on convention related expenditures. Repayment is required for expenditures which are not properly documented or are not in connection with the convention. (See 11 CFR 9008.10)

Subsection (c) follows 26 U.S.C. 9008(b)(5).

Subsection (d) follows 26 U.S.C. 9008(e).

Subsection (e) follows 26 U.S.C. 9008(g).

§ 9008.9 Examination and Audits

Section 9008.9 follows 26 U.S.C. 9008(g), which provides that certifications by the Commission shall be subject to an examination and audit conducted no later than December 31 of the year of the convention. Since the convention committee will be the recipient of public funds, this section provides for an audit of that committee.

This section also provides for an examination and audit of each host committee. Such committees are permitted to receive donations to defray convention expenses. It is hence necessary for the Commission to audit them in order to insure that those donations were properly raised and spent.

§ 9008.10

This section implements 26 U.S.C. 9008(h) which gives the Commission the same authority to require repayments as it has under 26 U.S.C. 9007(b). Accordingly, this section follows 9007(b) by requiring repayments under subsection (a), if the payments to the national committee exceed its entitlement, under subsection (b), if the national committee's convention expenses exceed its entitlement under subsection (c), if the national committee accepted private contributions which when added to the payments received exceed its expenditure limitation, or under subsection (d), if any public funds were used for unlawful purposes.

Subsection (d) also requires a repayment for expenditures which are not properly documented. (See Explanation and Justification of § 9008.8(b).)

Subsection (e) has been added to fill a void in the statutory repayment provisions by specifying that the committee may not retain public monies.

Subsection (f) follows 26 U.S.C. 9007(b)(5).

Subsection (g) follows 26 U.S.C. 9007(c).

§ 9008.11 Resolution of Disputes Concerning Repayment

This section sets forth a procedure concerning disputes with regard to repayments required by the Commission.

The Federal Election Campaign Act does not provide that Administrative Procedure Act (APA) requirements for adjudicative hearings (5 U.S.C. 554–557)

apply to determinations by the Commission. While APA requirements for a full trial type hearing may not be applicable, procedural due process requirements mandate that prior to repayment the committee be afforded some type of opportunity to demonstrate to the Commission that repayment is not warranted. (See K. Davis, Administrative Law of the Seventies. § 7.00–1–3 (Supp. 1977); *Mathews* v. *Eldridge*, 424 U.S.C. 319 (1976).)

The procedure set forth in this section fulfills due process requirements. It includes the following elements: Notice of the legal and factual matters upon which the Commission is relying; an opportunity for the committee to present in writing evidence and reasons why repayment is not warranted; a final determination by the Commission on the basis of all evidence presented; and a statement of reasons underlying the Commission's determination. (It should be noted even if the APA requirements were applicable to determinations by the Commission, the APA itself contains a significant exception to the requirement for a full trial type hearing by providing for the submission of evidence in written form under 5 U.S.C. 556(d).)

§ 9008.12 Registration and Reports

Section 9008.12 derives from the requirements of 2 U.S.C. 437. Subsection (a) provides for registration and reporting by host committees or other organizations or groups which deal with officials of a national political party with respect to matters involving a Presidential nominating convention. No registration or reporting is, however, required for host committees, organizations or groups which are unsuccessful in attracting the convention to a city.

Subsection (b) requires the convention committee of each party which receives public funds to register and file reports with the Commission. Committees of parties which do not receive public funds must also register and file reports with the Commission. Reports must be filed on a quarterly basis except that a post convention report is to be filed in lieu of any quarterly report due within 20 days before or after the convention. Under 2 U.S.C. 437, only a post convention report is explicitly required. Although there is no specific statutory requirement for any other report this section requires quarterly reporting prior to the convention in order to monitor the receipt and spending of private contributions and the disbursement of Federal funds by a national committee.

Subchapter F, Part 9008 is added to 11 CFR, Chapter I, to read as follows:

CHAPTER I—FEDERAL ELECTION COMMISSION

Subchapter F—Presidential Election Campaign Fund, Federal Financing of Presidential Nominating Conventions, Part 9008

PART 9008—FEDERAL FINANCING OF PRESIDENTIAL NOMINATING CONVENTIONS

Sec.

9008.1 Scope.
9008.2 Definitions.
9008.3 Entitlement to payment from the Fund.
9008.4 Adjustment to entitlement.
9008.5 Limitation on payments.
9008.6 Use of funds.
9008.7 Limitation of expenditures.
9008.8 Payment and certification procedures.
9008.9 Examination and audits.
9008.10 Repayments.
9008.11 Resolution of disputes concerning repayments.
9008.12 Registration and reports.

Authority: Sec. 406(a), Pub. L. 93–443, 88 Stat. 1294–96, as amended by sec. 303, 307(a), Pub. L. 94–283, 90 Stat. 498, 501 (26 U.S.C. 9008).

§ 9008.1 Scope.

(a) This part interprets 2 U.S.C. 437 and 26 U.S.C. 9008. Under 26 U.S.C. 9008(b), the national committees of both major and minor parties are entitled to public funds to defray expenses incurred with respect to a Presidential nominating convention. Under 26 U.S.C. 9008(d), expenditures with regard to such a convention by a national committee receiving public funds are limited to $2,000,000, as adjusted by the Consumer Price Index. New parties are not entitled to receive any public funds to defray convention expenses.

(b) Under 2 U.S.C. 437, each committee or organization which represents a national party in making arrangements for that party's presidential nominating convention is required to file disclosure reports. This reporting obligation extends to all such committees or organizations, regardless of whether or not public funds were used or available to defray convention expenses. In addition, 2 U.S.C. 437 requires reports from each committee or organization which represents a State, a political subdivision or any other group of persons in dealing with national political party officials with respect to matters involving a presidential nominating convention held in the State or subdivision. Under this provision, the host committee in the convention city is required to report contributions or expenditures with respect to a presidential nominating convention. However, unsuccessful efforts to attract a convention need not be reported by any city, committee or other organization.

§ 9008.2 Definitions.

(a) "Commission" means the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

(b) "Fund" means the Presidential Election Campaign Fund established by 26 U.S.C. 9006(a).

(c) "Major party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(d) "Minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more, but less than 25 percent, of the total number of popular votes received by all candidates for such office.

(e) "National committee" means the organization which, by virtue of the by-laws of the political party, is responsible for the day to day operation of that party at the national level. (2 U.S.C. 431(k)).

(f) "New party" means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

(g) "Nominating convention" means a convention, caucus or other meeting which is held by a political party at the national level and which chooses the presidential nominee of the party through selection by delegates to that convention or through other similar means.

(h) "Secretary" means the Secretary of the Treasury of the United States.

§ 9008.3 Entitlement to payments from the fund.

(a) *Major parties.* Subject to the provisions of 11 CFR Part 9008, the national committee of a major party shall be entitled to receive payments under 11 CFR 9008.8 with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed $2 million, as adjusted by the Consumer Price Index under 11 CFR 9008.4(a).

(b) *Minor parties.* Subject to the provisions of 11 CFR Part 9008, the national committee of a minor party shall be entitled to payments under 11 CFR 9008.8 with respect to any presidential nominating convention in amounts which, in the aggregate, shall

not exceed an amount which bears the same ratio to the amount which the national committee of a major party is entitled to receive under 11 CFR 9008.4 as the number of popular votes received in the preceding presidential election by that minor party's presidential candidate bears to the average number of popular votes received in the preceding presidential election by all of the major party presidential candidates.

§ 9008.4 Adjustment of entitlement.

(a) The entitlements established by 11 CFR 9008.3 shall be adjusted on the basis of the Consumer Price Index pursuant to the provisions of 2 U.S.C. 441a(c).

(b) The entitlements established by 11 CFR 9008.3 shall be decreased by the amount of income generated by the investment of public funds under 11 CFR 9008.6(a)(5), less any tax paid on such income.

(c) The entitlements established by 11 CFR 9008.3 shall be adjusted so as not to exceed the difference between the expenditure limitations of 11 CFR 9008.7(a) and the amount of private contributions received under § 9008.8(a) by the national committee of a political party. In calculating these adjustments, amounts expended by Government agencies and municipal corporations in accordance with 11 CFR 9008.7(b); in kind contributions by businesses to the national committee or convention committee in accordance with 11 CFR 9008.7(c); expenditures by host committees in accordance with 11 CFR 9008.7(d); expenditures to participate in or attend the convention under 11 CFR 9008.7(e); and legal and accounting services rendered in accordance with 11 CFR 9008.7(f) will not be considered private contributions or expenditures counting against the limitation.

§ 9008.5 Limitation on payments.

Payments to the national committee of a major party or a minor party under 11 CFR 9008.8 from the account designated for such committee shall be limited to the amounts in such account at the time of payment.

§ 9008.6 Use of funds.

(a) *Permissible Uses.* Any payment made under 11 CFR 9008.8 shall be used only for the following purposes:

(1) Such payment may be used to defray convention expenses (including the payment of deposits) incurred by or on behalf of the national committee receiving such payments; or

(2) Such payment may be used to repay the principal and interest, at a commercially reasonable rate, on loans the proceeds of which were used to defray convention expenses; or

(3) Such payment may be used to restore funds (including advances from the national committee to the convention committee), other than contributions to the committee for the purpose of defraying convention expenses, where such funds were used to defray convention expenses.

(4) Convention expenses includes all expenses incurred by or on behalf of a political party national committee or convention committee with respect to and for the purpose of conducting a presidential nominating convention or convention-related activities. Such expenses include, but are not limited to:

(i) Expenses for preparing, maintaining, and dismantling the physical site of the convention, including rental of the hall, platforms and seating, decorations, telephones, security, convention hall utilities, etc.;

(ii) Salaries and expenses of convention committee employees, volunteers and similar personnel, whose responsibilities involve planning, management or otherwise conducting the convention;

(iii) Salary or portion of the salary of any national committee employee for any period of time during which, as a major responsibility, that employee performs services related to the convention;

(iv) Expenses of national committee employees, volunteers or other similar personnel if those expenses were incurred in the performance of services for the convention in addition to the services normally rendered to the national committee by such personnel;

(v) Expenses for conducting meetings of or related to committees dealing with the conduct and operation of the convention, such as rules, credentials, platform, site, contests, call, arrangements and permanent organization committees, with such expenses including printing materials and rental costs for meeting space.

(vi) Expenses incurred in securing a convention city and facility;

(vii) Expenses incurred in providing a transportation system in the convention city for use by delegates and other persons attending or otherwise connected with the convention;

(viii) Expenses for entertainment activities which are part of official convention activity sponsored by the national committee, such expenses to include (but not limited to) dinners, concerts, and receptions; except that expenses for the following activities are excluded: (A) Entertainment activities sponsored by or on behalf of candidates for nomination to the office of President or Vice President, or State delegations; (B) entertainment activities sponsored by the national committee if the purpose of the activity is solely for national committee business, such as fundraising events, or selection of new national committee officers; (C) entertainment activities sponsored by persons other than the national committee; and (D) entertainment activities prohibited by law;

(ix) Expenses for printing convention programs, a journal of proceedings, agendas, tickets, badges, passes, and other similar publications;

(x) Administrative and office expenses for conducting the convention, such expenses to include stationery, office supplies, office machines, and telephone charges; but excluded from these expenses are the cost of any services supplied by the national committee at its headquarters or principal office if such services are incidental to the convention and not utilized primarily for the convention; and

(xi) Payment of the principal and interest, at a commercially reasonable rate, on loans the proceeds of which were used to defray convention expenses.

(5) Any investment of public funds or any other use of public funds to generate income is permissible only if the income so generated is used to defray convention expenses. Such income, less any tax paid on it, will be applied against the national committee's payments under 11 CFR 9008.2, or where appropriate, the Commission may determine that a repayment is required on the basis of such income.

(b) *Prohibited uses.* (1) No part of any payment made under 11 CFR 9008.8 shall be used to defray the expenses of any candidate, delegate, or alternate delegate who is participating in any presidential nominating convention except that the expenses of a person participating in the convention as official personnel of the national party may be defrayed with public funds even though that person is simultaneously participating as delegate or candidate to the convention. This part shall not prohibit candidates, delegates or alternate delegates who are participating in a presidential nominating convention from attending official party convention activities including but not limited to dinners, concerts and receptions, where such activities are paid for with public funds.

(2) Public funds shall not be used to defray any expense the incurring or payment of which violates any law of the United States or any law of the State in which such expense is incurred or

paid, or any regulation prescribed under federal or State laws.

(3) Public funds shall not be used to pay civil or criminal penalties required to be paid pursuant to the Act (as defined at 2 U.S.C. 431(o)). Any amounts received or expended by the national committee or convention committee of a political party to pay such penalties shall not be considered contributions or expenditures, except that such amounts shall be reported in accordance with 11 CFR Part 104 and shall be subject to the prohibitions of 11 CFR 110.4 and 11 CFR Parts 114 and 115.

§ 9008.7 Limitation of expenditures.

(a) *National party limitations*—(1) *Major parties.* Except as provided by 11 CFR 9008.7(a)(3), the national committee of a major party may not incur convention expenses with respect to a Presidential nominating convention which, in the aggregate, exceed the amount to which such committee is entitled under 11 CFR 9008.3, and 9008.4.

(2) *Minor parties.* Except as provided by 11 CFR 9008.7(a)(3), the national committee of a minor party may not incur convention expenses with respect to a Presidential nominating convention which, in the aggregate, exceed the amount to which the national committee of a major party is entitled under 11 CFR 9008.3 and 9008.4.

(3) *Authorization to exceed limitation.* The Commission may authorize the national committee of a major party or minor party to make expenditures for convention expenses, which expenditures exceed the limitation established by 11 CFR 9008.7(a)(1) or 11 CFR 9008.7(a)(2). This authorization shall be based upon a determination by the Commission that, due to extraordinary and unforeseen circumstances, the expenditures are necessary to assure the effective operation of the Presidential nominating convention by the committee. Examples of "extraordinary and unforeseen circumstances" include, but are not limited to, a natural disaster or a catastrophic occurrence at the convention site. In no case, however, will such authorization entitle a national committee to receive public funds greater than the entitlement specified under 11 CFR 9008.3 and 9008.4. All private contributions received to defray expenditures under 11 CFR 9008.7(a)(3) shall be subject to all reporting requirements, limitations (except for limitations imposed by 11 CFR 9008.7(a)(1) and 9008.7(a)(2)) and prohibitions of the Act (as defined at 2 U.S.C. 431(o)).

(b) *Expenditures by Government Agencies and Municipal Corporations.* (1) Federal, State or local government agencies and municipal corporations may make expenditures for facilities or services with respect to a presidential nominating convention. Such expenditures will not be considered contributions to the national committee, expenditures counting against the national committee's limitation, or illegal corporate contributions by the agency or municipal corporation. In providing facilities or services to the national committee, the agency or municipal corporation may not obtain facilities, services or goods from other persons at less than fair market value, except that the agency or municipal corporation may accept reduced or discounted rates, provided that such reductions were made in the ordinary course of business.

(2) Examples of expenditures which government agencies and municipal corporations may make under 11 CFR 9008.7(b) include but are not limited to:

(i) Granting the national committee use of an auditorium or convention center; construction and convention related services therein such as: Construction of podiums; press tables; false floors; camera platforms; additional seating; lighting, electrical, air conditioning and loudspeaker systems; offices; office equipment; and decorations;

(ii) Various local transportation services, including the provision of buses and automobiles;

(iii) Law enforcement services necessary to assure orderly conventions;

(iv) Use of convention bureau personnel to provide central housing and reservation services;

(v) Hotel rooms at no charge or a reduced rate on the basis of the number of rooms actually booked for the convention;

(vi) Accommodations and hospitality for committees of the parties responsible for choosing the sites of the conventions, and

(vii) Other similar convention related facilities and services.

(c) *In-Kind Contributions by Businesses*—(1) *Discounts by retail businesses.* (i) Retail businesses may sell, lease or rent their products, materials, services or space to the national committee with respect to a presidential nominating convention at reduced or discounted rates: *Provided,* That such reductions or discounts are in the ordinary course of business. For purposes of this section, a bank shall not be considered a retail business.

(ii) Discounts or reductions in accordance with 11 CFR 9008.7(c)(i) will not count toward the national party expenditure limitation under 11 CFR 9008.7(a).

(2) *Samples and promotional material.* (i) Local businesses may sell, at nominal cost, or provide at no charge, any of their products or services in the form of samples, discount coupons, promotional items, such as maps, pens, or pencils, with the business' name imprinted on the item, to those attending the convention functions. Such samples, coupons and promotional items shall be: Of nominal value; provided solely for bona fide advertising or promotional purposes; and provided in the ordinary course of business.

(ii) The samples and promotional material may be distributed by or with the help of persons employed by the business, or employed by or volunteering for the national party or a citizen host committee.

(iii) For purposes of 11 CFR 9008.7(c)(2), a local bank shall be considered a local business.

(iv) For purposes of 11 CFR 9008.7(c)(2), any business within the Standard Metropolitan Statistical Area (SMSA) of the convention city shall be considered a local business. There shall be a rebuttable presumption that any business located outside the SMSA is not a local business. This presumption may be rebutted by a showing that the volume of business in an area outside the SMSA would be directly affected by the presence of the convention.

(v) The value of the benefits provided under 11 CFR 9008.7(c)(2) will not count toward the national party's expenditure limitation under 11 CFR 9008.7(a).

(d) *Contributions to and Expenditures by Host Committees*—(1) *Host Committee Organization.* A host committee includes any local organization, such as a local civic association, business league, chamber of commerce, real estate board, board of trade, or convention bureau: Which is not organized for profit; whose net earnings do not inure to the benefit of any private shareholder or individual; and whose principal objective is the encouragement of commerce in the convention city, as well as the projection of favorable image of the city to convention attendees. A host committee must register in accordance with 11 CFR 9008.12(a)(1)(i).

(2) *Contributions and Expenditures to Promote Convention City and Its Commerce.* (i) Local businesses, excluding banks, local municipal corporations and government agencies, local labor organizations, and individuals may donate funds or make in kind contributions to a host committee for the purposes set forth at 11 CFR 9008.7(d)(2)(iii).

(ii) The donor may restrict the use of funds by earmarking them for a particular project, by having the donation acknowledged (e.g. courtesy of XYZ Company) or by placing any other similar restriction on the use of the funds.

(iii) A host committee shall use funds donated under 11 CFR 9008.7(d)(2)(i) for only the following purposes:

(A) To defray those expenses incurred for the purpose of promoting the suitability of the city as a convention site;

(B) To defray those expenses incurred for welcoming the convention attendees to the city, such as expenses for information booths, receptions, and tours;

(C) To defray those expenses incurred in facilitating commerce, such as providing the convention and attendees with shopping and entertainment guides and distributing the samples and promotional material specified in § 9008.7(c)(2);

(D) To defray the administrative expenses incurred by the host committee, such as salaries, rent, travel, and liability insurance;

(iv) For purposes of 11 CFR 9008.7(d)(2), any business, municipal corporation, agency or labor organization within the Standard Metropolitan Statistical Area (SMSA) of the convention city shall be considered local. There shall be a rebuttable presumption that any such entity located outside the SMSA is not local. This presumption may be rebutted by a showing that the volume of business in an area lying outside the SMSA would be directly affected by the presence of the convention.

(3) *Contributions and Expenditures to Defray Convention Expenses.* (i) Local retail businesses, excluding banks, as well as local municipal corporations and government agencies may donate funds to a host committee for use by that committee in defraying convention expenses. Examples of expenditures which the host committee may make for convention expenses include but are not limited to those set forth at 11 CFR 9008.7(b)(2). No other corporate funds may be used to pay such expenses.

(ii) The amount of the donation under 11 CFR 9008.7(d)(3)(i) must be proportionate to the commercial return reasonably expected by the business, corporation or agency during the life of the convention.

(iii) The host committee must maintain funds donated under 11 CFR 9008.7(d)(3)(i) in a separate account.

(iv) For purposes of 11 CFR 9008.7(d)(3), any determination as to whether or not a business, labor organization, municipal corporation or agency is local shall be made in accordance with 11 CFR 9008.7(d)(2)(iv).

(v) For purposes of 11 CFR 9008.7(d)(3)(ii), the life of the convention shall begin seven days before the opening of the convention and end three days after the close of the convention.

(4) *Expenditure limitation.* Funds used by the host committee in accordance with §§ 9008.7(d)(2) and 9008.7(d)(3) shall not be considered expenditures and shall not count against the expenditure limitation under 11 CFR 9008.7(a).

(e) *Expenditures to Participate in or Attend Convention.* Expenditures made by presidential candidates from campaign accounts, by delegates, or by any other individual from his or her personal funds for the purpose of attending or participating in the convention or convention related activities, or by State or local committees of a political party on behalf of such delegates of individuals shall not be considered expenditures made by or on behalf of the national party, and shall therefore not be subject to the overall expenditure limitations of 11 CFR 9008.7.

(f) *Legal and Accounting Services.* (1) The payment of compensation to an individual by his or her regular employer for legal and accounting services rendered to or on behalf of the national committee shall not be considered an expenditure and shall not count against the expenditure limitation under 11 CFR 9008.7.

(2) The payment by the national committee of compensation to any individual for legal and accounting services rendered to or on behalf of the national committee shall be considered an expenditure and shall count against the expenditure limitation under 11 CFR 9008.7, whether paid from public funds or from private contributions.

§ 9008.8 Payment and certification procedures.

(a) *Optional payments; private contributions.* (1) The national committee of a major or minor party may elect to receive all, part, or none of the amounts to which it is entitled under 11 CFR 9008.3 and 9008.4

(2) The national committee of a major party electing to receive all or part of the amounts to which it is entitled under 11 CFR 9008.3 and 9008.4 may receive and use private contributions, so long as the sum of the contributions which are used to defray convention expenses and the amount of entitlements elected to be received does not exceed the total expenditure limitation under 11 CFR 9008.7.

(3) A minor party electing to receive all or part of the amounts to which it is entitled under 11 CFR 9008.3 and 9008.4 may receive and use private contributions for the nominating convention, so long as the sum of the contributions which are used to defray convention expenses and the amount of entitlements elected to be received does not exceed the total expenditure limitation under 11 CFR 9008.7.

(4) All private contributions received by the national committee to defray convention expenses shall be subject to all reporting requirements, limitations and prohibitions of the Act (as defined at 2 U.S.C. 431(o)).

(b) *Eligibility requirements.* (1) To qualify for entitlement under 11 CFR 9008.3 and 9008.4, the national committee of a major or minor political party shall establish a convention committee pursuant to 11 CFR 9008.8(b)(2) and shall file an application statement pursuant to 11 CFR 9008.8(b)(3). The convention committee, in conjunction with the national committee, shall file an agreement to comply with the conditions set forth at 11 CFR 9008.8(b)(4).

(2) The national committee shall establish a convention committee which shall be responsible for conducting the day to day arrangements and operations of that party's presidential nominating convention. The convention committee shall register with the Commission as a political committee pursuant to 11 CFR Part 102. The convention committee shall receive all public funds to which the national committee is entitled under 11 CFR 9008.3 and 9008.4 and all private contributions made for the purpose of defraying convention expenses. All expenditures on behalf of the national committee for convention expenses shall be made by the convention committee.

(3) The national committee shall file with the Commission an application statement including the information set forth below and any changes in such information must be reported to the Commission within 10 days following the change:

(i) The name and address of the national committee;

(ii) The name and address of the convention committee and of the officers of that committee;

(iii) The name of the city where the convention is to be held and the approximate dates;

(iv) The name, address, and position of the convention committee officers designated by the national committee to sign requests for payments; and

(v) The name and address of the commercial bank to be used as the depository of the convention committee;

(4) The convention committee shall, by letter to the Commission, agree to the conditions set forth below and such agreement shall also be binding upon the national committee.

(i) The convention committee shall agree to comply with the applicable expenditure limitation set forth at 11 CFR 9008.7.

(ii) The convention committee shall agree to file convention reports as required under 2 U.S.C. 437 and 11 CFR 9008.12.

(iii) The convention committee shall agree to establish one or more accounts into which all public funds received under 11 CFR 9008.3 and 9008.4 must be deposited and from which all expenditures for convention expenses must be made, provided that such account(s) shall contain only public funds.

(iv) The convention committee shall agree to establish one or more accounts into which all private contributions received to defray convention expenses shall be deposited and from which all expenditures to defray such expense shall be made: *Provided,* That such accounts contain private contributions solely.

(v) The convention committee shall agree to obtain and furnish to the Commission at its request evidence of convention expenses made by the committee. The convention committee has the burden of proving that expenditures by the convention committee were for purposes of defraying convention expenses as set forth at 11 CFR 9008.6(a)(4). The convention committee must include as part of the evidence of convention expenses the following documentation:

(A) For expenditures exceeding $100 or for expenditures of less than $100 to a payee who receives expenditures aggregating more than $100 per year, either:

(*1*) A receipted bill which is from the payee and states the particulars of the expenditure; or

(*2*) If such a receipted bill is not available, the following documents, which must state the particulars of the expenditure:

(*a*) A cancelled check negotiated by the payee; plus

(*b*) One of the following documents generated by the payee—a bill, invoice, voucher or contemporaneous memorandum;

(*c*) Where the documents specified at subparagraph (*b*) are not available, a voucher or contemporaneous memorandum from the committee; or

(*3*) If neither a receipted bill nor the documentation specified in subparagraph (*c*) is available, a cancelled check stating the particulars of the expenditure.

(*4*) Where the supporting documentation required above is not available, the committee may present a cancelled check and collateral evidence to document the qualified campaign expense. Such collateral evidence may include but is not limited to:

(*a*) Evidence demonstrating that the expenditure is part of an identifiable program or project which is otherwise sufficiently documented, such as where the expenditure is one of a number of documented expenditures relating to the operation of a committee office;

(*b*) Evidence that the expenditure is covered by a preestablished written committee policy, such as a per diem policy.

(B) For all other expenditures:

(*1*) If from the petty cash fund, a record disclosing the identification of the payee, the amount and the date of the expenditure; or

(*2*) A cancelled check which has been negotiated by the payee and states the identification of the payee, and the amount and date of the expenditure.

(C) For purposes of 11 CFR 9008.8(b)(3)(vi), "payee" means the person who provides the goods or services to the committee in return for the expenditure except for an advance of $2,000 or less for travel and/or subsistence to an individual who will be the recipient of the goods or services purchased.

(D) For purposes of 11 CFR 9008.8(b)(3)(vi) the term "particulars" means the identification of the payee, the date and amount of the expenditure, and a description of the goods or services purchased.

(E) Upon the request of the Commission the convention committee shall supply an explanation of the connection between the expenditure and the convention.

(vi) The convention committee shall agree to furnish to the Commission any books, records, including bank records for all accounts, and a copy of any contract which the national committee enters into with a host committee or convention city, as well as other information that the Commission may request.

(vii) The convention committee shall agree to permit an audit and examination pursuant to 26 U.S.C. 9008(g) and 11 CFR 9008.9 of all convention expenses; to facilitate such audit by making available office space, records, and such personnel as is necessary to the conduct of the audit and examination; and to pay any amounts required to be paid under 26 U.S.C. 9008(h) and 11 CFR 9008.10.

(viii) The convention committee shall pay any civil penalties included in a conciliation agreement with or imposed under 2 U.S.C. 437g.

(5) The application statement and agreement may be filed anytime after June 1 of the calendar year preceding the year in which a Presidential nominating convention of a political party is held, but no later than first day of the convention.

(c) *Increase in certified amount.* If the application statement is filed before it is possible to determine the cost of living increase for the year preceding the convention, that amount determined by the increase shall be paid to the national committee promptly after the increase has been determined.

(d) *Availability of payments.* The national committee of a major or minor party may receive payments under 11 CFR 9008.8 beginning on July 1 of the calendar year immediately preceding the calendar in which a Presidential nominating convention of the political party involved is held.

(e) *Certification of payment.* After a national committee has properly submitted its application statement and agreement as required under 11 CFR 9008.8(b), and upon receipt of a written request, payment of the committee's entitlement shall be certified by the Commission to the Secretary of the Treasury.

§ 9008.9 Examination and audits.

The Commission shall conduct an examination and audit of the convention committee no later than December 31 of the calendar year of the convention and may at any time conduct other examinations and audits as it deems necessary. The Commission shall also conduct an examination and audit of each host committee registered under 11 CFR 9008.12(a)(1).

§ 9008.10 Repayments.

(a) *Excess Payments.* If the Commission determines that any portion of the payments to the national committee or convention committee under 11 CFR 9008.8(b) was in excess of the aggregate payments to which the national committee was entitled under 11 CFR 9008.3 and 9008.4, it shall so notify the national committee, and the national committee shall pay to the Secretary an amount equal to such portion.

(b) *Excessive Expenditures.* If the Commission determines that the national committee or convention committee incurred convention expenses in excess of the limitations under 11 CFR 9008.7(a), it shall notify such national committee of the amount

of such excessive expenditures, and such national committee shall pay to the Secretary an amount equal to the amount specified.

(c) *Excessive Contributions.* If the Commission determines that the national committee accepted contributions to defray convention expenses which, when added to the amount of payments received, exceeds the expenditure limitation of such party, it shall notify such national committee of the amount of the contributions so accepted, and such national committee shall pay to the Secretary an amount equal to the amount specified.

(d) *Improper Usage or Documentation.* If the Commission determines that any amount of any payment to the national committee or convention committee under 11 CFR 9008.8(b) was used for any purposes other than the purposes authorized at 11 CFR 9008.6 or was not documented in accordance with 11 CFR 9008.8(b)(4)(v), it shall notify the national committee of the amount improperly used or documented and such national committee shall pay to the Secretary an amount equal to the amount specified.

(e) *Unspent Funds.* (1) If any portion of the payment under 11 CFR 9008.3 remains unspent after all convention expenses have been paid, that portion shall be returned to the Secretary of the Treasury.

(2) The national committee or convention committee shall make an interim repayment of unspent funds based on the financial position of the committee as of the end of the sixth month following the last day of the convention, allowing for a reasonable amount as determined by the Commission to be withheld for unanticipated contingencies. If, after written request by the national committee or convention committee, the Commission determines, upon review of evidence presented by either committee, that amounts previously refunded are needed to defray convention expenses, the Commission shall certify such amount for payment.

(3) All unspent funds shall be repaid to the U.S. Treasury no later than 24 months after the last day of the convention, unless the national committee has been granted an extension of time. The Commission may grant any extension of time it deems appropriate upon request of the national committee.

(f) *Repayment Limit.* No repayment shall be required from the national committee or the convention committee under 11 CFR 9008.10, which, when added to other repayments required from such national committee under this section, exceeds the amount of payments received by such national committee under §§ 9008.3 and 9008.4.

(g) *Notice.* (1) If the Commission determines that repayment is required, it shall give written notification to committee of the amounts required to be paid and the reasons therefor. No notification shall be made by the Commission under this section more than 3 years after the last day of the Presidential nominating convention.

(2) The national party shall repay to the Secretary, within 90 days of the notice, the amount of the repayment. Upon application submitted by the national committee or convention committee, the Commission may grant a 90-day extension of the repayment period.

(3) All repayments shall be made payable to the U.S. Treasury, Bureau of Government Finance Operations and shall be deposited in the general fund of the Treasury.

§ 9008.11 Resolution of disputes concerning repayments.

(a) If the convention committee or national committee disputes the Commission's determination under 11 CFR 9008.10 that a repayment is required, it shall submit to the Commission in writing within 30 days of receipt of the Commission's notice legal or factual materials to demonstrate that a repayment is not required.

(b) The Commission will consider any written legal or factual material submitted by either committee in making its final determination. Such materials may be submitted by counsel if the committee so desires.

(c) A final determination by the Commission that a national committee must repay a certain amount shall be accompanied by a written statement of reasons for the Commission's actions. This statement shall explain the reasons underlying the Commission's determination and shall summarize the results of any investigation upon which the determination is based.

(d) The national committee shall repay to the Secretary any amount required to be repaid within ten days of receipt of the Commission's notification of final determination.

(e) Any final repayment determination made by the Commission shall be subject to review by the U.S. Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the determination by the Commission for which review is sought.

§ 9008.12 Registration and reports.

(a) Registration and reports by committees, including host committees, other organizations or groups which represent a municipality, State, or other local government agency.

(1) Registration. (i) Each committee, including a host committee, other organization or group of persons which represents a State, municipality, local government agency or other political subdivision in dealing with officials of a national political party with respect to matters involving a presidential nominating convention shall register with the Commission on the Convention Registration Form within 10 days of the date on which such party chooses the convention city. The following information shall be required of the registrant: the name and address; the name of its officers; and a list of the activities which the registering entity plans to undertake in connection with the convention.

(ii) Any such committee organization or group organization which is unsuccessful in its efforts to attract the convention to a city need not register under 11 CFR 9008.12(a)(1)(i).

(2) Post-Convention and quarterly reports; Content and Time of Filing. (i) Each committee, organization or group required to register under 11 CFR 9008.12(a)(1)(i) shall file a post convention report with the Commission FEC Form 4. This report shall be filed on the earlier of: 60 days following the last day the convention is officially in session; or 20 days prior to the presidential general election. This report shall disclose all receipts and disbursements, including in-kind contributions, made with respect to a presidential nominating convention. This report shall be complete as of 15 days prior to the date on which it must be filed.

(ii) If such committee, organization or group has receipts or makes disbursements after the completion date of the post convention report, it shall begin to file quarterly reports no later than 10 days after the end of the following calendar quarter. This report shall disclose all transactions completed as of the close of that calendar quarter. Quarterly reports shall be filed thereafter until the committee, organization or group ceases all activity which must be reported under 11 CFR 9008.12(a)(2).

(iii) Such committee, organization or group shall file a final report with the Commission not later than 10 days after it ceases activity which must be reported under 11 CFR 9008.12(a)(2), unless such status is reflected in either

the post convention report or a quarterly.

(b) Registration and reports by political parties—(1) Registration. (i) Each convention committee established by a national committee under 11 CFR 9008.8(b)(2) shall register with the Commission on FEC Form 1 as a political committee pursuant to 11 CFR Part 102 and shall file reports with the Commission as required at § 9008.12(b)(2).

(ii) Each committee or other organization, including a national committee, which represents a national major, minor, or new political party in making arrangements for that party's convention held to nominate a candidate for the office of President or Vice President shall register on FEC Form 1 with the Commission as a political committee pursuant to 11 CFR Part 102, except that this registration requirement shall not apply to a convention committee which must register under 11 CFR 9008.12(b)(1)(i).

(iii) A State party committee or a subordinate committee of a State party committee which only assists delegates and alternates to the convention from that State with travel expenses and arrangements, or which sponsors caucuses, receptions, and similar activities at the convention site, need not register or report under 11 CFR 9008.12(b).

(2) Quarterly and Post convention reports; Content and Time of Filing. (i) Each committee or other organization required to register under 11 CFR 9008.12(b)(1) shall file reports in accordance with 11 CFR 9008.12(b)(2)(ii).

(ii) The first quarterly report shall be filed on FEC Form 4 no later than 10 days after the end of the calendar quarter in which a committee either receives payment under 11 CFR 9008.8 or for parties which do not accept public funds, no later than 10 days after the calendar quarter in which the committee receives contributions or makes expenditures to defray convention expenses. Quarterly reports shall be completed as of the close of the quarter and shall continue to be filed until such committee ceases activity in connection with that party's presidential nominating convention. However, any quarterly report due within 20 days before or after the convention shall be suspended and the committee shall in lieu of such quarterly report file a post convention report. The post convention report shall be filed on the earlier of: 60 days following the last day the convention is officially in session; or 20 days prior to the presidential general election. The post convention report shall be complete as of 15 days prior to the date on which the report must be filed.

(3) A convention committee which has received payments under 11 CFR 9008.8 shall cease activity no later than 24 months after the convention, unless the committee has been granted an extension of time. The Commission may grant any extension of time it deems appropriate upon request of the committee at least 30 days prior to the close of the 24 month period.

11 CFR, Chapter I, Part 107 is amended to read as follows.

PART 107—PRESIDENTIAL NOMINATING CONVENTION, REGISTRATION AND REPORTS

§ 107.1 Registration and reports by committees including host committees, organizations or other groups representing a State, city or other local government agency.

Each committee, including a host committee other organization or group of persons which represents a State, municipality, local government agency or other political subdivision in dealing with officials of a national political party with respect to matters involving a presidential nominating convention shall register and report in accordance with 11 CFR 9008.12(a).

§ 107.2 Registration and reports by political parties.

Each convention committee established under 11 CFR 9008.8(b)(2) by a national committee of a political party and each committee or other organization, including a national committee, which represents a political party in making arrangements for that party's convention held to nominate a presidential or vice presidential candidate shall register and report in accordance with 11 CFR 9008.12(b).

§§ 107.3 and 107.4 [Deleted]

11 CFR, Chapter I, §§ 107.3 and 107.4 are deleted.

11 CFR Chapter I, Part 114 is amended as follows:

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

§ 114.1 Definitions.

(a) * * *

(2) The term contribution and expenditures shall not include—

* * * * *

(viii) Activity permitted under 11 CFR 9008.7 with respect to a presidential nominating convention.

* * * * *

Dated: October 25, 1979.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 79-33836 Filed 10-31-79; 8:45 am]

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federal register

Thursday
November 1, 1979

Part III

Department of Transportation

Federal Aviation Administration

Aircraft and Airport Security; Air Carrier Operations

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107, 108 (New), 121, 129 and 135

[Docket No. 19726; Notice No. 79-17]

Aircraft and Airport Security; Air Carrier Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: As a result of changes in the aviation industry, there are an increased number of passenger carrying aircraft which are subject to the threat of criminal violence and air piracy both against scheduled and public charter U.S. air carrier and foreign air carrier operations.

In order to assure the required level of security, this notice proposes the extension of FAA security regulations, already applicable to domestic air carriers, to certain air taxi operators and small airplane operations conducted by U.S. and foreign air carriers. This notice also proposes to consolidate and simplify existing security regulations into a new Part of the Federal Aviation Regulations, thus facilitating public access to aviation security regulations.

DATES: Comments must be received on or before February 29, 1980, to be considered in this rulemaking action.

ADDRESS: Send comments on this proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 19726, 800 Independence Avenue, S.W., Washington, D.C., 20591.

FOR FURTHER INFORMATION CONTACT: John M. Hunter or Robert P. Jones, Air Operations Security Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-8798.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before February 29, 1980, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 19726." The postcard will be date and time stamped and returned to the commenter.

II. Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background Information

Hijackings and other crimes directed against the air transportation industry became such a menace that in 1972 it was necessary to implement regulations requiring that certain passengers and property be screened prior to boarding. At that time, the primary threat was against domestic and flag air carriers and those commercial operators operating transport type airplanes in intrastate scheduled service. Each of these operators was governed by the FAA safety rules, as applicable, under FAR Part 121; therefore, the preboard screening requirements were set forth within Subpart T of the air carrier operations rules of Part 121. Subsequent to the issuance of these rules, additional amendments have been adopted to meet the changing nature of the threat, to conform the regulatory requirements to statutory mandates (PL 93-366, August 1974) and to reflect CAB regulatory changes.

The FAA's security rules have been designed for and issued to each air carrier based on the type of operation authorized by the CAB. This has worked well in the past with respect to air carrier operations conducted under CAB Certificates of Public Convenience and Necessity and other limited economic authority. However, the CAB has made adjustments to its policies and regulations concerning grants of certain economic authority, route and airport authoritizations. As a result of these changes, the FAA does not believe that it is appropriate to base the applicability of security requirements on the type of CAB authorization held by a particular operator. This decision to reevaluate security requirements is also necessary because the Airline Deregulation Act of 1978 (ADA-78) authorizes commuter air carriers to use larger aircraft. The Act also allows domestic air carriers to drop terminal points with commuters providing new or replacement service. Under present regulations, security requirements for many commuter operations are not equivalent to security performed by the air carriers. However, Congress, in enacting the ADA-78, stressed the need for the maintenance of passenger safety by amending Section 102 of the Federal Aviation Act (FAAct) to include the following:

(1) The assignment and maintenance of safety as the highest priority in air commerce . . .

(2) The prevention of any deterioration in established safety procedures, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in air transportation and air commerce and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public.

The FAA believes that the public has the right to expect that equivalent security measures will be taken by operators utilizing similar aircraft in identical service.

In addition, the FAA also believes that the use of larger aircraft by commuters provides a new, attractive target for hijackers and saboteurs, that is, scheduled departure time and place that the public and the hijacker can depend on coupled with an airplane capable of transporting large groups of people as hostages.

Commuter air carriers utilize upwards of 25 types of airplanes. Since 1961, there have been, in the United States, 43 hijackings involving aircraft of the type utilized by commuters. Since 1972, when the FAA first promulgated security regulations, there have been 24 hijackings of such aircraft. Further, during the past 10 years, there have been 9 air taxi/commuter aircraft hijacked. The FAA's current analysis of

the threat against air transportation reflects generally that such a threat will be directed against scheduled and certain charter operations and against airplane types operating on longer stage lengths and appearing to be capable of transporting a hijacker to the intended destination.

Finally, commenters to NPRM 78–4 (43 FR 9160, March 6, 1978) which resulted in FAA final rulemaking action in July 1978 extending security requirements to certain charter operations, correctly pointed out that certain commuters and other Part 135 operators operating large airplanes, identical in size to those used by domestic air carriers, sometimes over the same routes and on similar schedules, are not required to operate pursuant to an FAA approved security program.

In order to fully meet the threat directed against air transportation, FAA believes that an appropriate level of security must be provided for scheduled and public charter air carrier passenger service. After research and study of the threat in relation to the airports, operations and airplanes involved, it appears reasonable, and necessary to propose a multilevel security program. The proposal would apply to all operators offering scheduled and public charter service pursuant to FAR Parts 121, 129 and 135, and to those airports regularly receiving scheduled service. The proposed regulations provide as vehicle that can be used to tailor arrangements to address the specific threat directed against different airports and against different types of operations.

Presently, the FAA security requirements contained in § 121.538 are limited to operations conducted in airplanes above 12,500 pounds gross takeoff weight. In determining what changes should be proposed, the FAA considered several alternative approaches. Among the factors considered were the following:

1. The recent revision of FAR Part 135 substantially upgraded safety requirements for air taxi/commuter passengers in many critical areas, but other than requiring crewmembers to receive antihijack training, it did not affect security.

2. FAR Part 135 uses the passenger seating configuration of an airplane as a benchmark and imposes greater safety requirements when the airplane's seating capacity increases beyond a specified number.

3. The benchmark of 20 or more passenger seats closely approximates the existing security benchmark for certification of transport category airplanes, i.e., 12,500 pounds gross takeoff weight (Part 25 airplanes).

4. FAR 135 requires that 20-seat airplanes have a flight attendant and crew interphone system as well as antihijack training for all of their crewmembers.

5. To the general public (and probably to a hijacker) a 20-seat airplane appears to be "large" and capable of meeting a hijacker's goal.

6. The FAR requirements imposed on a 20-seat airplane generally connote a more sophisticated operation.

Air Carrier Security Requirements

A multilevel security requirement is proposed to be equally applicable for all scheduled operations (Parts 121, 129, 135) and for public charter operations as follows:

1. For scheduled and public charter operations conducted in airplanes with a seating configuration of 20 or more passenger seats, the air carrier must meet the existing FAR § 121.538 (this includes both Part 121 and 135 certificate holders) or § 129.25, as appropriate.

2. For scheduled and public charter operations conducted in airplanes with 19 or fewer seats, the air carrier (Parts 121, 129 and 135) will operate pursuant to a security program that, as a minimum is designed to:

a. Obtain passenger identification for all enplaning passengers or otherwise determine that such passengers do not pose a threat to the safety of flight;

b. Prohibit unauthorized access to its airplanes;

c. Contact law enforcement jurisdictions served to arrange for the availability of Law Enforcement Officers (LEOs) to respond to incidents;

d. Post at all stations and provide to appropriate crewmembers LEO contact information for all airports served;

e. Conduct a security inspection of each airplane prior to placing it in service;

f. Assure that baggage is transported with the passenger; and

g. Require identification from persons other than known shippers shipping goods or cargo aboard the certificate holder's airplane.

The proposed requirements for these smaller types of operations are considered as minimal and should not impose a significant additional financial burden upon these carriers since, in most instances, a prudent operator would normally apply these requirements anyway.

3. For all other FAR Part 135 operations including "on-demand" or unscheduled service, the FAA purposes to retain the existing requirement in Section 135.331 that all FAR Part 135 operators must provide antihijack training for all crewmembers.

With regard to the term "scheduled," the FAA does not intend to utilize a CAB or prior FAA definition, but rather proposes to define that term to include posting of flight information that the hijacker *can depend on*. This might include publishing scheduled flight information in the Official Airline Guide, above the ticket counter, in the yellow pages, in newspapers, or other periodicals or in other forms. The key in the definition of the word "scheduled" is whether the hijacker can be aware of departure time in advance and depend on the departure occurring whether it be one or 20 trips a week.

Airport Security Requirements

This proposal also will assure that an air carrier's security program will be complemented by an appropriate airport security program. As with the air carrier program, the security measures required for an airport program would reflect the perceived level of threat at the particular airport. At those airports where an air carrier is providing scheduled service with large airplanes (20 or more seats) the scope of the security measures would be as presently required by FAR Part 107. Part 107 allows the airport operator to design, subject to FAA approval, the security procedures and to specify the facilities and equipment most suited to the needs of the airport. Currently, at small airports serving a single air carrier operating under the rules of FAR Part 121, very simple procedures, often using no special equipment or facilities, have proven capable of achieving an adequte and acceptable level of securtity. Even less sophisticated measures may be adequate at those small airports serving air carriers operating under the rules of FAR Part 135 that will be encompassed by the new rule.

At those airports where the air carrier is providing scheduled service with small airplanes (19 or less seats) an acceptable airport security program need only provide for identifying a local law enforcement agency capable of providing adequate police presence. Adequacy of the law enforcement officer support would be determined on the basis of the level of the threat. As noted earlier, the actual function of arranging for a response or for scheduling the law enforcement support, would be carried out by the air carrier. The air carriers currently have (and will continue to have under the proposed rule) responsibility for assuring adequate law enforcement support for their public charter operations at those airports not subject to FAR Part 107. The success with which they have carried out this responsibility indicates they

should have no problem with the similar responsibility of arranging for LEO support for small airplane operations. In any of the above situations, the adequacy of the airport secutity program including law enforcement support or the adequacy of law enforcement support at Non-107 airports would continue to be determined in accordance with FAR Part 107 standards.

Carriage of Weapons and Passengers Under Armed Escort

This notice proposes to delete the existing requirements regarding carriage of weapons § 121.585, the carriage of persons under armed escort, § 121.584, from Part 121 and reprint them in Part 108. Further, the notice proposes to extend applicability of these requirements to air taxi/commercial operators to ensure that passengers traveling in air transportation are afforded appropriate protection while aboard scheduled or public charter flights. In order to effect the above proposal, this NPRM is stuctured to include the following actions:

1. Propose a new FAR Part 108—Air Carrier Security—that will:
   a. Restate now existing requirements (Sections 121, 538, 584, and 585).
   b. Include new requirements for fewer than 19 or fewer seat airplane operations.
   c. Extend requirements to Part 135 air carriers.
2. Propose appropriate revision of Part 121 to make reference to Part 108 requirements.
3. Propose appropriate revisions of Part 135 to make reference to Part 108 requirements.
4. Propose appropriate revision of Part 129 to provide for identical multi-level security requirements articulated above. (It is not proposed to require FAA approval of the Part 129 operator security program and, of course, the requirements reflected in this proposal will apply only to each foreign air carrier landing or taking off an airplane in the U.S.)
5. Propose revision of Part 107 to make reference to Part 108 requirements and to assure that airport operator security program requirements "follow" requirements of Parts 108 and 129. (A "107 airport" would be "created" when an air carrier subject to Part 108 or 129 regularly serves the airport on a scheduled basis.

Economic Impact of Proposed Regulation

The FAA has determined that this document involves a proposed regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044, and as implemented by Department of Transportation Guidelines (43 FR 9582, March 8, 1979). In accordance with these documents, the agency has prepared as economic evaluation assessing the impact of the notice. This evaluation based upon information available to the agency is available in the docket. The following is a summary of the evaluation.

Airports which are served on a scheduled basis by aircraft having between 20 and 30 seats would incur 60 percent of the first year cost of this regulation, or $7.55 million. This $7.55 million is a maximum figure. It is based on the estimated cost of providing fencing and incidental security equipment at the 33 U.S. airports which FAA data indicate may be served by 20–30, but not 31-or-more, seat aircraft; and it assumes that none of the 33 airports already have any such fencing or security equipment. FAA invites comments relating to the list of affected airports included in the docket and the cost of providing fencing and other security equipment to assure compliance with this regulation at such airports.

Commuter air carriers operating aircraft which seat 20–30 passengers would incur an estimated 39 percent of the first year cost of this regulation or $5.03 million. This *$5.03* million is a maximum figure. It is based on the estimated cost of fully equipping and staffing 102 new security screening points at airports served by affected commuter air carriers. It is considered to be a maximum cost since some of the affected commuter air carriers may already be voluntarily screening passengers at these points, at some airports affected commuter air carriers may be able to share security screening equipment with or purchase it used from Part 121 air carriers instead of buying it new, and at some points, affected airlines may be able to share the cost of police protection with other airlines. FAA invites comments on the factors which determine the costs affected airlines would have to incur to comply with this proposed regulation, the total necessary outlays, and the burden of these costs. These cost factors include the average number of minutes prior to a departure when police surveillance and passenger security screening machine and metal detector operators and policemen would be required; the total number and location of new screening points; the number of screening points which would have to be equipped with X-ray machines and metal detectors; and the cost of purchasing, operating and maintaining X-ray machines and metal detectors to equip such points.

Commuter air carriers operating aircraft having 19 or fewer seats would share less than 1 percent of the first year cost of this regulation. This estimate is based on two main assumptions:

(1) That this proposal would by and large mandate practices which are prudent to follow which the affected commuter air carriers are already following.

(2) That local law enforcement agencies have the necessary capability to respond to incidents at most affected airports without increasing their budgets.

FAA invites comments on the costs affected airlines would have to incur to comply with this regulation.

A significant economic issue beyond the total cost of implementing the regulation is the impact on the price of the average ticket. The available data limits FAA's ability to estimate this impact on a system-wide basis. However, the maximum average increment per ticket at an airport serving 20–30 seat aircraft which would have to institute new security measures is estimated at $1.19, or 3 percent of the average commuter airline fare ($44) for the average commuter trip (110 miles). This is based on the following assumptions:

(1) Full depreciation of X-ray machines and metal detectors takes ten years and of airport fencing and other security investments takes 20;

(2) Passengers at the 33 airports pay all the added security costs attributable to them; and

(3) The 33 airports do not recover any of the security investment costs from Airport Development Aid Program grants.

(4) The 1980 forecasts of enplanements for the 33 airports in FAA's *Terminal Area Forecast* are realized.

FAA does not have available information to estimate the maximum fare increment at airports where screening points would be established. However, an air carrier would have to enplane at least 3,600 passengers per year at one of the new screening points just to keep the average addition to the ticket price for capital cost recovery below $1.00.

Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend 14 CFR Chapter 1 as follows:

1. By adding to Subchapter F of 14 CFR Chapter 1 a new Part 108 to read as follows:

PART 108—AIR CARRIER SECURITY

Sec.

108.1 Applicability.
108.3 Definitions.
108.5 Security program.
108.7 Screening of passengers and property.
108.9 Security of airplanes and facilities.
108.11 Law enforcement officers.
108.13 Use of X-ray.
108.15 Bomb or air piracy threats.

Sec.

108.17 Carriage of passengers under the control of armed law enforcement officers, other than passengers under voluntary protective escort.
108.19 Approval of security programs and amendments.

§ 108.1 Applicability.

This part prescribes aviation security rules governing the operations of holders of Federal Aviation Administration (FAA) air carrier operating certificates or operating certificates engaging as common carriers in scheduled passenger operations or public charter passenger operations, as defined in this part, and rules governing the transportation of persons and property by those certificate holders. This part does not apply to helicopter operations or to all-cargo air service operations conducted by holders of an air carrier operating certificate or an operating certificate issued by the Administrator.

§ 108.3 Definitions.

For the purpose of this part:

(a) "Certificate holder" means a person issued an air carrier operating certificate or an operating certificate by the Administrator when that person engages as a common carrier in scheduled passenger or public charter passenger operations or both.

(b) "Large airplane" means an airplane with passenger seating configuration of 20 or more seats.

(c) "Passenger seating configuration" means the total number of seats that can be made available for passenger use aboard a flight and includes that seat in certain commuter airplanes which may be used by a representative of the Administrator to conduct flight checks but is usable to revenue purposes on other occasions.

(d) "Private charter" means any charter for which the charterer engages the total capacity of an airplane for the carriage only of:

(1) Passengers in civil or military air movements conducted under contract with the Government of the United States or the Government of any foreign country; or

(2) Passengers invited by the charterer, the cost of which is borne entirely by the charterer and not directly or indirectly by the individual passengers.

(e) "Public charter" means any charter that is not a "private charter."

(f) "Scheduled passenger operations" means holding out to the public of air transportation service for passengers from identified air terminals at a set time announced by timetable, published schedule, or other advertising medium.

(g) "Small airplane" means an airplane with passenger seating configuration of fewer than 20 seats.

§ 108.5 Security program.

(a) No certificate holder may engage in scheduled passenger or public passenter operations unless it adopts and carries out a security program that—

(1) Provides for the safety of persons and property traveling in air transportation and intrastate air transportation against acts of criminal violence and air piracy;

(2) Is in writing and signed by the certificate holder or any person delegated authority in this matter;

(3) Includes the items listed in paragraph (b) of this section, as appropriate; and

(4) Has been approved by the Administrator.

(b) Each security program required by paragraph (a) of this section must include, as appropriate, the following:

(1) The procedures, and a description of the facilities and equipment used to perform the screening functions specified in § 108.7.

(2) The procedures, and a description of the facilities and equipment used to perform the control functions specified in § 108.9.

(3) The procedures used to comply with § 108.11.

(4) The procedures used to comply with § 108.13.

(5) The procedures used to comply with § 108.15.

(c) Standard security programs meeting with requirements of paragaraph (b) of this section may be used by certificate holders.

(d) Each certificate holder shall maintain at least one complete copy of its approved security program at its principal business office, a complete copy or the pertinent portions of its approved security program or appropriate implementing instructions at each airport where scheduled passenger operations are conducted, and, shall make those documents available for inspection upon request of any Civil Aviation Inspector.

(e) Each certificate holder shall restrict the distribution, disclosure, and availability of information contained in the security program to those persons with an operational need-to-know and shall refer requests for such information by other persons to the Director of the Office of Civil Aviation Security Service of the FAA.

§ 108.7 Screening of passengers and property.

(a) No certificate holder may permit any person to have, nor may any person have, on or about his person or property, a deadly or dangerous weapon, either concealed or unconcealed, accessible to him while aboard an airplane being operated by the certificate holder, unless:

(1) The person having the weapon is either—

(i) An official or employee of the United States, or a State or political subdivision of a State, or of a municipality; or

(ii) A person who is authorized to have the weapon by the certificate holder and the Administrator, and who has successfully completed a course of training in the use of arms acceptable to the Administrator.

(2) The person having the weapon—

(i) Is authorized to have the weapon; and

(ii) Needs to have the weapon accessible to him in connection with the performance of his duty during the period from the time he would otherwise have checked it in accordance with paragraph (b) of this section until the time it would have been returned to him after deplaning.

(3) The certificate holder has been notified—

(i) Of the flight on which the armed person intends to have the weapon accessible to him at least one hour, or in an emergency as soon as practicable, before departure; and

(ii) When the armed person is other than an employee or official of the United States, that there is a need for the weapon to be accessible to the armed person in connection with the performance of that person's duty during the period from the time he would otherwise have checked it in accordance with paragraph (b) of this section until the time it would have been returned to him after deplaning.

(4) The armed person has identified himself to the certificate holder by presenting credentials that include his clear, full-face picture, his signature, and the signature of the authorizing official of his service or the official seal of his service. A badge, shield, or similar device may not be used as the sole means of identification.

(5) The certificate holder—

(i) Has ensured that the armed person is familiar with its procedures for the carriage of a deadly or dangerous weapon aboard its airplane prior to the time such person boards the airplane;

(ii) Has ensured that the identity of the armed person is known to each law enforcement officer and each employee

of the certificate holder responsible for security during the boarding of the airplane; and

(iii) Has notified the pilot-in-command and any other person authorized to have a weapon accessible to him aboard the airplane of the location of each authorized armed person aboard the airplane.

(b) No certificate holder may knowingly permit any person to transport, nor may any person transport or tender for transport any explosive, incendiary device or a loaded firearm in checked baggage aboard an airplane being operated by the certificate holder.

(c) No certificate holder may knowingly permit any person to transport, nor may any person transport or tender for transport any unloaded firearm in checked baggage aboard an airplane being operated by the certificate holder unless:

(1) The passenger has declared to the certificate holder either orally or in writing before checking the baggage that a firearm is in the baggage; and the certificate holder has obtained from the passenger, before checking the baggage, a declaration that any firearm carried in the baggage is unloaded.

(2) The firearm is carried in a container the certificate holder considers appropriate for air transportation.

(3) When the firearm is other than a shotgun, rifle, or other firearm normally fired from the shoulder position, the baggage in which it is carried is locked, and only the passenger checking the baggage retains the key.

(4) The baggage containing any firearm is carried in an area that is inaccessible to passengers, other than flight crew compartment.

(d) No certificate holder may serve any alcoholic beverage to a person having a deadly or dangerous weapon accessible to him nor may such person drink any alcoholic beverage while aboard an airplane operated under this part.

(e) Each certificate holder shall use the procedures included and the facilities and equipment described in its approved security program to perform the following screening functions:

(1) Except as provided in paragraph (a) of this section, prevent or deter the carriage aboard its large airplanes by any person any weapon to include a firearm, explosive or incendiary device, on or about the individual's person or accessible property, and, the carriage of any explosive or incendiary device in checked baggage.

(2) Obtain identification for all passengers enplaning on its small airplanes, otherwise determine that such passengers do not pose a threat to the safety of that flight; and, assure that the baggage of passengers enplaning on its small airplanes is transported with the passengers.

(f) Each certificate holder shall refuse to transport:

(1) Any person who does not consent to a search of his person or furnish identification in accordance with the screening system prescribed in paragraph (e) of this section; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the screening systems prescribed by paragraph (e) of this section.

§ 108.9 Security of airplanes and facilities.

Each certificate holder shall use the procedures included, and the facilities and equipment described, in its approved security program to perform the following control functions:

(a) Prohibit unauthorized access to its airplanes.

(b) Ensure that baggage carried in its airplanes is checked in by a responsible agent and that identification is required from persons other than known shippers shipping goods or cargo abroad its airplanes.

(c) Ensure that cargo and checked baggage carried aboard its airplanes is handled in a manner that will prohibit unauthorized access;

(d) Conduct a security inspection of each airplane prior to placing it in service and after it has been left unattended.

§ 108.11 Law enforcement officers.

(a) at airports within the United States not governed by Part 107 of this chapter, each certificate holder engaging in public charter passenger operations shall:

(1) when using large airplane provide for law enforcement officers meeting the qualifications and standards, and in the number and manner specified, in Part 107; and

(2) when using small airplanes arrange for law enforcement officers meeting the qualifications and standards specified in Part 107 to be available to respond to an incident; and, provide to appropriate crewmembers current information with respect to procedures for obtaining law enforcement assistance at the airport.

(b) at airports governed by Part 107 of this chapter, each certificate holder engaging in scheduled passenger or public charter passenger operations shall:

(1) Advise the airport operator reasonably in advance of the operation to enable the operator to comply with the law enforcement requirements of Part 107; and

(2) When using small airplanes, provide to appropriate crewmembers current information with respect to procedures for obtaining law enforcement assistance at the airport and summon law enforcement assistance in accordance with the procedures established by the airport operator whenever it is needed to support the certificate holder's security program.

§ 108.13 Use of X-ray.

(a) No certificate holder may use an X-ray system within the United States to inspect carry-on articles unless specifically authorized under a security program required by § 108.5 of this part or use such a system contrary to its approved security program. The Administrator authorizes certificate holders to use X-ray systems for inspecting carry-on articles, under an approved security program, if the certificate holder shows that——

(1) For a system manfactured prior to April 25, 1974, it meets either the guidelines issued by the Food and Drug Administration (FDA), Department of Health, Education, and Welfare (HEW) and published in the **Federal Register** (38 FR 21442, August 8, 1973); or the performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(2) For a system manufactured after April 24, 1974, it meets the standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1979);

(3) A program for initial and recurrent training of operators of the system has been established, which includes training in radiation safety, the efficient use of X-ray systems, and the identification of weapons and other dangerous articles:

(4) Procedures have been established to ensure that each operator of the system will be provided with a personnel dosimeter (such as a film badge or thermo luminescent dosimeter) each dosimeter used will be evaluated at the end of each calendar month, and records of operator duty time and the results of dosimeter evaluations will be maintained by the certificate holder; and

(5) The system has the capability of distinguishing an insulated 24-gauge, solid copper wire.

(b) No certificate holder may use an X-ray system within the United States

unless within the preceding 12 calendar months a radiation survey has been conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the FDA in the Federal Register of August 8, 1973 (38 FR 21442).

(c) No certificate holder may use an X-ray system after the system is initially installed or after it has been moved from one location to another, unless a radiation survey is conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the FDA in the Federal Register of August 8, 1973 (38 FR 21442); except that a radiation survey is not required for an X-ray system that is moved to another location, if the certificate holder shows that the system is so designed that it can be moved without altering its performance.

(d) No certificate holder may use an X-ray system that is not in full compliance with any defect notice or modification order issued for that system by the FDA, unless that Administration has advised the FAA that the defect or failure to comply is not such as to create a significant risk or injury, including genetic injury, to any person.

(e) No certificate holder may use an X-ray system to inspect carry-on baggage or items, unless a sign is posted in a conspicous place which notifies passengers that such items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from the carry-on articles before inspection. This sign shall also advise passengers that they may request a physical inspection be made of their photographic equipment and film packages without exposure to an X-ray system. If the X-ray system exposes any carry-on article to more than one milliroentgen during the inspection, the certificate holder shall post a sign which advises passengers to remove film of all kinds from their carry-on articled before inspection. If requested by passengers, their photographic equipment and film packages shall be physically inspected without exposure to an X-ray system.

(f) Each certificate holder shall maintain at least one copy of the results of the most recent radiation survey conducted under paragraph (b) or (c) of this section, and shall make it available for inspection upon request by the Administrator, at each of the following locations:

(1) The certificate holder's principal business office; and

(2) The place where the X-ray system is in operation.

§ 108.15 Bomb or air piracy threats.

(a) Upon receipt of a bomb threat against a specific airplane of flight, the certificate holder shall attempt to determine whether or not any explosive or incendiary device is aboard the airplane involved by—

(1) Conducting a security inspection on the ground before the next flight or, if the airplane is then in flight, immediately after its next landing.

(2) If the airplane is being operated on the ground, advising the pilot-in-command to immediately submit the airplane for a security inspection.

(3) If the airplane is in flight, immendiately advising the pilot-in-command of all pertinent information available so that necessary emergency action can be taken.

(b) Immediately upon receipt of information that an act or suspected act or air piracy has been committed, the certificate holder shall notify the Administrator. If the airplane is in airspace under other than United States jurisdiction, the certificate holder shall also notify the appropriate authorities of the state in whose territory the airplane is located; or, if the airplane is in flight, the appropriate authorities of the state in whose territory the airplane is to land. Notification of the appropriate air traffic controlling authority is sufficient action to meet this requirement.

§ 108.17 Carriage of passengers under the control of armed law enforcement officers, other than passengers under voluntary protective escort.

(a) Except as provided in paragraph (c) of this section, no certificate holder may knowingly carry a passenger in the custody of an armed escort on an airplane in scheduled passenger operations unless—

(1) The armed escort is a law enforcement officer. For the purpose of this paragraph, "law enforcement officer" means an official or employee (including military personnel) of the United States, of a State or political subdivision of a State, or a municipality who is required by appropriate authority to maintain custody and control over an individual aboard an airplane;

(2) The certificate holder is notified by the responsible government entity at least one hour, or in case of emergency as soon as possible, before departure—

(i) of the identity of the passenger to be carried and the flight on which it is proposed to carry the passenger; and

(ii) whether the passenger is considered to be in a maximum risk category or not.

(3) If the passenger is considered to be in a maximum risk category, the passenger is under the control of at least two armed law enforcement officers and no other passengers are under the control of those two law enforcement officers;

(4) No more than one passenger who the certificate holder has been notified is in a maximum risk category is carried on the airplane;

(5) If the passenger is considered to be not in a maximum risk category, the passenger is under the control of at least one armed law enforcement officer. No more than two of these persons may be carried under the control of any one law enforcement officer;

(6) The certificate holder is assured, prior to departure, by each law enforcement officer that—

(i) the officer is equipped with adequate restraining devices to be used in the event restraint of any passenger under the control of the officer becomes necessary; and

(ii) each passenger under the control of the officer has been searched and does not have on or about their person or property anything that could be used as a deadly or dangerous weapon;

(7) Each passenger under the control of a law enforcement officer is—

(i) Boarded before any other passengers when boarding at the airport where the flight originates and deplaned at the destination after all other deplaning passengers have deplaned.

(ii) Seated in the rear-most passenger seat when boarding at the airport where the flight originates; and

(iii) Seated in a seat that is neither located in any lounge area, nor located next to or directly across from any exit; and

(8) A law enforcement officer having control of a passenger is seated between the passenger and any aisle.

(b) No certificate holder operating an airplane under paragraph (a) of this section may—

(1) Serve food and beverage or provide metal eating utensils, to a passenger under the control of a law enforcement officer while aboard the airplane unless authorized to do so by the law enforcement officer; or

(2) Serve a law enforcement officer or the passenger under the control of the officer any alcoholic beverages while aboard the airplane.

(c) Each law enforcement officer carried under the provisions of paragraph (a) of this section shall, at all times, accompany the passenger under the control of the officer and keep the passenger under surveillance while aboard the airplane.

(d) No law enforcement officer carried under paragraph (a) of this section or any passenger under the control of the

officer may drink alcoholic beverages while aboard the airplane.

(e) This section does not apply to the carriage of passengers under the voluntary protective escort.

§ 108.19 Approval of security programs and amendments.

(a) Each certificate holder shall submit its entire security program to the Administrator for approval at least 90 days before the date of intended passenger operations.

(1) Within 30 days after receipt of the program, the Administrator either approves the program or notifies the certificate holder to modify the program to comply with the applicable requirements of this part.

(2) The certificate holder may petition the Administrator to reconsider the notice to modify within 30 days after the receipt of the notice, and, except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

(b) The Administrator may amend an approved security program, if it is determined that safety and the public interest require the amendment, as follows:

(1) The Administrator notifies the certificate holder, in writing, of the proposed amendment, fixing a period of not less than 30 days within which it may submit written information, views, and arguments on the amendment.

(2) After considering all relevant material, the Administrator notifies the certificate holder of any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the certificate holder receives the notice, unless it petitions the Administrator to reconsider the amendment, in which case the effective date is stayed by the Administrator.

(3) If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation or in air commerce that makes the procedure in this paragraph impracticable or contrary to the public interest, he may issue an amendment, effective without stay, on the date the certificate holder receives notice of it. In such a case, the Administrator incorporates the findings, and a brief statement of the reasons for it, in the notice of the amendment to be adopted.

(c) A certificate holder may submit a request to the Administrator to amend its program. The application must be filed with the Administrator at least 30 days before the date it proposes for the amendment to become effective, unless a shorter period is allowed by the Administrator. Within 15 days after receipt of a proposed amendment, the Administrator either approves or denies the request. Within 30 days after receiving from the Administrator a notice of refusal to approve the application for amendment, the applicant may petition the Administrator to reconsider the refusal to amend.

PART 107—AIRPORT SECURITY

2. By revising paragraphs (a)(1), (a)(2) and (b)(1) of § 107.1 to read as follows:

§ 107.1 Applicability and definitions.

(a) This part prescribes aviation security rules governing—

(1) The operation of each airport regularly serving the scheduled passenger operations of a certificate holder to whom Part 108 of this chapter applies;

(2) The operation of each airport regularly serving scheduled passenger operations of a foreign air carrier holding a permit to whom § 129.25 applies; and

* * * * *

(b) For purposes of this part—

(1) "Airport operator" means a person who operates an airport regularly serving the scheduled passenger operations of a certificate holder or a foreign air carrier to whom Part 108 or § 129.25 of this chapter applies.

* * * * *

3. By amending § 107.3 by inserting the phrase "or (f)" after the phrase "paragraph (b)" in paragraph (c) and by revising paragraphs (a)(3) and (b) and adding a new paragraph (f) to read as follows:

§ 107.3 Security program.

(a) * * *

(3) Includes the items listed in paragraph (b) or (f) of this section, as applicable; and

* * * * *

(b) For each airport serving scheduled passenger operations conducted in airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter) of 20 or more seats, the security program required by paragraph (a) must include at least the following:

* * * * *

(f) For each airport serving scheduled passenger operations in airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter), of less than 20 seats, the security program required by paragraph (a) of this section must include at least the following:

(1) A description of the law enforcement support necessary to comply with § 107.15(b), and the procedures which the airport operator has arranged to be used by the air carrier or foreign air carrier to summon that support.

(2) A description of the training program for law enforcement officers required by § 107.17.

(3) A description of the system for maintaining the records described in § 107.23.

§ 107.7 [Amended]

4. By amending § 107.7 by inserting the phrase "or (f)(1)" after the phrase "§ 107.3(b)(7)" in paragraph (a)(4).

§ 107.13 [Amended]

5. By amending § 107.13(a) by deleting the words "airport operator" in the introductory phrase and substituting the words "operator of an airport serving schedued passenger operations by airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter) of 20 or more seats."

6. By revising § 107.15 to read as follows:

§ 107.15 Law enforcement support.

(a) Each operator of an airport serving scheduled passengers operations by airplane having a passenger seating configuration (as defined in § 108.3 of this chapter) or 20 or more seats shall provide law enforcement officers in the number and in a manner adequate to support—

(1) Its security program;

(2) Each passenger screening system required by Part 108 of this chapter; and

(3) Each passenger screening system required by Part 129 of this chapter after June 29, 1979 or, after the date specified by the foreign air carrier involved, whichever date is earlier.

(b) For scheduled passenger operations in airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter) of less than 20 seats, each airport operator shall ensure that law enforcement officers are available, and committed, and to respond to each request by an air carrier or foreign air carrier made in accordance with §§ 108.11(b)(2) and 129.25(d)(2) of this chapter, in the number and in a manner adequate to support the airport operator's security program and that of the air carrier or foreign air carrier and shall ensure that such procedures are provided to the air carrier or foreign air carrier.

7. By amending § 107.17 by inserting the words ", or arrange for response by," after the word "use" in the introductory phrase in paragraph (a).

PARTS 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

8. By deleting § 121.538 and § 121.538a and by substituting a new § 121.538 to read as follows:

§ 121.538 Airplane security.

Certificate holders conducting operations under this part shall comply with the applicable security requirements in Part 108 of this chapter.

9. By deleting § 121.584 and § 585 and by substituting a new § 121.584 and § 121.585 to read as follows:

§ 121.584 Carriage of passengers under the control of Armed law enforcement officers, other than passengers under voluntary protective escort.

Certificate holders conducting operations under this part shall comply with the applicable security requirements in Part 108 of this chapter.

§ 121.585 Carriage of weapons.

Certificate holders conducting operations under this part shall comply with the applicable security requirements in Part 108 of this chapter.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

10. By amending § 129.25 to read as follows:

§ 129.25 Airplane Security

(a) Each foreign air carrier landing or taking off large airplanes in the U.S. in scheduled passenger operations or public charter passenger operations shall use a security program designed to:

(1) Prevent the carriage aboard its airplanes of any explosive or incendiary device or weapon in property intended to be carried in the cabin or on or about the persons of passengers, except as provided in § 129.27 of this part, through screening by weapon-detecting procedures or facilities;

(2) Prohibit unauthorized access to airplanes;

(3) Assure that baggage is accepted by a responsible agent of the foreign air carrier; and

(4) Prevent cargo and checked baggage from being loaded aboard its airplanes unless handled in accordance with the foreign air carrier's security procedures.

(b) Each foreign air carrier landing or taking off small airplanes in the U.S. in scheduled passenger operations or public charter passenger operations shall use a security program designed to:

(1) Obtain passenger identification for all enplaning passengers or otherwise determine that such passengers do not pose a threat to the safety of flight.

(2) Prohibit unauthorized access to airplanes.

(3) Conduct a security inspection of each airplane prior to placing it in service.

(4) Assure that baggage is transported with the passenger, and

(5) Require identification from those shipping goods or cargo aboard the permit holder's airplanes.

(c) To support passenger screening operations at airports within the United States not governed by Part 107 of this chapter, each foreign air carrier engaging in public charter passenger operations shall:

(1) When using large airplanes provide for law enforcement officers meeting the qualifications and standards and in the number and manner specified in Part 107; and

(2) When using small airplanes arrange for law enforcement officers meeting the qualifications and standards specified in Part 107 to be available to respond to an incident; and, provide to appropriate crewmembers current information with respect to procedures for obtaining law enforcement assistance at the airport.

(d) To support passenger screening operations at airports governed by Part 107 of this chapter, each foreign air carrier engaging in scheduled passenger or public charter passenger operations shall:

(1) Advise the airport operator in advance of the operation in sufficient time to enable the operator to comply with the law enforcement requirements of Part 107;

(2) When using small airplanes provide to appropriate crewmembers current information with respect to procedures for obtaining law enforcement assistance at the airport and summon law enforcement assistance in accordance with the procedures established by the airport operator whenever it is needed to support the certificate holder's security program.

(e) Each foreign air carrier conducting operations governed by paragraphs (a) and (b) of this section shall, upon request of the Administrator, and in accordance with applicable law, provide information regarding the implementation and operation of its security program.

(f) No foreign air carrier may land or takeoff an airplane in the United States, in passenger operations, after receipt of a bomb or air piracy threat against that airplane, unless:

(1) If the airplane is on the ground, when a bomb threat is received and the next scheduled flight of the threatened airplane is to or from a place in the United States, the foreign air carrier assures that the pilot-in-command is advised to submit the airplane immediately for a security inspection and an inspection of the airplane is conducted before the next flight; or

(2) If the airplane is in flight to a place in the United States when a bomb threat is received, the foreign air carrier assures that the pilot-in-command is advised immediately to take the emergency action deemed necessary under the circumstances and a security inspection of the airplane is conducted immediately after the next landing; and

(3) If information is received of a bomb or air piracy threat against an airplane engaged in an operation specified in subparagraph (1) or (2) of this paragraph, the foreign air carrier assures that notification of the threat is given to the appropriate authorities of the State in whose territory the airplane is located, or if in flight, the appropriate authorities of the State in whose territory the airplane is to land.

(g) Each foreign air carrier conducting operations governed by paragraph (a) or (b) of this section shall refuse to transport—

(1) Any person who does not consent to a search of his person or furnish identification in accordance with a security program prescribed by paragraphs (a) and (b) of this section; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the security program prescribed by paragraphs (a) and (b) of this section.

(h) For the purposes of this section, the definitions in § 108.3 of this chapter apply.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

§ 135.119 [Amended]

11. By amending § 135.119, by deleting the word "aircraft" in the first sentence of the introductory paragraph and substituting in lieu thereof the phrase "unscheduled or private charter flight."

12. By amending § 135.119, by adding a flush sentence at the end thereof to read as follows:

§ 135.119 Prohibition against carriage of weapons.

* * * * *

Certificate holders conducting scheduled and certain charter operations under this part and persons utilizing such service shall comply with

the applicable security requirements in Part 108 of this chapter.

13. By amending Part 135 by adding a new § 135.125 following § 135.123 to read as follows:

§ 135.125 Airplane security.

Certificate holders conducting operations under this part shall comply with the applicable security requirements in Part 108 of this chapter.

(Secs. 313, 315, 316, 317, 601–610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1358, 1421–1430; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))))

Issued in Washington on October 25, 1979.

Richard F. Lally,

Director of Civil Aviation Security.

[FR Doc. 79-33658 Filed 10-31-79; 8:45 am]

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Thursday
November 1, 1979

Part IV

Federal Emergency Management Agency

Disaster Assistance; Reorganization and Revision of Regulations; Proposed Rule

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. FEMA-DR 205]

Disaster Assistance: Reorganization and Revision of Regulations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: This document presents for general comment parts of a proposed reorganization and revision of subparts of the Federal Disaster Assistance Regulations, 44 CFR Part 205. The reorganization is intended to make the regulations easier to use, clarify existing requirements, and incorporate provisions which reflect new developments and changes in FEMA policy. Specific comment is also requested on Subparts A, E, I, and K which are published herewith. Appropriate response to public comments on this proposed rule will be incorporated in the final rule.

COMMENTS BY: December 31, 1979.

ADDRESS: Federal Emergency Management Agency, Washington, D.C. 20472.

SEND COMMENTS TO: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 1725 I Street, NW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: James Makris, Office of Program Support, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 653-5598.

SUPPLEMENTAL INFORMATION: The notice issued in the **Federal Register** on May 2, 1979, establishing CFR Title and Chapter for FEMA regulations (Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A-E) indicated that Disaster Assistance would be Subchapter D, Parts 200-299.

FEMA has published a Notice of Transfer and Redesignation, effective September 28, 1979, that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200-2205 to 44 CFR Part 200 *et seq.*

The regulations implementing the Disaster Relief Act of 1974 (44 CFR Part 205) are in the process of reorganization and revision. The following proposed rules have been previously published in the **Federal Register** for comment:

Old section numbers		New subpart and section numbers
§ 205.56	Community Disaster Loans (44 FR 417015)	Subpart F, § 205.90-205.97.
§ 205.34-205.38	Fire Suppression (44 FR 9770)	Subpart G, § 205.100-205.104.
§ 205.65-205.74	General Insurance Requirements (44 FR 39188)	Subpart J, § 205.200-205.209.
§ 205.59	Hazard Mitigation (44 FR 21216)	Subpart M, § 205.400-205.411.
	Floodplain Management (44 FR 34048)	Subpart N, § 205.500-205.506

Subpart A—General. This subpart is similar to the current Subpart A. However, the material in present §§ 205.5-205.7, 205.10, 205.11, 205.14, 205.17 and 205.19 is being transferred to more appropriate subparts. Other changes to the subpart are generally editorial in nature, with the exception of the existing "Nondiscrimination in Disaster Assistance" (205.13) regulations for which substantive amendments to be contained in §§ 205.8 and 205.9 are being drafted for comment at a later time. Pending completion of the amendments to the nondiscrimination regulations, old section 205.13 will remain in effect but will be renumbered.

Subpart E—Public Assistance. This subpart revises and recodifies the material in the existing §§ 205.7, 205.22-205.29, 205.52-205.55, and 205.57 of 44 CFR Part 205 as a new Subpart E. The proposed rule is expanded to incorporate material published previously in the FDAA Eligibility Handbook 3300.6 (Rev.). Portions of the material have been revised to clarify existing policy and procedures.

Subpart I—Reimbursement of Other Federal Agencies. This subpart is an editorial review of the current Subpart H, §§ 205.80-205.83, on the same subject.

Subpart K—Flood Insurance Requirements. This redesignates the existing Subpart E, §§ 205.61-205.64, of 44 CFR 205 as a new Subpart K, amends certain sections, and clarifies and updates FEMA policies concerning flood insurance requirements under Pub. L. 93-234 for disaster assistance under the Disaster Relief Act of 1974, Pub. L. 93-288.

Old Subpart G, §§ 205.75-205.79 "Disaster Preparedness Assistance," has been withdrawn from this part and will be reissued as a part of Subchapter E of this chapter. As a consequence, Subpart B of this part is reserved.

FEMA is developing the following regulations: (a) 44 CFR Part 10 concerning implementation of the National Environmental Policy Act of 1969 based on CEQ Regulations (40 CFR Parts 1500-1508) and (b) 44 CFR Part 9 concerning implementation of Executive Orders 11988, and 11990 and the Water Resources Council Guidelines which relate to floodplain management and wetlands. When developed, these regulations will govern actions taken under 44 CFR Part 205, Subparts L and N.

The remaining matter in the present 44 CFR Part 205, plus new matter, will be reorganized and renumbered as follows:

Old section numbers		New subpart and section numbers
§ 205.5, § 205.6, § 205.23-205.27, § 205.39, § 205.41-205.44	Declaration Process	Subpart C, § 205.30 *et seq.*
§ 205.28, § 205.45-205.51	Individual Assistance	Subpart D, § 205.50 *et seq.*
§ 205.7, § 205.8, § 205.10, § 205.11, § 205.17, § 205.19, § 205.21, § 205.33, § 205.52, § 205.54, § 205.60.	Project Administration	Subpart H, § 205.110 *et seq.*

Interested parties and government agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this rulemaking to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. All submissions received on or before December 31, 1979, will be evaluated. All comments will be available for inspection at the Office of the Rules Docket Clerk. FEMA will evaluate all such comments and experiences to date and will then prepare a Final Rule. This Final Rule will then be issued after FEMA review and clearance.

A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with "Procedures for Protection and Enhancement of Environmental Quality." Interested parties may obtain and inspect copies of

this Finding of Inapplicability at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472.

Accordingly, old §§ 205.1–205.4, 205.7– 205.9, 205.12, 205.15, 205.16, 205.18, 205.20–205.29, 205.52–205.55, 205.57, 205.61–205.64, and 205.80–205.83, are proposed to be amended or deleted and new Subparts A, E, I, and K of the Federal Disaster Assistance Regulations are proposed to be added as follows:

Subpart A—General

Sec.
205.1 Purpose.
205.2 Definitions.
205.3 Policy.
205.4 State emergency plans.
205.5 Assistance by Federal agencies.
205.6 Federal equipment and supplies.
205.7 Use and coordination of relief organizations.
205.8 [Reserved].
205.9 [Reserved].
205.10 Duplication of benefits.
205.11 Nonliability of the Federal Government.
205.12 Criminal and civil penalties.
205.13 Reviews and reports.
205.14 Appeals.
205.15 Effective date.

Authority: Sec. 601, Disaster Relief Act of 1974, Pub. L. 93–288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148; and Delegation of Authority, 44 FR 44792.

Subpart A—General

§ 205.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in implementing those sections of Pub. L. 93–288 assigned to the Director, Federal Emergency Management Agency, (FEMA) by Executive Order 12148, and delegated to the Associate Director for Disaster Response and Recovery, FEMA.

§ 205.2 Definitions.

(a) *General.* The following definitions have general applicability throughout this part:

(1) "The Act" means the Disaster Relief Act of 1974; Pub. L. 93–288, as amended; 42 U.S.C. 5121 et seq.

(2) "Applicant" means the State, local government, or eligible private nonprofit facility submitting a project application or request for direct Federal assistance under the Act or on whose behalf the Governor's Authorized Representative takes such action.

(3) "Associate Director" means the Associate Director for Disaster Response and Recovery, FEMA.

(4) "Contractor" means any individual, partnership, corporation, agency, or other entity (other than an organization engaged in the business of insurance), performing work by contract for the Federal Government or a State or local agency.

(5) "Designated area" means any emergency or disaster-affected portion of a State which the Associate Director has determined is eligible for Federal assistance.

(6) "Director" means the Director, FEMA.

(7) "Emergency" means any hurricane, tornado, storm, flood, high water, wind-drive water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a major disaster. For the purpose of these regulations, an emergency exits when the President so determines.

(8) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

(9) "Federal Coordinating Officer (FCO)" means the person appointed by the Associate Director to coordinate Federal assistance in an emergency or a major disaster.

(10) "Governor" means the chief executive of any State or the Acting Governor.

(11) "Governor's Authorized Representative" means the person named by the Governor in the Federal-State Agreement to execute on behalf of the State all necessary documents for disaster assistance and the evaluate and transmit local government, eligible private nonprofit facility, and State agency requests for assistance to the Regional Director following a major disaster or emergency declaration.

(12) "Local government" means (i) any county, city, village, town, district, or other political subdivision of any State; any Indian tribe or authorized tribal organization; or Alaska Native village or organization, and (ii) includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.

(13) "Major disaster" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(14) "Private nonprofit organization" means any non-governmental agency or entity that currently has (i) an effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under Section 501(c), (d), or (e) of the Internal Revenue Code of 1954 or (ii) satisfactory evidence from the State that the nonrevenue-producing organization or entity is a nonprofit one organized or doing business under State law.

(15) "Public facility" means any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; any non-Federal-aid street, road, or highway; and any other public building, structure, or system, including those used for educational or recreational purposes, or any park.

(16) "Regional Director" means a director of a regional office of the Federal Emergency Management Agency (FEMA).

(17) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or the Northern Mariana Islands.

(18) "State Coordinating Officer (SCO)" means the person appointed by the Governor to act in cooperation with the Federal Coordinating Officer.

(19) "State emergency plan" as used in Section 301(b) of the Act, means that State plan which is designed specifically for State-level response to emergencies or major disasters, and which sets forth actions to be taken by the State and local govenments, including those for implementing Federal disaster assistance.

(20) "Temporary housing" means emergency and/or temporary accommodations provided by the Federal Government to individuals or families made homeless by an emergency or a major disaster (see § 205.52).

(21) "United States" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, the

Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(22) "Voluntary organization" means any chartered or otherwise duly recognized tax-exempt local, State, or national organization or group which has provided or may provide needed services to the States, local governments, or individuals in coping with a disaster.

(b) Definitions which apply to individual subparts are found in those subparts.

§ 205.3 Policy.

(a) It is the policy of the Federal Emergency Management Agency (FEMA) to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage that result from major disasters and emergencies by:

(1) Providing Federal assistance for public and private losses and needs sustained from disasters.

(2) Encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and local governments.

(3) Achieving greater coordination and responsiveness of disaster preparedness and relief programs.

(4) Encouraging individuals, States, and local governments to obtain insurance coverage and thereby reduce their dependence on governmental assistance.

(5) Encouraging hazard mitigation measures, such as development of land-use and construction regulations, floodplain management, protection of wetlands, and environmental planning, to reduce losses from disasters.

(b) It is also the policy of FEMA to foster the development of State and local government organizations and plans for coping with disasters, and to provide advice and guidance to Federal agencies and States and local governments on organization and preparedness to meet the effects of disasters.

(c) It is further a policy of FEMA to ensure that the individual disaster victims are informed of available Federal assistance and to assist individual victims in obtaining the Federal assistance to which they are entitled. Through coordination of all Federal programs and procedures, FEMA shall facilitate, wherever possible, the victims' understanding of these programs and simplify any actions required on the part of those victims who apply for assistance.

§ 205.4 State emergency plans.

The State shall set forth in the State's emergency plan all responsibilities and actions specified in the Act and these regulations that are required of the State and its political subdivisions to prepare for and respond to disasters and to facilitate the delivery of Federal disaster assistance.

§ 205.5 Assistance by Federal agencies.

(a) Upon the declaration of a major disaster or the determination of an emergency by the President, the Associate Director or the Regional Director may direct any Federal agency to provide assistance to State and local governments by:

(1) Utilizing or lending their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any act;

(2) Distributing medicine, food, and other consumable supplies; and

(3) Rendering emergency assistance. Such assistance is provided with or without compensation as considered appropriate by the Associate Director or Regional Director under the provisions of "Subpart I—Reimbursement of Other Federal Agencies" of these regulations.

(b) Federal agencies shall provide any reports or information about disaster assistance that the FCO or Regional Director considers necessary and requests from the agencies.

(c) Assistance furnished by any Federal agency under paragraph (a) of this section is subject to the eligibility criteria provided by the Associate Director under these regulations and other instructions as the Associate Director or Regional Director may issue.

(d) Assistance under paragraph (a) of this section, when directed by the Associate Director or the Regional Director, shall not affect the authority of any Federal agency to provide disaster assistance independent of the Act. However, disaster assistance by other Federal agencies is subject to the coordination of the Federal Coordinating Officer.

(e) In carrying out the purposes of the Act, any Federal agency may accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of any State or local government, agency, office or employee. Such utilization shall not make such services, materials or facilities Federal in nature or make the State or local government or agency an arm or agent of the Federal Government.

(f) Eligible work under the provisions the Act is not performed by or under the direct supervision of a Federal agency except when the State or local government lacks the capability to perform or contract for the approved work or the Regional Director determines that direct assistance is necessary to meet an immediate threat to life, health, or safety. (See § 205.121, Direct Federal Assistance.)

§ 205.6 Federal equipment and supplies.

(a) In any major disaster or emergency, the Associate Director or the Regional Director may direct Federal agencies to donate or loan their equipment and supplies to State and local governments for use and distribution by them for the purposes of the Act.

(b) A donation or loan may include equipment and supplies determined under applicable laws and regulations to be surplus to the needs and responsibilities of the Federal Government. The State shall certify that the surplus property is usable and necessary for current disaster purposes in order to receive a donation or loan. Such a donation or loan is made in accordance with procedures prescribed by the General Services Administration.

(c) In providing assistance under the Act, the Federal Government shall use surplus Federal property to the fullest extent feasible.

§ 205.7 Use and coordination of relief organizations.

(a) In providing relief and assistance under the Act, the Associate Director or the Federal Coordinating Officer may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other voluntary organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Associate Director or the Federal Coordinating Officer finds that such utilization is necessary.

(b) In any major disaster or emergency, the Regional Director may provide assistance by distributing or rendering through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other voluntary organizations medicine, food, and other consumable supplies or emergency services.

(c) The Associate Director may enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other voluntary organizations under which the Federal Coordinating Officer may coordinate the disaster relief activities of such organizations

whenever the organizations are engaged in providing relief during and after a major disaster or emergency. Any agreement shall include provisions assuring that use of Federal facilities, supplies, and services will be in compliance with §§ 205.8 and 205.9 (Nondiscrimination) and § 205.10 (Duplication of Benefits) of these regulations and such other regulations as the Associate Director may issue.

(d) Nothing contained in this section shall be construed to limit or in any way affect the responsibilities of the American National Red Cross as stated in Pub. L. 58–4, approved January 5, 1905 (33 Stat. 599).

§ 205.8 [Reserved]

§ 205.9 [Reserved]

§ 205.10 Duplication of benefits.

(a) The Associate Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster or emergency, shall assure that no person, business concern, or other entity receives Federal financial assistance for any part of the loss for which that person, business concern, or entity has received financial assistance under any other program.

(b) The Associate Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster or emergency, if such person, business concern, or entity received compensation from insurance or any other source for that part of the loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disaster or emergency shall not preclude additional Federal assistance for any part of the loss not compensated otherwise.

(c) Whenever the Associate Director or the Regional Director determines (1) that a person, business concern, or other entity has received assistance both under this Act and from another source for the same loss and (2) that the amount received from all sources exceeded the amount of the loss, the Associate Director or Regional Director shall direct the person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which exceeds the loss.

§ 205.11 Nonliability.

The Federal Government shall not be liable for any claim based upon the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.

§ 205.12 Criminal and civil penalties.

(a) Any individual who fraudulently or willfully misstates any fact in connection with a request for assistance under the Act shall be fined not more than $10,000 or imprisoned for not more than one year or both for each violation.

(b) Any individual who knowingly violates any order or regulation under the Act shall be subject to a civil pentaly of not more than $5,000 for each violation.

(c) whoever knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of the Act shall be subject to a fine in an amount equal to one and one-half the times the original principal amount of the loan or cash benefit.

§ 205.13 Reviews and reports.

(a) The Associate Director shall review the activities of Federal agencies and State and local governments providing disaster assistance, in order to assure maximum coordination and effectiveness of such programs, and shall report to Congress from time to time on these activities.

(b) In carrying out this provision, the Associate Director may direct Federal agencies to submit reports relating to their disaster assistance activities. The Associate Director or the Regional Director may request similar reports from the States relating to these activities on the part of State and local governments. Additionally, the Associate Director may conduct independent investigations, studies, and evaluations as necessary to complete the annual reviews.

§ 205.14 Appeals.

An appeal is a request for reconsideration of a determination on any action related to Federal assistance under the Act and these regulations. Specific procedures for appeals are contained in the relevant subparts of these regulations.

§ 205.15 Effective date.

(a) These regualations are effective and supersede existing regulations as of (the date of final publication).

(b) Any action taken in accordance with previous regulations remains valid.

Subpart E—Public Assistance

Sec.

205.70 General.
205.71 Definitions.
205.72 Applicant eligibility.
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205.74 Emergency work.
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205.76 Eligibility of costs.

Authority: (Sec. 601, Disaster Relief Act of 1974, Pub., L. 93–288 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148; and Delegation of Authority, 44 FR 44792.))

Subpart E—Public Assistance

§ 205.70 General.

This subpart provides policies and guidelines for determinations of eligibility of applicants for public assistance, eligibility of work, and eligibility of costs of Pub. L. 93–288, as amended. It includes criteria for determining eligibility of assistance under Sections 305, 306, 402, 403, 415, 416, 418, and 419 of Pub. L. 93–288, as amended. Refer also to Subparts J, K, L, M, and N of these regulations for additional guidance related to eligibility determinations.

§ 205.71 Definitions.

(a) "Educational institution" means:

(1) Any elementary school as defined by section 801(c) of the Elememtary and Secondary Education Act of 1965;

(2) Any secondary school as defined by section 801(h) of the Elementary and Secondary Education Act of 1965; or

(3) Any institution of higher education as defined by section 1201 of the Higher Education Act of 1965.

(b) "Predisaster condition" means the state of repair or serviceability of a facility immediately prior to the disaster, taking into consideration prior damages, age, deterioration, and any limitations upon its operation.

(c) "Predisaster design" means the size and capacity of a facility, taking into account its major features, as originally placed in service but updated by any modernization or expansion of the facility, prior to the major disaster to provide added capacity.

(d) "Private nonprofit facility" means any private nonprofit educational, utility, emergency, medical, and custodial care facilities, as defined by the Associate Director, including those for the aged or disabled, and those on Indian reservations.

(1) "Educational facilities" means classrooms plus related supplies, equipment, machinery, and utilities of an educational institution necessary or appropriate for instructional, administrative, and support purposes, but does not include:

(i) Buildings, structures and related items used primarily for athletic exhibitions, contests, games or other events for which admission is charged to the general public, such as athletic stadiums, gymnasiums, and swimming pools.

(ii) Buildings, structures and related items used primarily for religious purposes or primarily in connection with any part of the program of a divinity school, or department of divinity, as defined by Section 1201 of the Higher Education Act of 1965.

(2) "Utility" means buildings, structures, or systems of any power, energy, telephone, transportation, water sewage collection and treatment, other similar public service except irrigation.

(3) "Emergency facility" means those buildings, structures, or systems used to provide emergency services, such as fire protection, ambulance, or rescue, to the general public as the result of disasters or other situations of great urgency.

(4) "Medical facility" means any hospital, outpatient facility, rehabilitation facility, or facility for long term care, as defined by the Associate Director, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operation of such medical facilities even if not contiguous.

(5) "Custodial care facility" means those buildings, structures, or systems including those for essential administration and support, which are used to provide institutional care for such persons as the aged and disabled; such persons do not require day-to-day care by doctors or by other professionals but do require close supervision and some physical constraints of their daily activities.

(e) "Private nonprofit organization" means any nongovernmental agency or entity that currently has:

(1) An effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under section 501(c), (d), or (e) of the Internal Revenue Code of 1954, or

(2) Satisfactory evidence from the State that the non-revenue producing organization or entity is a nonprofit one organized or doing business under State law.

(f) "Standards" as used in this subpart means codes, specifications, or standards.

§ 205.72 Applicant eligibility.

(a) Within the disaster area designated by the Associate Director, State or local governments, as defined in 44 CFR Part 205, Subpart A, are eligible applicants.

(b) Certain private nonprofit organizations or institutions, owning and operating educational, utility, emergency, medical or custodial care facilities, are eligible applicants.

(c) An Indian tribe (or authorized tribal organization or Alaskan village or organization, which exists for public service) is also an eligible applicant. In those cases where the State is unable or unwilling to process a project application on its behalf, such applicant may submit its project application direct to the Regional Director.

(d) A public entity is eligible for assistance when its requests are submitted by a State or a political subdivision of the State. Organizations which are formed for a public purpose and whose direction and funding are provided primarily by a political subdivision of the State are normally considered to the public entities.

(e) Any rural community or unincorporated town or village may be eligible when an application for Federal assistance is made by a State or a political subdivision of the State on its behalf.

(f) Eligibility of applicants for emergency snow removal assistance.

(1) To qualify as an eligible applicant, any local government (as defined in section 102 (6), of the Act) must have specific adequately documented responsibility for emergency snow removal from thru public roads or thru streets.

(2) Private nonprofit organizations are not eligible.

(3) State agencies are not eligible applicants for emergency snow removal assistance from State transportation routes under their authority. A State agency may be an applicant when it performs eligible work on behalf of an eligible applicant listed in 44 CFR 205.72 (f)(1), above.

§ 205.73 General work eligibility.

(a) *General.* To be eligible for financial assistance, an item of work must:

(1) Be for a purpose set forth in the Act and these regulations,

(2) Be required as the result of the major disaster or emergency, and

(3) Be located within a disaster area designated by the Associate Director.

(b) *Work under other Federal agency programs.* Disaster assistance under the Act is not available for work which other Federal agencies may fund under their own statutory authorities, except under unusual circumstances approved by the Associate Director.

(c) *Restoration of leased facilities.* (1) Applicant-owned facilities are eligible, except when leased and the lease places such responsibility on the leasee.

(2) Facilities owned by others but under lease to an applicant are eligible to the extent of the applicant's responsibility under the lease.

(d) *Assurances.* As a condition for any grant or loan under the Act, the State and the applicant shall provide the assurances required by the Associate Director and accompanying the project application or loan application. These assurances are legally binding when offered by the applicant and the State, and approved by the Regional Director or the Associate Director.

(e) *Facilities serving a rural community or unincorporated town or village.* To be eligible, a facility or system not owned by a State or local government must meet the following requirements:

(1) The facility is located in and/or serves an unincorporated community, town, or village; and

(2) Ownership is vested in a not-for-profit organization; and

(3) Proposed work on the facility must satisfy eligibility requirements otherwise applicable to public facilities under The Act.

(f) *Grants-in-lieu.* A grant-in-lieu is a categorical grant, based on work eligible under section 306 or 402(e) of the Act, which the grantee may use to provide a larger, more elaborate or equivalent facility that as a minimum replaces the design or capacity of the public facility damaged or destroyed by the major disaster. The facility to which the grant-in-lieu is applied must be restored to its predisaster capacity and serve the same purpose or function as the damaged facility.

(g) *Time limitations.* Timely performance of eligible work is necessary to minimize costs of work and to avoid delays in restoration of public services. The Regional Director may approve reimbursement to an applicant for eligible work performed prior to the Federal damage survey, but within the time limitations and the disaster-affected area. When, due to circumstances not beyond its control, an applicant fails to comply with the approved time limitations, the Associate Director or his/her designee may decline to approve an extension of time for starting or completing the approved work.

§ 205.74 Emergency work.

(a) *General.* (1) Emergency work is eligible under section 305 or 306 of the Act to provide emergency protective measures to save lives, to protect public health and safety, and to protect property as the result of a declared

emergency; under section 306 or 403 for debris removal; under section 415 for Emergency Communications; and under Section 416 for Emergency Public Transportation.

(2) When immediately necessary and no lesser emergency work is feasible, permanent restorative work on facilities damaged or destroyed by a major disaster may be expedited as emergency work under section 306 of the Act. Eligibility of such emergency work shall be determined separately from any other permanent restorative work eligible under section 402 of the Act.

(3) In determining public interest for emergency work, the Regional Director or the Associate Director (or his/her designee) shall determine whether the work is necessary to:

(i) Eliminate immediate threats to life, public health, and safety; or

(ii) Eliminate an immediate hazard which threatens substantial destruction of undamaged public or private property; or

(iii) Assure economic recovery of the affected community to the benefit of the community-at-large; or

(iv) Provide emergency facilities when necessary to resume essential public services.

(4) In determining whether such emergency work is in the public interest, the Regional Director may require certification by local, State, or Federal health officials, including identification and evaluation of the threat and recommendations of the emergency work necessary to cope with the threat.

(b) *Debris removal.* When approved in the public interest by the Regional Director or the Associate Director, the following types of emergency work are eligible:

(1) Clearance of debris and wreckage from publicly and privately owned land and waters.

(2) Demolition and removal of public and private buildings damaged beyond repair.

(3) Cleanout of reservoirs, debris catch basins, streams, and opening of drainage channels or facilities only under section 306 or 403 of the Act. Such clearance shall be limited to the removal of materials which are foreign to that facility and which were deposited by the disaster. It is not in the public interest to clean out debris catch basins at Federal expense that have a remaining capacity of storing debris that could be expected from a five-year storm.

(c) *Emergency protective measures.* (1) The Regional Director may approve emergency protective measures under section 306(a)(4) of the Act which he determines are in the public interest. Such emergency work to protect property must be justified further by a favorable ratio of benefits to Federal costs involved and by providing widespread benefits to the community-at-large.

(2) Emergency protective work to prevent additional damage to property is eligible only when the effects of a declared major disaster or emergency have severely damaged or destroyed facilities and further destruction to improved property is threatened by subsequent storms. When approved, such emergency work is limited to the minimum essential measures required to protect the community-at-large against storms that would be expected to occur not less frequently than every five years, or to restore protection as existed prior to the disaster, whichever is lesser.

(3) *Removal of health and safety hazards.* The following are examples of measures that may be eligible when approved in the public interest by the Regional Director: Disposal of dead animals; drainage of water trapped as a result of a major disaster; pumping of basements only where there is flooding of numerous basements in the disaster-affected area; decontamination of private wells or pumping septic tanks only where pollution problem is widespread; vector control of insects involving a serious health hazard to humans.

(4) *Landslides.* Emergency work shall be performed during the incidence period for the major disaster or emergency, except under unusual circumstances where the Regional Director determines that the proposed work is primarily disaster-related and in the public interest. Permanent stabilization of a landslide is not attainable usually by such emergency measures as debris removal, simple drainage measures, and emergency repairs to damaged public facilities.

(5) *Emergency access.* (i) An access facility that is not publicly owned or is not under the direct supervision of an eligible applicant or grantee may be eligible for emergency repairs or replacement provided:

(A) The Regional Director determines that emergency repair or replacement of the facility is in the public interest, or economically eliminates needs for temporary housing, with no alternative access facilities immediately available within a reasonable distance, and

(B) The necessary emergency work can be provided on a one-time basis and will in no way obligate the Federal Government to fund further emergency work or maintenance.

(6) *Emergency snow removal assistance.* (i) *Definitions:* (A) "Land access roads" means local county roads and city streets which do not serve thru traffic and are of only local interest. Their main function is to provide access to abutting property.

(B) "Community service and feeder roads" means local collector roads and streets which serve thru traffic and provide access to higher type roads and facilitate community activities but are primarily of local interest. One of their major functions is to provide access of abutting property.

(C) "Secondary system of highways" means roads and streets which serve thru traffic and provide access to higher type roads, connecting communities in nearby areas in addition to serving adjacent property.

(D) "Primary system of highways" means roads and streets which serve thru traffic and are of statewide interest. They carry high volumes of traffic between population centers and are designed to facilitate traffic movement with limited land access.

(E) "Freeway system" means roads and streets which serve thru traffic only and provide no access to abutting property. These are the interstate systems.

(ii) *Eligible work.* When approved by the Regional Director or the Associate Director, the following types of facilities are eligible:

(A) Thru traffic lanes for community service and feeder roads.

(B) Tracks and rights-of-way of urban mass transit and rail systems necessary for the resumption of urban high volume traffic.

(iii) *Ineligible work.* The following types of facilities are not eligible:

(A) Land access roads (these normally will include alleys and cul-de-sacs and residential streets where 24-hour parking is permitted during snow emergencies).

(B) Secondary systems, primary systems, and freeway systems where the responsibility for snow removal is vested in a State agency.

(C) Other facilities including:

(*1*) Parking lots (except where needed for emergency snow removal operations)

(*2*) Playgrounds

(*3*) Recreational or park facilities

(*4*) Airports

(*5*) Public housing authorities (except for emergency entrance to housing areas).

(*6*) Cultural facilities

(*7*) Hospitals and other medical care facilities (except for emergency access).

(7) Work that is immediately necessary as the result of a major disaster and directly related to permanent work eligible to be performed later under section 402 of the

Act will normally be approved by the Regional Director in the public interest as emergency protective measures under section 306 of the Act.

(8) *Water control facilities.* Emergency work on water control facilities shall be limited to that required to insure the structural integrity of the damaged facilities or to restore disrupted public services when necessary to meet emergency needs of the community-at-large.

(9) *Ice jams.* Federal assistance to remove ice jams is not eligible under these regulations.

(d) *Emergency communications.* The Regional Director is authorized as the result of an emergency or major disaster to establish emergency communications and make them available to State and local government officials and other persons as he/she deems appropriate. Such emergency communications are ordinarily intended for use as necessary to carry out the disaster relief functions. Communications provided under this section are intended to supplement but not replace normal communications that remain operable after a major disaster. These emergency communications will be discontinued immediately when the essential emergency communications needs of FEMA and the community have been met.

(e) *Emergency public transportation.* The Regional Director may provide emergency public transportation in a disaster-affected area to meet emergency needs and to provide transportation to public places and such other places as necessary for the community to resume its normal pattern of life as soon as possible. Any transportation provided under this section is intended to supplement but not replace predisaster transportation facilities that remain operable after a major disaster. Such emergency transportation will be discontinued as soon as the emergency needs have been met.

§ 205.75 Permanent work.

(a) *General*—(1) *Applicability.* Permanent work is eligible under section 402 of the Act and these regulations and includes help to eligible applicants to repair, restore, reconstruct, or replace eligible facilities which were damaged or destroyed by a major disaster. Criteria for determining eligibility of permanent work are the same for categorical, flexible funding, and small project grants.

(2) *Standards.* (i) To be applicable for Federal grant assistance under section 402 of the Act, standards must be in writing, formally adopted, enforced, and in general use when the major disaster occurred, except:

(A) Those standards prescribed by the Associate Director.

(B) Those standards authorized as deviations by the Associate Director.

(ii) In those cases where no standards are applicable, Federal grant assistance for permanent work under the Act shall be limited to restoring the facility to its predisaster condition and predisaster design to the extent practicable.

(iii) In restoring damaged or destroyed facilities by use of grant assistance for permanent work under the Act, the Regional Director may authorize minor disaster proofing not required by applicable codes, specifications or standards, when in the public interest.

(iv) Under section 406 of the Act, as implemented by 44 CFR 205.408(e), the Associate Director may prescribe standards which then are applicable only to Federally-assisted projects for permanent work.

(v) Under section 402 of the Act, when the Associate Director determines that conformity to existing applicable standards will jeopardize public health and safety, or will not restore predisaster capacity for use, he/she may authorize appropriate standards as deviations. Prior to the authorization of such deviations, the State or local government having jurisdiction in the affected areas shall also adopt and enforce these new standards for all like projects.

(3) *Materials.* For all eligible repairs, replacements, rebuilding or other restorative work, the most economical materials shall be used, taking into consideration the following: Predisaster design and condition of the facility; current applicable standards, if any; and predisaster public services or usage of the facility. Consideration shall also be given to protection of the environment (44 CFR Part 205, Subpart M) and to floodplain management, if applicable (44 CFR Part 205, Subpart N).

(4) *Public interest.* In determining whether permanent work is in the public interest, the Regional Director shall determine that:

(i) The applicant and the work involved are eligible under the Act and these regulations.

(ii) The work is necessary for the benefit of the community-at-large.

(iii) The outlook for continued future public use of the restored facility and the ratio of benefits to costs of restoration are favorable.

(5) *Repairs.* (i) A facility is considered repairable when in terms of current applicable standards for repairs in effect at the time of the disaster:

(A) It is feasible to repair the facility so that it can perform the function for which it was designed as well as it did immediately prior to the disaster; and

(B) Such repairs can be made at a cost less than the estimated cost of replacing the damaged structure on the basis of its design immediately prior to the disaster; and

(C) Such repairs are a practicable alternative under 44 CFR Part 205, Subparts L, M, and N when applicable.

(ii) If the facility was in a damaged or unsafe condition prior to the major disaster, the applicant shall agree to pay the cost of correcting any such conditions as a prerequisite to Federal assistance.

(iii) Only those repairs will be approved which restore the portions of the structure damaged by the major disaster or emergency.

(6) *Replacement.* If a damaged facility is not repairable to predisaster condition as determined by the Regional Director, approved restorative work may include replacement of the facility on the basis of its predisaster design, in conformity with applicable standards for new construction. Refer also to 44 CFR Part 205, Subparts L, M, and N for additional guidance where applicable.

(7) *Relocation.* When the Regional Director determines that there is a practicable alternative to restoring a facility in a high hazard area, he/she may approve relocation to the less hazardous site. In each such case an environmental review is required and the applicant shall provide the new site.

(8) *Feasibility studies.* In those cases where the decision to repair or to replace the damaged facility depends upon relationship between repair costs and replacement costs, and the project is of sufficient magnitude, a feasibility study may be undertaken.

(9) *Limited use facilities.* Facilities which were in limited use prior to the disaster, or were being used for other purposes than originally designed, may be eligible for assistance only to the extent necessary to restore immediate predisaster capacity for such use.

(10) *Inactive facilities.* Facilities that were not in active use at the time of occurrence of the major disaster are not eligible except in those instances, as determined by the Regional Director, where the facilities were only temporarily inoperative for repairs or remodeling, or where active use by the applicant was firmly established in an approved budget and was scheduled prior to the major disaster to begin within a reasonable time.

(11) *No action.* The Regional Director may decline to approve Federal funding to restore facilities at the original site

when such facilities were subject to repetitive heavy damages or destruction in the last five years, or when he/she determines in accordance with Sub-part L, M, or N of these regulations that no practicable alternative exists.

(12) *Nonessential features.* Although constructed and maintained by the applicant, non-functional features of a facility only of aesthetic value are not eligible.

(13) *Furnishings and equipment.* Only those functional furnishings and equipment essential to the maintenance and operation of the facility are eligible. Comparable used or surplus furnishings and equipment will be approved as replacement items when available.

(14) *Consumable supplies.* Consumable supplies damaged or lost in a disaster are eligible for replacement but limited to a 30-day requirement of each item replaced. However, the Regional Director may approve additional requirements for certain items for which he determines that minimum economical stockage levels exceed 30 days.

(15) *Seeding.* Seeding shall normally be limited to broadcast seeding without mulching or fertilizer during the regular seasons when such work is performed locally. The Regional director may approve broadcast seeding to retard erosion in disaster-affected areas and in areas disturbed by eligible work. The Regional Director may approve mulching, fertilizer, and watering only in areas where sodding is eligible and seeding is substituted.

(16) *Sodding.* Sodding is not eligible except:

(i) Where required to maintain the structural integrity of the facility;

(ii) When the local practices of the applicant would require sodding as in golf greens and in certain grassy areas in parks or public places. Seeding shall be substituted whenever feasible.

(17) *Landslides.* Section 402 of the Act provides for restoration of damaged or destroyed facilities which are man-made features or improvements. The site is the owner's responsibility. Permanent stabilization of a landslide area can be quite costly and may not produce the desired results. When the Regional Director determines that no practicable alternative exists, he may decline to provide such grant assistance for restoration of facilities within the slide area.

(b) [Reserved]

(c) *Road and street facilities or systems.*—(1) *Width standards.* The Associate Director has prescribed minimum bridge width standards which are applicable to bridge replacement (but not to repairs) involving FEMA funding. These standards appear in applicable handbooks and may be superseded by changes when approved by the Associate Director.

(2) *Approach roads.* If the approach roads were undamaged and a bridge can be replaced at the existing site without unacceptable traffic safety hazards, the Regional Director may approve eligible restoration costs to replace the bridge at that site in accordance with current applicable standards. If relocation of the bridge is approved to achieve a safer road alignment, any replacement of existing, undamaged approach roads and all other work on approach roads not resulting directly from major disaster damages are the responsibility of the applicant. Such relocated approach roads of any replacement bridge shall conform at least to the minimum American Association of State Highway and Transportation Officials (AASHTO) standards outlined in Tables 1 thru 7, AASHTO Geometric Design Guide for Local Roads and Streets. Skewing of any replacement bridge to conform to a FEMA-approved safer alignment is eligible for Federal reimbursement. If an applicant decides not to provide at its own cost the approach roads, relocated and upgraded to minimum AASHTO standards, Federal assistance under the Act shall be limited to a replacement bridge at the original location with the same capacity as existed at the time of the disaster and with width not exceeding the minimum safe standards stated above.

(3) *Sidewalks.* Sidewalks on bridges are not eligible unless they existed on the damaged bridge prior to the disaster or are required by current, applicable standards.

(4) *Waterway openings.* In the design of bridge and culvert waterway openings, considerations will be given to the drainage area involved above and below the bridge site. Federal regulations pertaining to the National Flood Insurance Program provide for prevention of "new encroachments" into 100-year floodway. However, the replacement of bridges under the Act which were damaged or destroyed is not "new encroachment" within the meaning of those regulations. Waterway openings for bridges and culverts shall be based on predisaster design and capacity in accordance with current applicable standards and additional guidance in 44 CFR Part 205, Subparts L, M, and N.

(5) *Floodway.* Work in floodway related to bridge resoration, including lining and straightening or bank protection such as rip-rap that did not exist prior to the major disaster are not eligible unless such work will reduce overall project costs of new construction eligible for Federal funding.

(6) *Traffic standards.* Determination of predisaster capacity of bridges damaged or destroyed as a result of a major disaster shall be based on the average daily traffic which the bridge carried immediately prior to the disaster.

(7) *Maintenance.* Routine or regular maintenance is not eligible. To be eligible, repairs or replacements of damaged facilities, usually performed as maintenance, must:

(i) Be of disaster scope and magnitude, and

(ii) Be essential to restore the predisaster condition and design of the damaged or destroyed facilities, and

(iii) Be performed on an expedited basis.

(8) *New drainage structures.* Construction of new drainage structures in those cases where lack of drainage structures caused flooding damage is not eligible, except for disaster proofing. In accordance with Subparts L and N of these Regulations, the Regional Director may require that an applicant provide without reimbursement adequate drainage structures or erosion-resistant structures, as a condition for approval of Federal grant assistance for the placement of a fill, embankment, or other facility.

(9) *Culverts.* Culverts that are washed out and destroyed may be replaced by culverts of similar construction or by larger culverts if required by applicable standards. However, if a culvert is merely plugged, and no other damage has been sustained, cleaning of the culvert is routine maintenance and therefore is not eligible.

(d) *Water control facilities.* (1) Repairs or other restorative work will not exceed restoring in accordance with current applicable standards as practiced by the applicant throughout its system of other like facilities:

(i) Predisaster condition and design capacity,

(ii) Previously existing elevations, and

(iii) Cross sections

(2) In those cases where inadequate maintenance by the applicant prior to a major disaster significantly diminished the predisaster design or hydraulic capacity of a facility or system, the Regional Director shall require the applicant to correct the maintenance deficiencies of the entire facility or system as a condition for Federal grant approval. The approval will be limited to restoration of the design and condition of the facility or system as it existed immediately prior to the major disaster. The applicant shall submit a plan and schedule for the required

maintenance work acceptable to the Regional Director before his/her approval of otherwise eligible costs. If these conditions are not satisfied, the Regional Director may decline to approve Federal assistance. Final payment of approved Federal assistance may not be made until the design capacity of the facility or system has been restored and all maintenance deficiencies have been corrected.

(e) *Public buildings and equipment*—(1) *Repairs to buildings.* Where an eligible building receives extensive damage but remains structurally sound, the Federal contribution is limited to repairing the damage in accordance with applicable standards for repairs.

(2) *Replacement of buildings.* When a publicly-owned building is destroyed or damaged to the extent that the Regional Director or the Associate Director determines that it would not be feasible to perform repairs, a replacement structure may be authorized, with its eligible capacity not to exceed the capacity of the original structure.

(3) *Office equipment.* When damage to office equipment is repairable, only repair is authorized. Comparable office equipment such as typewriters, desks and chairs, when available from Federal and State surplus or commercially, shall be procured for replacement items.

(4) *Service equipment.* Police cars and motorcylces, fire trucks, public works construction and maintenance equipment, and other such equipment damaged as a direct result of the disaster, but not as the result of the disaster operations, are eligible for repair or replacement in accordance with the following criteria:

(i) *Repairs.* (A) Only those repairs necessary to return service equipment to its predisaster repair standards are eligible. The allowable repairs normally will not exceed the "Blue Book" retail value of the piece of equipment, less any salvage value and insurance recoveries.

(B) As a condition for Federal grant assistance for repairs, the applicant shall correct any predisaster deficiencies needed to restore the service equipment to safe operating condition without Federal assistance except for disaster related eligible repairs.

(ii) *Replacement.* Non-repairable service equipment will normally be replaced with used equipment of approximately the same age and value to the extent such equipment is readily available within a reasonable time and distance. Any equipment eligible for replacement must have been in active use or temporarily out of service.

(5) *Library books and publications.* Replacement of library books and publications is based on an inventory of the quantities of various categories of books or publications damaged or destroyed. When damage to books is repairable, only repair is authorized. Federal grant assistance shall be based on used replacements, when reasonably comparable and available. Discounts normally are available and must be considered. The Regional Director may authorize equivalent replacement, such as substituting microfilm copies of newspapers and periodicals, if they can be provided at no greater Federal costs than replacement of the damaged items in kind.

(f) *Public utilities.* (1) Repair of public utility distribution systems normally requires the same general type of materials as previously existed. If more economical and satisfactory alternate materials are available, the shall be used.

(2) Cleaning of storm and sanitary sewer lines damaged by the disaster is eligible only to the extent it is disaster-related and necessary to restore adequate functioning of the system under conditions expected each year.

(3) Repair or replacement of measuring devices such as meters is eligible only if the responsibility is that of the applicant or an eligible private nonprofit agency.

(4) The Federal contribution shall not provide a higher level of sewage treatment. If a higher level of treatment is required to meet State or Federal standards, the additional cost of such facilities is the responsibility of the applicant.

(g) *Facilities under construction.* (1) "Under construction" means that period of time from the initiation of construction by applicant forces to final completion of all eligible work or from the award of the prime contract to the applicant's final acceptance of the facility from the contractor. Although the applicant may have accepted certain features of the project for use, the project is considered to be under construction until it is finally accepted.

(2) Only those repairs or replacements are eligible that are necessary to restore facilities damaged or destroyed by a major disaster substantially to predisaster condition. Restoration of the site is the owner's responsibility and is therefore not eligible. Disaster proofing is not eligible.

(h) *Private nonprofit facilities.* (1) Eligibility criteria for restorative work on facilities owned by eligible private nonprofit organizations are the same as for like work on similar facilities owned by any eligible applicant.

(2) As a condition for Federal grant assistance, such facilities must have been operated at the time of the major disaster in a manner to carry out fully the purposes of the facilities and of the owning organization or entity, except those facilities under construction.

(3) As a condition for Federal grant assistance, the eligible owning organization shall provide all assurances normally required from any applicant in submitting a project application plus any additional assurances required by the Regional Director, including but not limited to the following: the grant recipient shall operate and maintain the restored facilities continuously after completion throughout their useful life.

(4) The eligible owning organization must provide without reimbursement the necessary permits and licenses to repair, restore, reconstruct or replace the facility in accordance with the project application and subsequently to maintain and operate the facility.

(5) Repair or replacement of any educational facility for which disaster relief assistance would not be authorized if it were a public facility under the Act, under Pub. L. 81–815, or Title VII of the Higher Education Act of 1965 is not eligible.

(6) Repair or replacement of any hospital or other medical care facility in any disaster-affected area is not eligible:

(i) For which disaster relief assistance would not be eligible under the Act if it were a public facility, or

(ii) Where the Associate Director determines that a significant surplus of such facilities exists, or

(iii) Where he/she determines that a significant surplus of such facilities would be created by the proposed work.

(i) *Public parks and recreational facilities.* (1) Public facilities which constitute physical installations in the area such as playgrounds, swimming pools, boat docks, bath houses, tennis courts, picnic tables, etc., are eligible for repair or replacement when damaged or destroyed as the result of a major disaster.

(2) Natural features of a park or recreational facility such as trees and shrubs may be restored to predisaster condition to the extent necessary to restore significant public services or use that the Regional Director determines to be reasonable and practicable and in the public interest.

(3) Repair or replacement of other damaged or destroyed natural areas is not eligible except to eliminate an immediate threat to public health and safety.

(j) *Removal of timber.* When in the public interest, the Regional Director may approve grants to a State or local government for the purpose of removing

from privately owned lands timber damaged as a result of a major disaster.

§ 205.76 Eligibility of costs.

(a) *General.* (1) This section provides policies and guidelines for determining eligibility of costs of work eligible under the Act that may be paid to any eligible applicant or other recipient of this grant assistance. The subparagraphs which follow are generally applicable to eligibility of costs. Only reasonable costs of eligible work are reimbursable.

(2) Funding to any applicant for costs that are reimbursable by another Federal agency under its own statutory authorities is not eligible under the Act.

(3) The amount of Federal reimbursement made to an applicant under categorical funding or under a small project grant is limited to the eligible cost of performing work approved by FEMA. This limitation is not intended to restrict the type and cost of work which the applicant may choose to undertake. If the applicant performs work in excess of the approved amount, Federal financial assistance is limited to the costs of eligible work approved by the Regional Director or the Associate Director. Flexible funding under section 402(f) of the Act, is limited to 90 percent of the estimated costs of eligible permanent restorative work.

(4) The applicant may use assistance under the Act to supplement funds available from the grant programs of other Federal agencies, or from other sources provided that:

(i) There is no duplication of benefits prohibited by section 315 of the Act, or

(ii) Such funding is not in violation of applicable laws and Federal regulations.

(5) Approval of Federal funding may be withdrawn for any project not started within approved time limitations, including extensions. Federal funding is not eligible for work performed after the approved termination date, including extensions. Refer also to 44 CFR Part 205, Subpart H.

(6) Administrative expenses.

(i) Administrative expenses includes:

(A) Project applications,

(B) Project administration including but not limited to reports, appeals, owner's responsibilities, inspections, and audits, and

(C) Claims for payment.

Such costs attributable primarily to requesting, obtaining, and administering Federal grant or loan assistance are not eligible.

(ii) Not eligible:

(A) Salaries, wages, and expenses of State and local officials who are responsible for directing regular governmental activities.

(B) Salaries, wages, fees, and expenses of individuals or firms while engaged in the preparation and processing of damage assessments, of project applications, claims for payment and supporting documentation, including costs of damage estimates.

(C) Legal fees.

(D) Office supplies and equipment.

(E) Rent.

(F) Telephone and telegraph expenses.

(G) Interest charges, however expressed.

(H) Employer's share of payroll additives for regular employees over and above the employee's gross pay.

(7) Grant-in-lieu.

(i) The amount for which a grant-in-lieu is approved is limited to the estimated costs of the eligible work.

(ii) The Regional Director may not approve grant-in-lieu to provide for proportionate sharing of project costs.

(iii) The only permissible basis for increasing or reducing the Federal funding under a grant-in-lieu is a substantial error or omission in defining the approved scope of eligible work or in the approved estimated reasonable costs of such work. In cases where the actual audited costs for completing the project are less than the approved grant-in-lieu, the final payment will not exceed the actual audited costs. In such cases the Regional Director or the Associate Director will make appropriate reductions in the Federal payment based on his/her determination of costs of completed betterments.

(8) Equipment rental.

Rental of privately-owned equipment to perform eligible disaster work is eligible. However, the rental rates must be comparable to going rates in the locality for similar types of equipment. If not, reasonable rates as determined by the Regional Director shall be substituted in approval of project applications, or of claims. When auditable records are available, the actual audited costs of equipment may be considered in processing appeals.

(9) Hand tools, materials, and supplies.

(i) Eligible:

(A) Reasonable costs for materials and supplies consumed in eligible disaster work, including those procured by direct purchase or taken from applicant's stock.

(B) Costs of hand tools (shovels, handsaws, hammers, etc.), personal equipment, and protective clothing used in performing eligible work.

(ii) Not eligible:

(A) Costs for radios, weapons, and other items utilized regularly in field operations by police and other employees whose duties do not change because of the disaster.

(B) Charges for insurance, interest, storage, overhead, and administrative costs.

(10) Salvage.

Salvage value of any damaged or destroyed property must be deducted in all determinations of eligibility of work and from final reimbursement to any claimant.

(11) Stockpiled items.

Costs of all stockpiled items purchased under the Contributions Program (Pub. L. 920, 81st Congress, as amended) for civil defense purposes which are lost, damaged, or destroyed by a major disaster while in storage are not eligible.

(12) Insurance.

(i) Cost of insurance required as a condition for approval of grant or loan assistance is not eligible.

(ii) Insurance purchased by the State, the applicant, or grantee for its protection from any liability arising from assurances made to the grantor, or arising directly or indirectly from use of the grant shall be at the insured's expense and is not eligible.

(iii) The Regional Director shall reduce the grant the actual applicable amount of insurance proceeds received by the grantee or by any prior insurance commitment for Federal assistance that is delinquent. In the event insurance recovery is contingent upon the amount of reinbursement under the Act, reimbursement is limited to eligible costs as determined by the Regional Director after deducting the maximum amount otherwise recoverable under and up to the limit of the policy.

(13) Acquisition of lands, easements, and rights-of-way.

Such acquisitions are the responsibility of the applicant, or grant recipient upon whose behalf project application was made. These costs are usually covered by the assurances accompanying the project application and are not eligible for Federal reimbursement except when approved in the public interest by the Associate Director under unusual circumstances, requiring immediate action beyond State, applicant, or grantee's capabilities, or involving significant cost savings to the Federal Government.

(14) Licenses.

The costs of Federal, State, or local licenses which are required for the grantee to operate and maintain completed facilities are not eligible. Meeting the requirements for licenses is the responsibility of the grantee.

(15) Permits.

The costs of Federal, State, or local permits which are required to perform eligible work are eligible.

(16) Loss of revenue.

Replacement of revenues lost as the result of a major disaster or emergency is not eligible for grant assistance.

(17) Excess utility costs.

Any loss of revenue or added costs or charges for providing utility services is not eligible.

(18) National Guard.

(i) Eligible:

Actual projects paid by the State not otherwise federally funded for work undertaken by the National Guard on a project basis, including salaries of National Guardsmen directly engaged in project work or supervision, when such projects are approved in advance by the Regional Director or the Associate Director.

(ii) Not eligible:

Use of National Guard for public safety, or other security measures, is not eligible for reimbursement.

(19) Cooperative agreements.

(i) Eligible:

Costs for work performed under cooperative arrangements between State or local governments, but limited to those direct costs of the performing entity, which would be eligible if the applicant had performed the work.

(ii) Not eligible:

Costs for work performed under arrangement between a State or political subdivision of a State and a Federal agency, except when approved in advance by the Regional Director, or the Associate Director.

(20) Work performed by service, fraternal, and other similar organizations which do not normally contract their service for disaster relief.

(i) Eligible:

Only out-of-pocket costs for equipment, materials, and supplies used or consumed in the performance of eligible work.

(ii) Not eligible:

Wages or salaries of member personnel engaged in disaster relief activities.

(21) Prison labor.

(i) Eligible:

Out-of-pocket costs to an eligible applicant of prison labor performing eligible disaster work, including the amount paid the prisoners in accordance with rates established prior to the disaster, and the cost of transportation.

(ii) Not eligible:

Costs of food, lodging, and guards. Also, any costs for prison labor utilized by a contractor.

(22) Private nonprofit organization.

(i) Only categorical grants may be approved by the Regional Director for such eligible grantees. No payment will be made for any work which was not within the scope of responsibility of the eligible private nonprofit organization prior to the major disaster.

(ii) Such grants shall not:

(A) Be used to pay any part of the cost of facilities, supplies, or equipment which are to be used primarily for sectarian purposes; or

(B) Be used to pay costs to repair or replace: any facility, equipment, or supplies used primarily:

(*a*) For religious worship,

(*b*) For religious instruction, or

(*c*) In connection with any part of the program of a school or department of divinity.

(23) Negligence.

No Federal reimbursement shall be made to any applicant for damages caused by its own negligence, by the negligence of any interested public or private organization or entity that is a direct grant recipient, or by any contractor.

(b) *Work by applicant's own forces.* (1) In addition to the provisions of 44 CFR 205.76(a), this section provides criteria for eligibility of costs specifically applicable to work by the applicant's own forces, hereinafter referred to as force account.

(2) Personnel.

(i) Gross salaries or wages (including overtime) of extra employees of the applicant or grantee are eligible when the employees are engaged in the performance of eligible work, but not to exceed the going wages paid locally for such work.

(ii) Gross salaries of wages (including overtime) of regular employees of the applicant or grantee are eligible for reimbursement, but not to exceed the going wages paid locally for such work except the following types of ineligible costs:

(A) Regular salaries or wages of regularly employed policemen and firemen and of other regular employees whose duties do not change because of the disaster. Examples are levee patrollers, pumping plant operators, and building inspectors.

(B) Regular salaries of supervisory personnel other than working foremen engaged primarily-and-continuously in filed supervision of eligible work.

(C) All payroll costs above each employee's gross pay.

(3) Equipment.

(i) The FEMA Schedule of Equipment Rates, or alternative Schedule of Equipment Rates approved by the Associate Director before the Presidential declaration, is applicable to all reimbursements for equipment that is publicly-owned or owned by other grantees.

(ii) For vehicles or equipment utilized by police, firemen, and other employees whose duties do not change because of the major disaster or emergency, only disaster-related actual costs in excess of average costs for the same period of time for the previous three years, based on auditable records are eligible.

(iii) For permanently installed fixed equipment, such as pumping stations, only disaster-related actual costs in excess of the average costs for this same period of time for the previous three years, based on auditable records are eligible.

(c) *Contract work*—(1) *Eligible.* Reasonable costs for work performed by private contractors on eligible projects contracted for in accordance with State or local statutes.

(2) *Not eligible.* Costs incurred under the following types of contracts unless the Associate Director or his designee determines, on a case-by-case basis, the reimbursement of reasonable costs of eligible work is in the best interests of the government:

(i) Cost-plus-percentage-of-cost contracts.

(ii) Contracts containing a provision which makes payment for eligible work contingent upon reimbursement under the Act.

(iii) Contracts with any contractor included on any Federal listing of debarred contractors.

(d) *Emergency work*—(1) *General.* In addition to provisions of 44 CFR 205.76, (a), (b) and (c), these specific criteria apply to emergency work under the Act.

(2) *Engineering and design.* For emergency work such services are usually not necessary and Federal reimbursement may not be justified. The provisions of 44 CFR 205.76(e)(2) are also applicable to any engineering or design services related to emergency work.

(3) *Debris removal.* No Federal reimbursement will be made to an applicant for its reimbursement of an individual or private organization for the cost of removing debris from his/her own property except those public entities and private nonprofit organizations eligible under section 402(b) of the Act.

(4) *Snow removal.* (i) FEMA reimbursement will be made to eligible applicants only for not to exceed one half of the eligible costs incurred for eligible work performed in designated areas during the established incidence period.

(ii) The following types of costs may be eligible when approved by the

Regional Director or the Associate Director:

(A) Costs of equipment operations to perform eligible emergency snow removal. Only those types of equipment are eligible that are listed in the applicable Schedule of Rates accepted by FEMA and the State.

(B) Costs to remove stalled or abandoned vehicles and other obstructions when necessary to accomplish eligible emergency snow removal by equipment operations.

(iii) The following types of costs of emergency snow removal are not eligible:

(A) Costs of hand labor.

(B) Costs of salt, sand, and other such anti-slip measures. These are normal maintenance costs which do not necessarily increase with the depth of the snowfall.

(C) Costs of mobilization or demobilization of equipment.

(5) *Emergency pumping.* Reimbursement for emergency pumping shall terminate promptly after the river or stream has crested, except for removal of trapped water posing an immediate threat to public health and safety.

(6) *Access to water control facilities.* Emergency repairs to roadways along the top of a water control facility shall not exceed that required to provide access for emergency work or that which existed prior to this major disaster or emergency.

(7) *Vector control.* Only disaster-related actual costs in excess of the average cost for the same period of time during the previous three years are eligible when vector control is approved in the public interest.

(e) *Permanent work.*—(1) *General.* In addition to provisions of 44 CFR 205.76 (a), (b), and (c), these specific criteria apply to permanent work under Section 402 of the Act.

(2) *Engineering and design.* Reimbursement for eligible engineering, planning, design, supervision, or inspection services is based upon actual direct costs but shall not exceed the amount approved on the project application, or on a supplemental project application. The Regional Director may approve special services, such as engineering, surveys, soil investigations, resident engineers, and additional construction inspection when justified.

(3) *Feasibility studies.* Feasibility studies may be reimbursable under the Act when approved in advance by the Regional Director. Costs primarily for feasibility studies concerning alternate facilities, betterments, or post-disaster programs or any project approved for flexible funding are not eligible for reimbursement under the provisions of the Act.

(4) *Environmental review.* Costs incurred by an applicant to perform an environmental review and clearance are not eligible without prior approval by the Regional Director. Refer also to 44 CFR Part 205, Subpart L.

(5) *Disaster proofing.* The eligible costs of disaster proofing are limited to minor measures to make the affected features of a facility or structure disaster-resistant. Eligible costs of disaster proofing shall not exceed a small percentage of otherwise eligible costs unless approved by the Associate Director under unusual circumstances on a case-by-case basis.

(6) *Relocations.* When the Regional Director or the Associate Director has approved replacement of a facility at a new location under section 402 of the Act, the costs of acquiring the site plus providing to the site road access, utilities, and communication lines are the owner's responsibility and are not eligible. The costs of replacing the facility at the new approved location, otherwise eligible under the Act, are reimbursable.

(7) *Warranties.* Additional costs to provide warranty or guarantee of any repaired or replacement items or facilities are not eligible for Federal reimbursement. However, after applying for relief from the contractor, manufacturer, or supplier, the applicant or grantee may appeal to the Regional Director for any grant assistance that he can justify as disaster related.

(8) *Projects under construction.* (i) Only categorical grants may be approved for those facilities under construction when damaged or destroyed by a major disaster. Federal reimbursement shall not exceed the net eligible costs to the applicant, to a private nonprofit organization or entity, or to the contractors in restoring a facility to substantially the same condition as existed prior to the major disaster.

(ii) The following are not eligible:

(A) Repair or replacement of the site.

(B) Repair or replacement of mobile construction equipment.

(C) Project operation and maintenance.

(D) Idle construction equipment ownership expense or loss of revenue because of damages to construction equipment or for other reasons.

(E) Interest costs on project funding.

(F) Legal costs.

(G) Contractors' administrative or overhead costs not directly related to eligible work including computer costs.

(H) Costs covered by insurance settlements or salvage, including reimbursement which might be received from any other private, State or local government, or Federal agency.

(I) Contractor's profit in those instances where the contractor is the beneficiary of the Federal assistance.

(J) Applicant's administrative or overhead costs.

(K) Losses resulting from delays in completion of the work such as contract penalties or loss of revenue.

(L) Costs incurred for the preparation of claims for reimbursement under the Act.

(M) Costs of disaster proofing.

(9) *Timber removal.*—(i) *Eligible costs.* (A) Reimbursement for eligible expenses actually incurred in the removal of damaged timber subject to verification by inspection and audit.

(B) Costs of repair or construction of temporary roads approved by the Regional Director as necessary for access to damaged timber for removal.

(ii) *Ineligible costs.* (A) Estimated salvage value of timber destroyed by burning or otherwise by the claimant in lieu of practicable salvage operations.

(B) Costs of timber removal for which the Regional Director determines salvage or insurance recoveries by the claimant are applicable.

Subpart I—Reimbursement of Other Federal Agencies

Sec.
205.150 Purpose.
205.151 Assistance from other Federal agencies.
205.152 Expenditures eligible for reimbursement.
205.153 Procedures for reimbursement.

Authority: Sec. 601, Disaster Relief Act of 1974, Pub. L. 93-288 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148; and Delegation of Authority, 44 FR 44792.

Subpart I—Reimbursement of Other Federal Agencies

§ 205.150 Purpose.

This subpart prescribes the procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies in providing assistance under the authorities of the Act. It is effective for assistance obtained or authorized in emergencies or major disasters declared after August 2, 1976.

§ 205.151 Assistance from other Federal agencies.

(a) The Associate Director or Regional Director, in determining the nature and extent of assistance required to implement authorities under the Act, shall consider the types of assistance available from other Federal agencies.

Either the Associate Director or the Regional Director may request or direct other Federal agencies to provide available assistance as necessary.

(b) All requests or directives to other Federal agencies shall be in writing, or shall be confirmed in writing if made orally, and shall contain a specific reference to the anticipated level of reimbursement.

§ 205.152 Expenditures eligible for reimbursement.

(a) The Associate Director or the Regional Director may not approve reimbursement of costs incurred while performing work under an agency's own authority.

(b) The Associate Director or the Regional Director may approve reimbursement of the following costs which are incurred in providing requested assistance.

(1) Overtime, travel, and per diem of permanent Federal agency personnel.

(2) Wages, travel, and per diem of temporary Federal agency personnel assigned solely to performance of services requested by the Associate Director or the Regional Director in the major disaster or emergency area designated by the Associate Director.

(3) Travel and per diem of Federal military personnel assigned solely to performance of services requested by the Associate Director or the Regional Director in the major disaster or emergency area designated by the Associate Director.

(4) Cost of work, services, and materials procured under contract for the purposes of providing assistance requested by the Associate Director or the Regional Director.

(5) Cost of materials, equipment, and supplies (including transportation, repair, and maintenance) from regular stocks used in providing requested assistance.

(6) All costs incurred which are paid from trust, revolving, or other funds, and whose reimbursement is required by law.

(7) Other costs submitted by an agency with written justification or otherwise agreed to in writing by the Associate Director and the agency.

§ 205.153 Procedures for reimbursement.

(a) Federal agencies may submit requests for reimbursement of amounts greater than $1,000 at any time. Requests for lesser amounts may be submitted only quarterly. An agency shall submit a final accounting of expenditures within 90 days after completion of the agency's work under each request or directive for assistance. Requests for reimbursement are made on SF 1081, Voucher and Schedule of Withdrawals and Credits.

(b) An agency shall document its request for reimbursement with specific details on personnel services, travel, and all other expenses by object class as specified in OMB Circular A–12 and by any sub object class used in the agency's accounting system. Where contracts constitute a significant portion of the billings, the agency shall provide a listing of individual contracts and their associated costs.

(c) Reimbursement requests shall cite the specific directive or request for assistance under which the work was performed, and the disaster identification number. Requests for reimbursement of costs incurred under more than one directive or request may not be combined for billing purposes.

(d) Unless otherwise agreed, an agency shall direct all requests for reimbursement to the Regional Director of the region in which the costs were incurred.

(e) A Federal agency requesting reimbursement shall retain all financial records, supporting documents, statistical records, and other records pertinent to the provision of services or use of resources by that agency. These materials shall be accessible to duly authorized representatives of FEMA and the U.S. Comptroller General, for the purpose of making audits, excerpts, and transcripts, for a period of three years starting from the date of submission of the final billing.

Subpart K—Flood Insurance Requirements

Sec.
205.250 General.
205.251 Definitions.
205.252 Exclusions.
205.253 Applicability.

Authority: Sec. 601, Disaster Relief Act of 1974, Pub. L. 93–288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148; and Delegation of Authority, 44 FR 44792.

Subpart K—Flood Insurance Requirements

§ 205.250 General.

(a) The Flood Disaster Protection Act of 1973, Pub. L. 93–234, as amended, imposes certain restrictions on approval of Federal financial assistance for acquisition or construction purposes for use in any area defined by the Director, FEMA, as an area having special flood hazards. This subpart implements Pub. L. 93–234 as amended, except as specified in paragraph (b) of this section.

(b) Specific flood insurance requirements pertaining to Temporary Housing Assistance and Individual and Family Grants are contained in new Subpart D, §§ 205.52 and 205.54, respectively. To the extent this subpart is inconsistent with those sections, the more specific regulations in those sections apply.

§ 205.251 Definitions.

As used in this Subpart.

(a) "Building" means a walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a mobile home on a foundation.

(b) "Community" means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native Village or organization which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

(c) "Federal financial assistance" means any loan or grant or other form of direct or indirect Federal financial assistance under the Act and these regulations which is not excluded under § 205.252.

(d) "Financial assistance for acquisition or construction purposes" means any form of Federal financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machines, equipment, fixtures, and furnishings contained or to be contained in them but shall exclude assistance pursuant to the Disaster Relief Act of 1974 (other than assistance under such Act in connection with a flood).

(e) "National Flood Insurance Program" (NFIP) means the program authorized by 42 U.S.C. 4001–4128.

§ 205.252 Exclusions.

(a) The following categories of Federal disaster assistance are excluded from the provisions of the Flood Disaster Protection Act of 1973:

(1) Federal financial assistance on any State-owned property that is already covered by an adequate State policy of self-insurance approved by the Director, Federal Emergency Management Agency.

(2) Federal financial assistance under Title II of the Act.

§ 205.253 Applicability.

(a) Federal financial assistance for acquisition or construction purposes.

(1) FEMA shall not approve any financial assistance for acquisition or construction purposes for use in any area that has been identified by the Director, FEMA, as an area having special flood hazards unless the

community in which such area is situated is participating in the National Flood Insurance Program at the time of the approval. This prohibition applies only to communities which have been formally identified for at least one year as communities containing one or more areas having special flood hazards. The "time of approval" of financial assistance is the date on which the authorized FEMA official obligates Federal grant or loan funds. This subsection does not mandate a requirement for community participation in connection with damage resulting from a hazard other than flooding.

(2) FEMA shall not approve any financial assistance for acquisition or construction purposes for use in any area that has been identified by the Director, FEMA, as an area having special flood hazards and in which the sale of flood insurance is available under the National Flood Insurance Program unless the building or mobile home and their contents to which the financial assistance relates are or will be covered by an adequate policy of insurance. As in § 205.253(a)(1) above, this subsection does not mandate a requirement for an insurance purchase in connection with damage resulting from a hazard other than flooding.

(i) An adequate policy for emergency work is one which

(A) Is purchased and maintained for the useful life of the emergency work and

(B) Is in an amount at least equal to the amount of financial assistance for emergency work.

(ii) An adequate policy for permanent work is one which

(A) Is purchased and maintained for the useful life of the eligible restorative work or of the insured property, whichever is less an determined by the Regional Director and,

(B) Is in an amount at least equal to the full insurable value of the Federally assisted property or the maximum amount of insurance available, whichever is less.

(3) In the case of subparagraph (1) or (2) of this paragraph, any building may become eligible for Federal financial assistance if the community concerned qualifies for and enters the NFIP;

(i) Within 6 months after the date of the Presidential Declaration;

(ii) Obtains and maintains the necessary flood insurance; and

(iii) Provides FEMA with written evidence of that insurance.

(4) If the applicant replaces a building outside of the base floodplain, Federal financial assistance will not be denied for failure of the community to participate in the NFIP or to obtain/maintain flood insurance, unless required under Subpart J of these regulations by the Regional Director as a condition for disaster assistance under the Act.

(b) The Regional Director shall work closely with the Governor's Authorized Representative, and State and local governments, to ensure that the provisions of this subpart for special flood hazard areas are considered in the processing and approval of project applications (see Subpart H (Project Administration)). In addition, the Regional Director shall require compliance with the provisions of this subpart in issuing mission assignments for direct Federal assistance under Subpart H of these regulations whenever property subject to the provisions of the Flood Disaster Protection Act of 1973 is involved.

(c) For any State owned building not covered by an approved State policy of self-insurance, the Regional Director shall require proof of adequate flood insurance covering proposed disaster assistance eligible for reimbursement under the Act.

(d) In accordance with § 205.253(a)(1) and (2) above, the applicant shall make a commitment to continue the flood insurance for the anticipated useful life of the eligible restorative work or the insured property, whichever is less as determined by the Regional Director. For those buildings on which the eligible applicant is delinquent on prior flood insurance commitments in previous disasters, the Regional Director shall suspend any future Federal financial assistance for acquisition or construction purposes until such delinquency is eliminated. In such cases, any assistance shall be reduced by the insurance settlement which would have been received had the required insurance coverage been maintained in force.

(e) When a State has been approved by the Director, FEMA, as a self-insurer prior to the declaration of a major disaster or of an emergency, the Regional Director shall determine the amount of self-insurance applicable to any building damaged by a major disaster and shall deduct such self-insurance coverage from the Federal grant for disaster assistance work.

(f) In administering this section, Regional Directors shall utilize current information from the Federal Insurance Administration to identify States having a satisfactory program of self-insurance, the communities eligible for flood insurance under the regular or emergency programs, flood hazard boundary maps, and flood insurance rate maps.

(Sec. 601, Disaster Relief Act of 1974, Pub. L. 93-288 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148; and Delegation of Authority, 44 FR 44792.))

Issued at Washington, D.C., October 26, 1979.

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-33749 Filed 10-31-79; 8:45 am]

BILLING CODE 6718-02-M

federal register

Thursday
November 1, 1979

Part V

Department of Health, Education, and Welfare

National Institutes of Health

Recombinant DNA Research; Proposed Action Under Guidelines and Announcement of Meeting

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Recombinant DNA Advisory Committee; Meeting

Pursuant to Pub-L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee at the National Institutes of Health, Conference Room 10, Building 31C, Bethesda, Maryland 20205, on December 6–7, 1979, from 9:00 a.m. to 5:00 p.m. This meeting will be open to the public on December 6 from 9:00 a.m. to 5:00 p.m., and December 7, from 9:00 a.m. to 3:00 p.m., to discuss:

Amendment of Guidelines
Containment practices appropriate for large-scale production
Exception to a prohibition
Procedures for lowering characterized clones
Large-scale experiments
Prokaryote host-vectors other than *E. coli* K–12
NIH risk-assessment plan
Review of protocols for required containment levels
Other matters requiring necessary action by the Committee.

Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on December 7 from 3:00.p.m. to 5:00 p.m. for the review, discussion and evaluation of a proposal from a commercial concern for scale-up of recombinant DNA experiments. This proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material.

Dr. William J. Gartland, Jr, Executive Secretary, Recombinant DNA Advisory Committee, National Institutes of Health, Building 31, Room 4A52, telephone 301–496–6051, will provide materials to be discussed at the meeting, rosters of committee members and substantive program information. A summary of the meeting will be available at a later date.

Dated: October 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

FR Doc. 79–33783 Filed 10–31–79; 8:45 am]

BILLING CODE 4110–08–M

Recombinant DNA Research; Proposed Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHEW.

ACTION: Notice of proposed actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth proposals for actions to be taken under the 1978 NIH Guidelines for Research Involving Recombinant DNA Molecules [**Federal Register** of December 22, 1978 (43 FR 60108)]. Interested parties are invited to submit comments concerning these proposals. After consideration of these proposals and comments by the NIH Recombinant DNA Advisory Committee (RAC) at its December 6–7, 1979, meeting, the Director of the National Institutes of Health will issue decisions on these proposals in accord with the Guidelines.

DATE: Comments must be received by December 3, 1979.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Drs. Stanley Barban or Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6051.

SUPPLEMENTARY INFORMATION: The National Institutes of Health will consider the following changes and amendments under the Guidelines for Research Involving Recombinant DNA Molecules (43 FR 60108), as well as actions under these Guidelines.

1. *Revision of Requirements for Exempt Experiments.* As a result of discussions by the RAC at its September 6–7, 1979 meeting, a working group has proposed an amendment of the requirements for conducting experiments exempted under Section I–E of the Guidelines. The proposal would amend Section I–E of the Guidelines to read as follows (new wording is in italics:)

I–E. Exemptions. It must be emphasized that the following exemptions[4] are not meant to apply to experiments described in the Sections I–D–1 to I–D–5 as being prohibited.

The following recombinant DNA molecules are exempt from these Guidelines, and no registration with NIH is necessary *provided, however, that where exempted experiments are conducted at, or sponsored by an institution receiving financial support or verbal sanction (i.e., industry) from NIH for research involving recombinant DNA molecules, notice of such experiments shall be given to the local IBC, which will upon request provide ORDA with a summary report of the number and nature of such exempt experiments conducted at or by such institutions:*

2. *Expiration Date for Section VI of the Guidelines.* A proposed Section VI to be added to Guidelines entitled "Voluntary Compliance" was recommended by the RAC at its September 6–7, 1979 meeting by a vote of 11 to 0 with 4 abstentions. Final action on this recommendation by the Director, NIH, has not yet been taken.

Dr. Richard Novick has proposed the following resolution with regard to compliance with the Guidelines by non-federally funded institutions:

Whereas it is desirable to establish a uniform standard of conduct for the performance of experiments involving recombinant DNA techniques,

And whereas the RAC has recommended mandatory compliance with the NIH Guidelines for non-federally funded institutions,

And whereas there is currently no extent legal framework within which this can be effected,

The RAC congratulates the Pharmaceutical Manufacturers Association and its member companies for the cooperative spirit that they have shown in agreeing to comply with the NIH Guidelines voluntarily under provisions of the supplement to the Guidelines adopted by the RAC at its meeting of September 6–7, 1979.

At the same time, the Committee regards the concept of voluntary compliance as experimental; in order to ensure further consideration after a trial period, it sets hereby an expiration date of June 1, 1980, subject to renewal, on these supplementary provisions (Section VI of the Guidelines).

3. *Amendment of Sections I–A and II–D of the Guidelines.* Dr. Richard Novick has recommended that Sections I–A and II–D of the Guidelines be amended to include additional text (new text is in italics):

I–A. Purpose. The purpose of these Guidelines is to specify practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules *in cases where there is a clearly perceived hazard to plants or animals.*

II–D. Biological Containment. *Whenever a molecular clone poses a clearly definable hazard, a level of biological containment appropriate to the severity of the hazard will be used.*

Dr. Novick has proposed that the following new sections be inserted in the Guidelines as Sections II–D–1–a, II–D–1–a–(1), and II–D–1–a–(2). The current text on HV1 with these numbers would be retained and renumbered. The

proposed new sections would read as follows:

II–D–1–a. *HV0.* A host-vector system that provides no biological containment in comparison with naturally-occurring organisms of the same species.

II–D–1–a–(1). *EK0.* The host is any strain of *E. coli* and vectors include plasmids and bacteriophages without restriction.

II–D–1–a–(2). *Other prokaryotes.* Other prokaryotes may be used at the HV0 level after certification by the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment.

4. *Amendment of Sections III–B–2, III–C–5, and III–C–6.* At its September 6–7, 1979 meeting, the RAC voted to consider at its next meeting an amendment of Section III–C–6 proposed by Dr. David Hogness of Stanford University to remove the requirement for use of certified EK2 plasmid vectors in certain experiments involving "return of DNA to host of origin." Because the proposed amendment is also applicable to other sections of the Guidelines, all of the affected sections will be considered for amendment. The proposed amendment of Sections III–B–2, III–C–5, and III–C–6 would change the words ". . . may be inserted into a lambdoid phage vector or into a vector from a certified EK2 host-vector system and propagated . . ." to ". . . may be inserted into a vector and propagated . . ."

5. *Amendment of Section III–C–7–a.* Dr. David Hogness of Stanford University has proposed that Section III–C–7–a be amended to include invertebrates. The current version of III–C–7–a refers only to non-human vertebrates. The amended Section III–C–7–a would read as follows:

III–C–7–a. *Transfer to Non-human Animals.* DNA from any nonprohibited source (Section I–D), except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* under P1 conditions, may be transferred with the *E. coli* vector used for cloning to any eukaryotic cells in culture or to any nonhuman animal and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]. Transfers to any other host will be considered by the RAC on a case-by-case basis [45].

6. *Request to Clone Segments of Foot and Mouth Disease Virus.* Investigators at the Plum Island Animal Disease Center have requested an exception to a prohibition in order to clone in *E. coli* K–12 the VP_3 protein of Foot and Mouth Disease (FMD) virus. This virus is an RNA virus belonging to the class of picornavirus. This disease agent is controlled by the United States Government, which has, by law, forbidden entry into the U.S. of the animal disease organism (CDC class 5 agent). The U.S. Congress has, however, designated the Plum Island Animal Disease Center, of the U.S. Department of Agriculture, as the one place in the U.S. where this agent can be cultured.

The Director, NIH, is authorized to permit exceptions to prohibuted experiments under Section IV–E–1–b–(1)–(e).

7. *Containment Standards for Large-Scale Research and Production.* The Working Group on Large-Scale Research and Production has prepared a draft set of physical containment standards for recombinant DNA research involving more than 10 liters of culture. Copies of these draft standards are available from the NIH Office of Recombinant DNA Activities.

Comments on the draft standards are invited. Comments received in timely fashion will be considered at the December RAC meeting. All comments received through January 10, 1980, will be taken into account by the Working Group in its preparation of a revised draft. The revised draft standards for large-scale work will be available from ORDA on February 1, 1980, and will be considered at the March RAC meeting. Comments on the revised draft standards will be considered at the March meeting.

If eventually approved by the NIH Director, the substantive standards for large-scale work could be combined with the procedural standards recommended by the RAC at the September 1979 meeting or a subsequently revised version. The combined standards could then constitute an Appendix on Large-Scale Research and Producton to the general NIH Guidelines.

8. *Transfer of DNA from Anabaena to Klebsiella.* Dr. Robert Haselkorn of the University of Chicago has requested approval to transfer cloned fragments of *Anabaena* DNA into *Klebsiella* by transformation.

9. *Proposed EK2 Lambda–E. coli K–12 Host-Vector Systems.* Dr. Pierre Tiollais of the Institut Pasteur has requested EK2 certification of several *E. coli* K-12 host-vector systems based on derivatives of bacteriophage lambda.

10. *Proposal from Risk Assessment Working Group.* The NIAID Risk-Assessment Working Group has proposed a major change to the NIH Recombinant DNA Guidelines that will broaden the field of investigations of risk assessment studies and will accelerate the process by which such studies will be carried out. At the present time, experiments allowable under the Guidelines are basically restricted to the use of DNA from non-pathogenic organisms which are propagated in host organisms that possess at least a moderate degree of biological containment. Experiments which involve genes for the biosynthesis of toxins potent for vertebrates, DNA from class 3, 4, and 5 pathogens, and DNA from plant pathogens that may increase virulence or host range are specifically prohibited by the Guidelines as are experiments which may involve "wild type" host-vector systems. The design of risk assessment studies which now may be classified as allowable experiments may skew the studies toward negative results because of the absence of moieties which may confer hazardous qualities. Also, the results of such experiments may not allow extrapolation to assess risks of recombinant DNA experiments that may involve organisms which possess intrinsic hazardous qualities such as infectious microorganisms. On the other hand, it shoud be possible to measure more precisely the potential risk of recombinant DNA technology if experiments which fall within the prohibited categories were encouraged and carried out. While such experiments can be excepted from the prohibitions, the long process for granting exceptions discourages innovative research in the prohibited areas. The following major change is therefore recommended to encourage and stimulate relevant risk assessment studies that may lead to a more precise understanding of the potential hazards associated with recombinant DNA technology.

The specific proposed change to the Guidelines is to add the following paragraph to the end of Section I–D:

Experiments in Categories I–D–1, I–D–2, I–D–3, I–D–5, and experiments involving "wild type" hostvector systems are excepted from the prohibitions provided that these experiments are designed for risk assessment purposes and are conducted within the NIH high containment facilities located in Building 41–T on the Bethesda campus and in Building 550 located at the Frederick Cancer Research Center. The selection of laboratory practices and containment equipment for such experiments shall be approved by ORDA following consultation with the RAC Risk Assessment Subcomittee and the NIH Biosafety Committee.

11. *Proposed Containment for Cloning Tumor Virus Genes.* Dr. Stuart Newman of New York Medical College has filed the following statement and proposed major action with ORDA: "I would like to point out several aspects of the recently reported Rowe-Martin tumorigenicity risk-assessment experiments (Israel, et al., *Science, 205,* 1140, 1979) that I believe have not

received adequate discussion either at the RAC or in the scientific community at large:

(a) Restriction enzyme generated fragments of the polyoma genome retain the tumorigencity exhibited by polyoma DNA, even after incorporation into plasmids or lambda particles. Therefore, working with subgenomic fragments does not represent a form of containment, as may have been thought previously. Indeed, a recent paper from Rowe and Martin's groups (Israel, et al., *PNAS, 76,* 3713, 1979) shows that preparations of polyoma DNA can actually have their tumorigencity increased to one hundred percent (vs. nineteen percent in controls) by treatment with certain restriction enzymes. Therefore, working with subgenamic fragments actually represents a new level of hazard.

(b) Since polyoma DNA and subgenomic fragments thereof are tumorigenic in the absence of residual infectivity, the argument that working with the DNA is no more hazardous than working with the whole virus, is no longer tenable. Specifically, the generation of infective particles and subsequent spread through the tissue of an exposed host *is not* necessary for a tumor to be formed; action on a single cell of a host and subsequent replication of that transformed cell is all that is necessary.

(c) A corollary of (b) is that the capsid of a normal virus may actually represent a form of containment which is breached in splicing experiments. There is good reason to believe that the host range for tumorigenicity may be extended by the use of subgenomic fragments, since unlike the capsid, DNA probably does not observe cell surface differences.

(d) The insertion of plasmids or lambda particles containing polyoma DNA fragments into bacteria represents a new route into the ecosystem and a new reservior for variation of a material which is manifestly an agent of animal carcinogenesis.

(e) The fact that the splice products are less effective than the whole virus in promoting tumors in polyoma's normal host is irrelevant when considered along with the creation of quantitatively new routes of dissemination of this tumorigenic agent.

I therefore propose in the strongest terms that guidelines for containment of tumor virus gene splicing experiments be raised to P4/EK2 levels rather than be further weakened as would result from the *E. coli* K–12 exemption proposal of the September 1979 RAC meeting.

Dated: October 25, 1979.

Donald S. Frederickson, M.D.,

Director, National Institutes of Health.

[FR Doc. 79-33784 Filed 10-31-79; 8:45 am]

BILLING CODE 4110-08-M

Reader Aids

Federal Register

Vol. 44, No. 213

Thursday, November 1, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266	Public Law Numbers and Dates, Slip Laws, U.S.
-5282	Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, NOVEMBER

62879-63076.....1

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.**

TABLE OF EFFECTIVE DATES AND TIME PERIODS—NOVEMBER 1979

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for Federal Register scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month. All January and February dates are in 1980.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
November 1	November 16	December 3	December 17	December 31	January 30
November 2	November 19	December 3	December 17	January 2	January 31
November 5	November 20	December 5	December 20	January 4	February 4
November 6	November 21	December 6	December 21	January 7	February 4
November 7	November 23	December 7	December 24	January 7	February 5
November 8	November 23	December 10	December 24	January 7	February 6
November 9	November 26	December 10	December 24	January 8	February 7
November 13	November 28	December 13	December 28	January 14	February 11
November 14	November 29	December 14	December 31	January 14	February 12
November 15	November 30	December 17	December 31	January 14	February 13
November 16	December 3	December 17	December 31	January 15	February 14
November 19	December 4	December 19	January 3	January 18	February 19
November 20	December 5	December 20	January 4	January 21	February 19
November 21	December 6	December 21	January 5	January 21	February 19
November 23	December 7	December 24	January 6	January 21	February 20
November 26	December 11	December 26	January 10	January 25	February 25
November 27	December 12	December 27	January 11	January 28	February 25
November 28	December 13	December 28	January 14	January 28	February 26
November 29	December 14	December 31	January 14	January 28	February 27
November 30	December 17	December 31	January 14	January 29	February 28

CFR CHECKLIST; 1978/1979 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1978/1979. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $450 domestic, $115 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1979):

Title	Price
1	$3.00
2 [Reserved]	
3	6.00
4	5.50
7 Parts:	
0-52	6.75
53-209	5.00
210-699	11.00
700-899	6.00
900-944	5.25
945-980	3.75
981-999	3.75
1000-1059	6.00
1060-1119	6.50
1120-1199	4.50
1200-1499	6.25
1500-2799	10.00
2852	6.00
2853-end	4.50
8	4.00
9	8.00
10 Parts:	
0-199	6.50
12 Parts:	
1-199	6.00
200-299	8.00
300-end	8.50
13	5.00
14 Parts:	
1-59	7.50
60-199	7.25
200-1199	7.00
1200-end	3.50
15	7.50
16 Parts:	
0-149	5.00
150-999	4.25
1000-end	5.00

CFR Unit (Rev. as of Apr. 1, 1979):

17	12.00
18 Parts:	
0-149	6.50
150-end	7.00
19	7.50
20 Parts:	
1-399	5.50
400-499	7.00
500-end	6.50
21 Parts:	
1-99	5.50
100-199	7.50
200-299	4.00
300-499	7.00
500-599	7.00
600-1299	6.00
1300-end	4.25
22	7.00
23	6.50
24 Parts:	
0-499	8.00
500-1699	7.50
1700-end	6.00
25	7.00
26 Parts:	
1 (§§ 1.0-1.169)	8.00
1 (§§ 1.170-1.300)	6.50
1 (§§ 1.301-1.400)	5.50
1 (§§ 1.401-1.500)	6.00
1 (§§ 1.501-1.640)	6.00
1 (§§ 1.641-1.850)	6.50
1 (§§ 1.851-1.1200)	7.50
1 (§§ 1.1201-end)	8.50
2-29	6.00
30-39	6.00
40-299	7.00
300-499	6.00
600-end	4.25
27	11.00

CFR Unit (Rev. as of July 1, 1979):

28	6.50
29 Parts:	
0-499	8.00
1920-end	7.50
32 Parts:	
40-399	8.50
400-699	8.50
700-799	7.50
1000-end	6.00
32A	5.50
33 Parts:	
1-199	8.50
200-end	7.00
36	7.00
37	5.50
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39	6.00
41 Chapters:	
7	4.00
8	4.00
9	7.00
10-17	6.50
19-100	6.00
CFR Index	8.50

CFR Unit (Rev. as of Oct. 1, 1978):

42 Parts:	
1-399	6.00
400-end	5.50
43 Parts:	
1-999	4.25
1000-end	6.50
44 [Reserved]	
45 Parts:	
1-99	4.75
100-149	5.75
150-199	5.25
200-499	3.50
500-end	8.25
46 Parts:	
1-29	3.25
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41-69	4.50
70-89	3.50
90-109	3.25
110-139	3.25
140-155	3.50
156-165	4.25
166-199	4.00
200-end	6.50
47 Parts:	
0-19	5.00
20-69	5.75
70-79	5.25
80-end	7.00
48 [Reserved]	
49 Parts:	
1-99	3.25
100-199	9.25
200-999	12.00
1000-1199	5.00
1200-1299	6.50
1300-end	4.50
50	5.75

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
EOA Energy Office, Department of Agriculture
ESCS Economics, Statistics, and Cooperatives Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
RDS Rural Development Service
REA Rural Electrification Administration
RTB Rural Telephone Bank
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FTZB Foreign-Trade Zones Board
ITA Industry and Trade Administration
MA Maritime Administration
MBEO Minority Business Enterprise Office
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DCPA Defense Civil Preparedness Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHADOE Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HEW Health, Education, and Welfare Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Center for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
MSI Museum Services Institute
NIH National Institutes of Health
NIOSH National Institute of Occupational Safety and Health
OE Office of Education
PHS Public Health Service
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
FDAA Federal Disaster Assistance Administration
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMO Surface Mining Office

JUSTICE Justice Department

DEA Drug Enforcement Administration
INS Immigration and Naturalization Service
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections

LABOR Labor Department

BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration

FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
OHMR Office of Hazardous Materials Regulations
OPSR Office of Pipeline Safety Regulations
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

AC Aging, Federal Council
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
ESSA Endangered Species Scientific Authority
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPA Federal Preparedness Agency
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Services
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
IDCA International Development Cooperation Agency
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MBDA Minority Business Development Agency
MSPB Merit System Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
TVA Tennessee Valley Authority
USIA United States Information Agency
VA Veterans Administration
WRC Water Resources Council

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

GENERAL SERVICES ADMINISTRATION

53161 9–13–79 / Federal employee parking

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Social Security Administration—

43265 7–24–79 / Supplemental security income (SSI) program; Valuing resources on the basis of equity and increasing maximum values on certain excluded resources

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of Assistant Secretary for Housing—

58938 10–12–79 / Sections 8 and 23 Housing Assistance Payments Program; amendment of rent schedules

INTERIOR DEPARTMENT

Fish and Wildlife Service—

56862 10–2–79 / *Harperocallis flava* (Harper's beauty), determination as an endangered species

INTERSTATE COMMERCE COMMISSION

41203 7–16–79 / Summary grant procedures; finance

JUSTICE DEPARTMENT

Parole Commission—

59527 10–16–79 / Parole, release, supervision, and recommitment of prisoners, youth offenders, and juvenile delinquents; Conditions of release

NUCLEAR REGULATORY COMMISSION

57911 10–9–79 / Domestic licensing of production and utilization facilities; Codes and standards for nuclear powerplants (2 documents)

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

56692 10–2–79 / American viticultural areas

Listing of Public Laws

Last Listing November 1, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 3173 / Pub. L. 96–92 "International Security Assistance Act of 1979". (Oct. 29, 1979; 93 Stat. 701) Price $1.00

H.R. 4580 / Pub. L. 96–93 "District of Columbia Appropriation Act, 1980" (Oct. 30, 1979; 93 Stat. 713) Price $.75

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